



## **Questions & Answers**

**DISCLAIMER:** Answers to the questions below are from the Ohio Revised Code (state law) and Robert's Rules of Order (parliamentary law). The Ohio Association of the Deaf uses these answers, and has not created answers of its own.

### **Q: Can the Ohio State Attorney General represent private individuals?**

- A.** Federal law does not allow this because state residents are taxpayers. Their payroll taxes pay for the Attorney General's salary. The Attorney General can not represent private individuals. Only the state or public businesses that depend on charities/membership dues.

### **Q: What is the Open Meetings Act?**

- A.** The Open Meetings Act is also known as Sunshine Laws. It requires all decision-making bodies of state, municipal and local governments (such as school boards) to have meetings open to the public.

This is found in [Ohio Revised Code 121.22](#).

### **Q: Does the Open Meeting Act apply to the Ohio Association of the Deaf (OAD)?**

- A.** No, it does not. It applies only to a board, commission, committee, council or similar decision-making body OF A state agency, institution, authority, legislative authority/board, county, township, municipal business, school district or other political category or local public institution, or a court.

The OAD is not any of the above. To meet the requirement of the above, the OAD must work FOR the city or FOR the state. The OAD does NOT.

Reference: *Ohio Revised Code 121.22 (B)*

### **Q: What is the Ohio State Attorney General's job?**

- A.** To investigate/defend/run these things:

- Antitrust
- Bureau of Criminal Investigation
- Charitable Law
- Civil Rights
- Collections Enforcement
- Constituent Services



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- Constitutional Offices
- Consumer Protection
- Court of Claims Defense
- Crime Victim Services
- Criminal Justice
- Education
- Employment Law
- Environmental Enforcement
- Executive Agencies
- Health and Human Services
- Health Care Fraud
- Office of the Solicitor General
- Ohio Peace Officer Training Academy
- Organized Crime Investigations Commission
- Outside Counsel
- Policy and Legislation
- Public Utilities
- Special Prosecutions
- Taxation
- Workers' Compensation

It is not his job to represent private individuals. He prosecutes/defends like “State of Ohio VS organization/GROUP OF PEOPLE/PERSON”. He does not defend/prosecute like “John Smith VS organization”.

### **Q: Would the Ohio State Attorney General be allowed to tell organizations not to release public information to their members?**

- A.** No, it is his job to investigate, defend and prosecute. He has been in communication with us stating that he does not advise companies to withhold records from its members.

### **Q: What is a logo?**

- A.** A logo is a picture a business makes. A logo is a symbol that no one else can touch. Examples are Target (Red circle with red dot in the middle), Nike swoosh shape, Walmart’s yellow starburst.



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### **Q: How is a logo used?**

**A.** A logo can be sewed on a shirt, stamped on mugs, posters, printed on letterheads, pens, banners, etc.

### **Q: Does the OAD have a logo?**

**A.** Yes. It has been registered with the state as belonging only to the OAD with the current address of the current statutory agent in Poland, Ohio.

### **Q: Can anyone use the logo?**

**A.** No. It is illegal, by state law, to use the logo when that person is not an authorized individual of the OAD who was given permission in writing that he/she can use the logo. This is according to state law, otherwise known as the Ohio Revised Code.

### **Q: Can members use it?**

**A.** Members are not allowed to use the logo for any reason. The only time the OAD logo, like other business logos, can be used is when the Board of Trustees give permission.

### **Q: What is a trade name?**

**A.** A trade name is a name like Walmart, Target, Nike, etc (without the logo/symbol). For example, no one else can use the words “Walmart” on their letterhead as an official business letter if they are not employees, employers, directors or trustees of Walmart. An employee of Walmart (like cashier, stocker) can’t use the trade name without authorization.

### **Q: How is a trade name used?**

**A.** A trade name can be sewed on a shirt, stamped on mugs, posters, printed on letterheads, pens, banners, etc.

### **Q: Does the OAD have a trade name?**

**A.** Yes. The name is “Ohio Association of the Deaf”. That is the trade name and it has been registered with the state of Ohio as belonging only to the OAD.



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### **Q: Can anyone or members use the OAD trade name?**

**A.** No. The rules for the logos are the same rules for the trade name.

### **Q: What can happen if a person uses OAD's logo/trade name without permission?**

**A.** If it was without permission, to sell things with OAD's name and keep the money, or to (on purpose) cause confusion or fool people, then a lawsuit can and will happen.

### **Q: What is an EIN?**

**A.** An EIN means Employer Identification Number.

### **Q: What is it for?**

**A.** It helps the IRS (Internal Revenue Services) to identify who you are through the computer system. You will need it to apply for business licenses, to file business tax returns, to open bank accounts and other things.

### **Q: How do you get an EIN?**

**A.** You must first file a paperwork with the Internal Revenue Services (IRS). There are a few ways to get it, but for the OAD (because it is charitable), a 501(c)3 paperwork must be filed.

### **Q: What is 501(c)3?**

**A.** This is a form that is for tax-exempt charitable organizations (pay no taxes) but you must file financial reports every year with the State Attorney General and with the Internal Revenue Services (IRS) every year. If it is not filed, BOTH the EIN and the tax-exempt status is gone.

### **Q: What does that mean?**

**A.** With no tax-exempt status, and no EIN, a business is not allowed to raise funds for any reason, is not allowed to accept donations, is not allowed to open a bank account, is not able to file tax returns, and will be in bad standing with both the state and federal governments.



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### **Q: What is IRS 990?**

- A.** This is the annual financial report form that all charitable businesses must file with the IRS every year. If the IRS form 990 is not filed for three straight years, the EIN and the tax-exempt status of a charitable business is gone.

### **Q: What is a state business charter?**

- A.** This is a business license in a state that a business is required to have. Without this, no business or organization can make transactions (fundraising, etc). A business charter/license is good for five years.

### **Q: Do nonprofit organizations have to follow state law?**

- A.** Yes. All nonprofit organizations must follow state law. In the state of Ohio, that is called the Ohio Revised Code (ORC). The ORC is a collection of all state laws in easy reading form for the public to use. The ORC is the same set of laws that the Ohio State Attorney General uses to prosecute organizations, businesses, and people. The police department also uses the ORC on pressing charges and giving out traffic tickets.

### **Q: Do nonprofit organizations have to follow federal law?**

- A.** Yes. All businesses in America must follow federal law. An example of federal law is the annual filing of a business's finances, hiring practices, discrimination, and charity policies.

### **Q: Does Ohio have nonprofit state laws?**

- A.** Yes. That will be called the Ohio Revised Code 1702. 1702 is not the only set of nonprofit laws the OAD must follow. There are a few others outside of 1702 that the OAD, and all other businesses, must obey. The State Attorney General quotes all of these laws in court.

### **Q: Are there federal laws for nonprofits?**

- A.** Yes. There are federal laws that ALL businesses must obey, no matter if they are a nonprofit. There is ONE federal law that is a big one for nonprofits... that nonprofits are legally allowed to lobby.



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### **Q: What is Robert's Rules of Order?**

- A.** It is also known as parliamentary law. This is the same book that the House, Senate and top-level politician meetings use to run meetings and discipline people.

### **Q: Does the RRO say that members can make motions and vote in a board meeting?**

- A.** If it was a closed or open board meeting called by members OF THE BOARD, then only members OF THE BOARD can make motions and vote.

### **Q: What are general meetings for?**

- A.** Motions made by general members, fundraisings, general elections.

### **Q: What are special meetings for?**

- A.** Special meetings are for only ONE thing on the agenda, and it can be for anything.

### **Q: What is a 1099?**

- A.** That is an IRS form all businesses are required to give to contractors. IRS 1040 is for regular employees.

### **Q: If a member makes a donation, will that member receive a formal letter from the OAD acknowledging this?**

- A.** Yes, and it is tax-deductible now! It was not before last year.

### **Q: Can members purchase multi-year membership?**

- A.** Two-year memberships can be purchased.

### **Q: Can BB be printed in black and white?**

- A.** Yes. Please ask us to print it specifically for your visual needs.

**Note: Exact sources and research sources will be posted on the website for each question in the near future.**