

Gift Acceptance

Policy Statement

AIDS Services Foundation Orange County dba Radiant Health Centers, a not-for-profit agency organized under the laws of the State of California and exempt as a public charity under Section 501(c)(3) of the Internal Revenue Code, encourages the solicitation and acceptance of gifts for purposes that will assist the organization to further and fulfill its mission. The following policies and guidelines govern acceptance of gifts made to AIDS Services Foundation Orange County dba Radiant Health Centers for the benefit of any of its programs.

1. **Purpose of Policies and Guidelines** AIDS Services Foundation Orange County dba Radiant Health Centers Board of Directors, CEO, volunteers, and staff solicit current and deferred gifts from individuals, corporations, and foundations in support of the organization’s mission. It is the purpose of these Policies and Guidelines to govern the acceptance of gifts (including grants) by AIDS Services Foundation Orange County dba Radiant Health Centers and to provide guidance to prospective donors and their advisors when making gifts to the organization. The provisions of these Policies shall apply to all gifts received by AIDS Services Foundation Orange County dba Radiant Health Centers for any of its programs or services.
2. **Restrictions on Gifts** AIDS Services Foundation Orange County dba Radiant Health Centers will accept unrestricted gifts and gifts for specific programs and purposes, provided that such gifts are not inconsistent with the agency’s stated mission, purposes, and priorities. The organization will not accept gifts that are too restrictive in purpose. Gifts that are too restrictive are those that violate the charitable trust of AIDS Services Foundation Orange County dba Radiant Health Centers; gifts that are accompanied by an improper economic benefit to the donor, such as a gift that is conditioned on a commercial preference to the donor or affiliated company; or gifts that vest the donor with inappropriate control, such as a gift that requires AIDS Services Foundation Orange County dba Radiant Health Centers to hire a specific person or take some other unacceptable action. All final decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Board of Directors.
3. **Gift Vehicles** AIDS Services Foundation Orange County dba Radiant Health Centers will accept gifts through the following gift vehicles:
 - Outright donations
 - Testamentary bequests
 - Charitable remainder trusts
 - Charitable gift annuities
 - Pooled income funds
 - Assets
4. **Assets**

AIDS Services Foundation Orange County dba Radiant Health Centers is authorized to accept the following assets, subject to these Policies and Guidelines.

Cash or Cash Equivalents	Acceptable.
Charitable Pledge Agreements	Acceptable if payable only in assets listed herein.
Publicly Traded Securities	Acceptable. AIDS Services Foundation Orange County dba Radiant Health Centers shall promptly sell any contributed securities in accordance with AIDS Services Foundation Orange County dba Radiant Health Centers investment policies.

Closely-Held Securities and Other Intangibles	Acceptable. AIDS Services Foundation Orange County dba Radiant Health Centers shall not accept securities and other intangible assets which may not be sold, have no value, or may result in additional liability to the organization.
Tangible Personal Property	Acceptable, subject to review by the Board of Directors. AIDS Services Foundation Orange County dba Radiant Health Centers shall not offer to value the contributed property. The donor shall sign a statement of ownership and disclose any liens on the property. AIDS Services Foundation Orange County dba Radiant Health Centers will not accept any property subject to a restriction on the organization's ability to use, sell, or otherwise deal with the property as it deems necessary.
Life Insurance	Acceptable. AIDS Services Foundation Orange County dba Radiant Health Centers may accept the gift of a life insurance policy, provided that AIDS Services Foundation Orange County dba Radiant Health Centers is the owner and the irrevocable beneficiary of the policy. If the policy is not fully paid-up, the donor shall be encouraged to make annual gifts to the organization sufficient to cover additional premiums. AIDS Services Foundation Orange County dba Radiant Health Centers shall have the right to retain the life insurance policy, cash it in, or otherwise make use of its value.
Real Estate	Acceptable, subject to review by the Board of Directors. AIDS Services Foundation Orange County dba Radiant Health Centers will not accept any real estate subject to a restriction on the organization's ability to use, sell, or otherwise deal with the property as it deems necessary. The basic policy of AIDS Services Foundation Orange County dba Radiant Health Centers is to sell all contributed property as soon as practicable. Costs related to acceptance of gifts of real property such as legal fees, surveying costs, hazardous waste surveys, etc., will be allocated as mutually agreed upon and will not affect the recorded value of the gift. Appraisal costs are the responsibility of the donor.
In-Kind Gifts	Acceptable. In-kind contributions include gifts of supplies, equipment, services, and the like which are beneficial to AIDS Services Foundation Orange County dba Radiant Health Centers. Costs incurred as a result of accepting the gift, such as transportation and storage, must be approved by the CEO.

AIDS Services Foundation Orange County dba Radiant Health Centers shall accept all bequests of real estate unless the Board of Directors determines otherwise. AIDS Services Foundation Orange County dba Radiant Health Centers shall review all proposed inter vivo gifts of real estate and shall consider such factors as sale and holding costs, current and expected future value, encumbrances, liabilities, title, restrictions, and any potential environmental issues prior to acceptance.

Prior to accepting an inter vivo gift of real estate, the following steps will generally be taken:

- Complete a profile of the property.
- Obtain a copy of the deed, any encumbrances, leases, and current tax bill.
- Consider obtaining a title report.
- Inspect the property.
- Consult with a real estate advisor as to marketability.
- Evaluate the potential for any environmental liabilities. Consult with an environmental engineer or comparable advisor if necessary.

5. Miscellaneous Provisions

1. **Chief Executive Officer (CEO).** Except as provided in Article II above, the CEO shall have discretion and authority to accept unrestricted gifts, allowable under these Policies and

Guidelines, of a value of any amount. As to restricted gifts, the CEO shall have discretion and authority to accept unsolicited restricted gifts of a value up to \$100,000, provided that such a gift is not inconsistent with the agency's stated mission, purposes, and priorities. Gifts above those amounts may be accepted only by the Board of Directors.

2. **Legal counsel.** The CEO may seek the advice of legal counsel where appropriate and shall seek the advice of legal counsel in all matters pertaining to the acceptance of a gift which may have adverse legal, ethical, or policy consequences to AIDS Services Foundation Orange County dba Radiant Health Centers. All prospective donors shall be urged to seek the assistance of personal legal and financial advisors in matters relating to their gifts and the resulting tax and estate planning implications.
3. **Securing appraisals and legal fees for gifts to AIDS Services Foundation Orange County dba Radiant Health Centers.** AIDS Services Foundation Orange County dba Radiant Health Centers shall not appraise property. It shall be the responsibility of the donor to secure an appraisal where required. The organization shall not pay the legal fees of the donor. The donor shall pay any fees for appraisals and legal advice required.
4. **Valuation of gifts for development purposes.** AIDS Services Foundation Orange County dba Radiant Health Centers shall record a gift received by the organization at its valuation for gift purposes on the date of gift, following generally accepted accounting principles (GAAP).
5. **Responsibility for IRS filings upon sale of gift items.** AIDS Services Foundation Orange County dba Radiant Health Centers is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold by AIDS Services Foundation Orange County dba Radiant Health Centers within two years of receipt where the charitable deduction value of the item was \$5,000 or greater. AIDS Services Foundation Orange County dba Radiant Health Centers must file such form within 125 days of the date of sale or disposition of the asset.
6. **Written acknowledgment.** Written acknowledgment of all gifts made to AIDS Services Foundation Orange County dba Radiant Health Centers and compliance with the current IRS requirements in acknowledgement of such gifts shall be the responsibility of AIDS Services Foundation Orange County dba Radiant Health Centers.