

TITLE 14: COMMERCE  
SUBTITLE B: CONSUMER PROTECTION  
CHAPTER II: ATTORNEY GENERAL

PART 440  
CRIMES AND OFFENSES, IMPERSONATING OFFICER, ADVERTISEMENTS  
(REPEALED)

9	Section	
10	440.10	General
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12	440.30	Organization Requirements
13	440.40	Application for a Certificate of Qualification

15 AUTHORITY: Implementing and authorized by Section 17-2 of the Criminal Code of 1961  
16 [720 ILCS 5/17-2].

18 SOURCE: Adopted at 11 Ill. Reg. 3029, effective January 29, 1987; repealed at 48 Ill. Reg.  
19 \_\_\_\_\_, effective \_\_\_\_\_.

21 **Section 440.10 General**

- 23 a) The Springfield office of the Attorney General's Charitable Trusts and  
24 Solicitations Division (hereafter Attorney General) will maintain the principal  
25 register of applicants and solicitors certified under Section 17-2 of the Criminal  
26 Code of 1961 (Ill. Rev. Stat. 1985, ch. 38, par 17-2) (Act).
- 28 b) The register will consist of index or computer cards, organization file folders, a  
29 list, a computer printout or any combination of the above.
- 31 c) The Chicago Office of the Attorney General will supervise the registration of all  
32 advertisement solicitors and will also maintain a register of applicants and  
33 solicitors certified under the Act in the Counties of Cook, DuPage, Lake and  
34 McHenry.

36 **Section 440.20 Definitions**

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38 The words used in this Part are used with the same meaning assigned to them by statute  
39 unless clarified below:

41 A "Certificate of Qualification" is a document issued by the Attorney General  
42 which certifies that the applicant and solicitor is qualified to solicit advertisements  
43 for publications in this State on behalf of a bonafide and legitimate law

44 enforcement, police officers' or firefighters' association or organization under  
45 Section 17-2(c) of the Act.

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47 A "person" is any individual, organization, group, association, partnership,  
48 corporation, trust or any combination of the above.

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50 A "solicitor" is any person who for compensation, consideration, or otherwise,  
51 plans, conducts, manages, or carries on any drive or campaign in this State for the  
52 purpose of soliciting advertisements to appear, or for the alleged purpose of  
53 appearing in any firefighters', law enforcement or police officers' magazine,  
54 journal or other publication, or who engages in the business of, or holds, himself  
55 out to persons in this State as engaged in the business of soliciting advertisements  
56 for such purposes.

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58 **Section 440.30 Organization Requirements**

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60 The applicant and solicitor must have a written contract or agreement with a bona fide and  
61 legitimate law enforcement, police officers' or firefighters' association or organization to solicit  
62 advertisements for a publication, in order to qualify for the issuance of a Certificate of  
63 Qualification.

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65 **Section 440.40 Application for a Certificate of Qualification**

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67 a) The application for a certificate of qualification must be made on the form  
68 prescribed by the Attorney General. The soliciting organization must file a  
69 complete application together with the appropriate attachments as required by this  
70 Part. The use of substitute forms or computer printouts may be used if they  
71 contain the same information as required herein.
- 72  
73 b) The completed application filed with the Attorney General shall contain the  
74 following information:
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76 1) The name and address of the business of the advertisement solicitor.
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78 2) The name and address of the Illinois registered agent, if the advertisement  
79 solicitor's business is a corporation.
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81 3) If the advertisement solicitor's business is not located in Illinois, then the  
82 principal Illinois address, if any, where records are kept.
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84 4) If the business is not a corporation, but is a partnership or individual, then  
85 a listing of name, address, title, birthdate, driver's license number and state  
86 of issuance, of all individuals or partners.

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- 5) If the business is a corporation, then information concerning all officers, directors, executive personnel and owners of ten percent or more of the capital stock shall be listed, which includes name, address, title, percent of stock owned, birthdates, driver's license numbers and state of issue of each such person.
  - 6) Provide information as to when and where the advertisement solicitor's firm was first organized to do business.
  - 7) If either an Illinois corporation or a non-resident corporation, when it was organized to do business in Illinois and the Illinois Secretary of State's file number.
  - 8) The nature of any business, other than advertisement soliciting conducted by the applicant and the states in which such business was conducted.
  - 9) The names and addresses of any, law enforcement, police or firefighters' organizations with which the applicant has written publishing contracts to act as an advertisement solicitor in Illinois. Provide the name of the law enforcement, police or firefighters' organization, address and date of contract.
  - 10) A list of the names, and mailing addresses of each employee or agent of the applicant or independent contractor associated with the applicant, who will also be engaged in soliciting law enforcement, police officers' or firefighters' advertisements in Illinois.
- c) The application must also include the following attachments:
- 1) A copy of the Articles of Incorporation or Certificate of Authority of the Applicant and advertising solicitor as issued by the Illinois Secretary of State, or if unincorporated, a copy of establishing instrument (charter, constitution, by-laws or filing with the county under the assumed name statutes)
  - 2) A copy of the written publishing agreement between the advertisement solicitor and the bona fide and legitimate law enforcement, police or firefighters' organization or association.
  - 3) A copy of the Articles of Incorporation or other establishing instrument (charter, constitution, by-laws, or filing with the county under the assumed

- 129 name acts) of each law enforcement, police or firefighters' organization  
130 being represented by the applicant.  
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132 4) A copy of the Federal Internal Revenue Service determination letter  
133 indicating tax exempt status for the law enforcement, police officer's or  
134 firefighters' association or organization being represented by the  
135 advertisement solicitor.  
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137 d) All information and requested attachments must be submitted to the Attorney  
138 General in order for the solicitor to qualify for the issuance of a Certificate of  
139 Qualification.  
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141 e) The solicitor shall notify the Attorney General of any changes in information  
142 within ten (10) days of the change.