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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

AMERICAN CHARITIES FOR REASONABLE)	
FUNDRAISING REGULATION, INC. and)	
RAINBOW DIRECT MARKETING, LLC,)	Declaration of
)	Janet Copland
Plaintiffs,)	
)	Case No.: 2:08cv00875 DAK
versus)	
)	
KEVIN V. OLSEN, Director of the Utah Division of)	
Consumer Protection, Department of Commerce)	
for the State of Utah,)	
)	
Defendant.)	
)	

I, Janet Copland, am a Principal in Copland O’Neil, Inc. (“CO”), located at 902 NE First Street, Pompano Beach, FL 33060. CO is a professional fundraising consultant (“PFC”) that is currently registered with the Utah Division of Consumer Protection. I have personal knowledge of the facts stated in this declaration.

1. CO is a member of the Association of Direct Response Fundraising Counsel (“ADRFCO”).
2. CO has never had any offices in Utah. CO has never had any employees in Utah. CO has never had any other contact with Utah. CO has never purposefully directed its activities

or the activities of its clients toward Utah. However, some of CO's clients solicit contributions nationwide using national mailing lists and these campaigns may include solicitations in Utah.

3. Given that CO has no contact with Utah, it is CO's understanding that Utah does not have jurisdiction over CO to compel us to register with the Division of Consumer Protection (the "Division"). We have nevertheless registered with the Division because we wanted to avoid the expense and distraction of defending against an administrative enforcement action brought by the Division to force us to register.

4. At the time we registered with the Division in 2007, we knew that CO's constitutional rights were being infringed because CO did not have any contact with Utah and therefore the Division did not have jurisdiction to enforce any registration requirement.

5. Nevertheless, CO registered with the Division to avoid the cost of defending against an administrative citation.

6. When CO registered in 2007 we had to pay \$2000.00 to the Division because we had previously assisted two nonprofits with their fundraising campaigns before CO had registered with the Division. These services may have included "services regulated by the [Utah] Charitable Solicitations Act" – namely assisting our clients with solicitation efforts in Utah – although CO never had any specific knowledge that its clients were soliciting in Utah. CO assisted its clients with nationwide solicitation campaigns, which may have included solicitation in Utah, but CO was never specifically aware that its clients were soliciting in Utah and CO never directed its own or its clients' activities toward Utah.

7. In 2007 and in years prior, CO had delegated responsibility for maintaining a current PFC permit with the Division to an employee who failed to keep the permit renewed.

CO was under the impression that it was properly registered with the Division. When CO management discovered the lapse in compliance, CO acted to remedy the situation. As noted above, when CO acted to bring itself back into compliance with the laws enforced by the Division, CO had to pay \$2000.00 to the Division as part of a “settlement agreement” to do so.

8. In addition, approximately five years ago CO suffered from another dispute because of an expired PFC permit. Due to another clerical error, CO’s PFC permit expired. Given the relevant Charitable Solicitation Act, CO’s then charity-clients were prohibited from soliciting because their solicitation material had been created with the assistance of CO, an unregistered PFC.

9. Within days this charity-client severed its relationship with CO, thus depriving CO of at least six months worth of contract compensation, because CO has lost its PFC permit.

10. CO therefore suffered economic damage because of the PFC registration requirement. More importantly, at least one of CO’s charity-clients was unable to communicate with the public (through direct mail public education and charitable solicitation campaigns) merely because CO had failed to renew its paperwork in a timely fashion.

11. No compensation can make CO whole for these various infringements of its rights. The only adequate relief that CO could enjoy is to be free of the Division’s registration requirement.

I declare under penalty of perjury that the foregoing is true and correct. 28 U. S. C. § 1746.

Executed on this the 17th day of March 2009.

/s/ Janet Copland
Janet Copland