## NASHVILLE AREA CHAPTER OF THE AMERICAN RED CROSS

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3310 WEST END AVENUE, SUITE 550 NASHVILLE, TENNESSEE 37203 PHONE 615-383-6592, FAX 615-383-7094

#### INDEPENDENT AUDITOR'S REPORT

The Board of Directors
Nashville Area Chapter of the
American Red Cross

We have audited the accompanying statements of financial position of the Nashville Area Chapter of the American Red Cross (the "Chapter") as of June 30, 2006 and 2005, and the related statements of activities and changes in net assets, functional expenses, and cash flows for the years then ended. These financial statements are the responsibility of the Chapter's management. Our responsibility is to express an opinion on these financial statements based on our audits. The 2005 summarized comparative information has been derived from the Chapter's 2005 financial statements, and in our report dated August 5, 2005, we expressed an unqualified opinion on those financial statements.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Nashville Area Chapter of the American Red Cross as of June 30, 2006, and the changes in its net assets and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Frazier Dem + Howard, PLLC

August 4, 2006

## NASHVILLE AREA CHAPTER OF THE AMERICAN RED CROSS STATEMENTS OF FINANCIAL POSITION June 30, 2006 and 2005

	2006	2005
Assets		
Current assets:  Cash and cash equivalents Inter-Red Cross receivables	\$ 458,618 623,421	\$ 297,035 527,928
Contributions receivable, net Accounts receivable other, net of estimated uncollectibles of \$39,772 in 2006 and \$16,772 in 2005	344,811 285,680	417,895 240,794
Inventory Other	64,350	29,707 438
Total current assets	1,776,880	1,513,797
Noncurrent assets:	60.116	58.660
Investments	62,116 66,945	57,663
Contributions receivable  Land, building and equipment, net	1,054,947	74,505 1,114,014
Total noncurrent assets	1,184,008	1,246,182
Total assets	\$ 2,960,888	\$ 2,759,979
Liabilities and Net Assets	8	
Current liabilities: Inter-Red Cross payables Accounts payable and accrued expenses Notes payable - current portion Capital lease obligations - current portion	\$ 228,470 184,271 9,249 2,683	\$ 264,745 165,475 5,561 18,250
Total current liabilities	424,673	454,031
Notes payable, net of current portion Capital lease obligations, net of current portion	6,022	8,489 4,175
Total liabilities	430,695	466,695
Net assets: Unrestricted Temporarily restricted Permanently restricted	1,051,076 1,444,117 35,000	1,316,272 942,012 35,000
Total net assets	2,530,193	2,293,284
Total liabilities and net assets	\$ 2,960,888	\$ 2,759,979

## NASHVILLE AREA CHAPTER OF THE AMERICAN RED CROSS STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS

For the year ended June 30, 2006 (with summarized financial information for the year ended June 30, 2005)

			06		
		Temporarily	Permanently	/	2005
D 11	Unrestricted	Restricted	Restricted	Total	Total
Public support and revenue:					
Monetary contributions	\$ 820,683	\$ 421,159	\$ -	\$1,241,842	\$ 731,156
Course fees and program materials	681,199	622	-	681,821	600,978
Private and government grants	14,139	181,011	-	195,150	193,897
United Way and Combined					•
Federal Campaign	55,463	133,772	-	189,235	159,756
Inter-Red Cross revenues	71,114	130,027	-	201,141	89,160
Legacies and bequests	111,784	-	-	111,784	227,660
Special events, net of expenses of					•
\$40,312 in 2006 and \$89,713 in 2005	111,015	-	-	111,015	320,679
Contracts	58,330	-	-	58,330	53,052
Investment income	52,698	-	-	52,698	56,953
Other revenue	29,543	-	-	29,543	12,810
Other contributions (in kind)	6,485	_	-	6,485	79,985
Endowment income	2,516	-	_	2,516	1,767
Net assets released from restrictions -				_,	1,,07
satisfaction of program restrictions	364,486	(364,486)			
Total public support and revenue	2,379,455	502,105		2,881,560	2,527,853
Expenses:		•			
Program services:					
Health and safety services	813,949			813,949	761 712
Disaster services	708,222	- -	-		.761,713
Community services	154,417	<u>-</u>	-	708,222 154,417	557,901
Service to military families	107,137	_	-	107,137	160,607
Services to chapters	19,184	-	-		91,200
International services	14,968	_	-	19,184 14,968	17,901
		<del></del>	<del></del>	14,508	11,215
Total program services	1,817,877	-	-	1,817,877	1,600,537
Supporting services:					
Fund-raising and financial development	371,169	_	-	371,169	451,332
Management and general	175,478	-		175,478	183,568
				<del></del>	
Total supporting services	546,647	<u> </u>	<del></del> .	546,647	634,900
National Chapter assessment	280,127	•	_	280,127	254,661
· · · · · · · · · · · · · · · · · · ·				200,127	254,001
Total expenses	2,644,651		<del></del> -	2,644,651	2,490,098
Change in net assets	(265,196)	502,105	-	236,909	37,755
Net assets, beginning of year	1,316,272	942,012	35,000	2,293,284	2,255,529
Net assets, end of year	\$1,051,076	\$1,444,117	\$ 35,000	\$2,530,193	\$2,293,284

## NASHVILLE AREA CHAPTER OF THE AMERICAN RED CROSS STATEMENT OF FUNCTIONAL EXPENSES

For the year ended June 30, 2006 (with summarized financial information for the year ended June 30, 2005)

	_	-
711	42	•
/ 11	81	n

					2000					
	Progra Servi		and	ndraising Financial velopment	agement and General	C	ational hapter essment	Total		2005 Total
Salaries and wages	\$ 779	,273	\$	154,862	\$ 94,935	\$	-	\$ 1,029,070	\$	1,066,936
Financial and								261 525		222 416
material assistance	339	,084		20,379	2,274		-	361,737		229,416
Contractual services	137	7,037		115,210	7,856		-	260,103		280,804
Employee benefits		3,995		38,762	23,319		-	226,076		190,889
Supplies, materials										
and printing	208	3,867		11,111	4,311		-	224,289		252,468
Inter-Red Cross expenses		5,182		16,173	16,557		-	138,912		108,174
Depreciation and										
amortization	50	0,621		7,545	18,476		-	76,642		74,595
Travel	19	9,433		4,719	6,743		-	30,895		16,472
Equipment repair										
and maintenance	13	3,385		2,408	1,007		-	16,800		15,683
National Chapter										
assessment				-	 		280,127	 280,127		254,661
	\$ 1,81	7.877	S	371,169	 175,478	\$	280,127	\$ 2,644,651	\$	2,490,098
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# NASHVILLE AREA CHAPTER OF THE AMERICAN RED CROSS STATEMENTS OF CASH FLOWS

## For the years ended June 30, 2006 and 2005

	2006	2005
Cash flows from operating activities:		
Change in net assets	\$ 236,909	\$ 37,755
Adjustments to reconcile change in net assets		
to net cash provided by (used in) operating activities:		
Depreciation and amortization	76,642	74,595
Gain on sale of fixed asset	-	(500)
Provision for doubtful accounts	43,000	32,040
Net unrealized gains on long-term investments	(4,453)	(2,867)
Increase in accounts and contributions receivable	(101,290)	(252,526)
(Increase) decrease in inventory and other assets	(35,650)	1,105
Decrease in payables and accrued expenses	(17,479)	(138,619)
Net cash provided by (used in) operating		
activities	197,679	(249,017)
***************************************		
Cash flows from investing activities:		
Proceeds from sale of fixed asset	-	3,077
Purchases of fixed assets	(17,575)	(23,675)
Sales and maturities of investments		6,434
Net cash used in investing activities	(17,575)	(14,164)
Q I fame from financing activities:		
Cash flows from financing activities:  Repayment of capital lease obligation	(19,742)	(28,146)
Proceeds from issuance of notes payable	6,910	17,139
Proceeds from issuance of notes payable	(5,689)	(3,089)
Principal payment on note payable	(0,002)	
Net cash used in financing activities	(18,521)	(14,096)
Increase (decrease) in cash and cash equivalents	161,583	(277,277)
Cash and cash equivalents, beginning of year	297,035	574,312
Cash and cash equivalents, end of year	\$ 458,618	\$ 297,035
Supplemental Disclosure of cash flow information: Cash paid for interest	\$ 1,776	<u>\$ -</u>

#### NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### **Description of Organization**

The Nashville Area Chapter of the American Red Cross (the "Chapter") is an operating unit of the American Red Cross. The American Red Cross is a volunteer, not-for-profit emergency service organization comprised of approximately 850 operating units (including chapters, blood service regions and the national sector) located throughout the United States and its territories. The American Red Cross also operates field stations on United States military installations around the world. The American Red Cross is a single corporate legal entity and produces consolidated financial statements for all chapters, blood service regions and the national sector.

The Chapter, as part of the American Red Cross system, has a mission to help prevent and relieve human suffering. Established in 1917, the Chapter provides disaster relief and community disaster education, aid to military servicemen and their families, CPR, First Aid and other related health and safety courses in the community and in the workplace, HIV/AIDS education in the state, international services, and vision and hearing tests in public schools. The Chapter's jurisdictions are Cheatham, Davidson, DeKalb, Dickson, Macon, Robertson, Smith, Sumner, Trousdale and Wilson Counties in Tennessee.

As stated in their Congressional Charter, the American Red Cross is committed to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the suffering caused by pestilence, famine, fire, floods and other great natural calamities and devise and carry on measures for preventing the same.

All transactions with the national sector and other operating units are appropriately disclosed in the accompanying financial statements. These transactions include disaster relief, national products and services and shared services with other chapters or regions.

The Chapter is governed by a Board of Directors consisting of fifty members of the Nashville community and an Executive Committee consisting of twelve members of the Board of Directors.

The Chapter and the Tennessee Valley Blood Services Region ("Blood Services") share the headquarters building and certain occupancy costs, but have separate management and support staffs.

#### **Basis of Presentation**

The financial statements of the Chapter have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

#### **Use of Estimates**

Management of the Chapter has made certain estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with accounting principles generally accepted in the United States of America. Actual results could differ from those estimates.

## NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### Cash and Cash Equivalents

For purposes of the statements of cash flows, the Chapter considers all highly liquid investments with an original maturity of three months or less when purchased to be cash equivalents.

#### **Investments**

Investments are recorded at fair market value in accordance with Statement of Financial Accounting Standards ("SFAS") No. 124, Accounting for Certain Investments Held by Not-for-Profit Organizations. Fair market value is determined by using quoted market prices, where available. Where not available, the present value of estimated expected future cash flows or another reasonable method is used. Investments of the permanently restricted net assets class consist of collective funds, managed by the American Red Cross national sector. These investments are stated at market value of \$62,116 at June 30, 2006 and \$57,663 at June 30, 2005, while the cost of these investments at June 30, 2006 and 2005 is \$33,000.

#### Inventory

Supplies inventory purchased for use in program services is carried at the lower of cost (as determined by average price) or market.

## Land, Building and Equipment

Purchases of land, building and equipment having a unit cost in excess of \$2,500 and a useful life of three or more years are capitalized at cost. Depreciation is computed using the straight-line method over the estimated useful lives of the assets. Donated assets are capitalized at the fair market value at the time of receipt. In the absence of donor-imposed restrictions on the use of the asset, gifts of long-lived assets are reported as unrestricted support.

The cost of the headquarters building has been allocated between the Chapter and Blood Services based primarily upon the Chapter's proceeds from the sale of the former building.

#### **Basis of Presentation**

The Chapter has adopted Statement of Financial Accounting Standards ("SFAS") No. 117, Financial Statements of Not-for-Profit Organizations. Under SFAS No. 117, the Chapter is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets and permanently restricted net assets. In addition, the Chapter is required to present a statement of cash flows. Net assets of the Chapter are presented as follows:

## NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### Basis of Presentation (Continued)

<u>Unrestricted net assets</u> – net assets that are not subject to donor-imposed stipulations.

<u>Temporarily restricted net assets</u> – net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Chapter and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

<u>Permanently restricted net assets</u> – net assets subject to donor-imposed stipulations that they be maintained permanently by the Chapter. Generally, donors of these assets may permit the Chapter to use all or part of the income earned for general or specific purposes.

#### **Contributions**

All contributions are considered to be available for the general programs of the Chapter unless restricted by the donor. The Chapter reports gifts of cash and other assets as restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

#### **Donated Services**

Amounts are reported in the financial statements for voluntary donations of services only when those services create or enhance nonfinancial assets or require specialized skills provided by individuals possessing those skills and which would typically be purchased if not provided by donation. A substantial number of volunteers donate significant amounts of their time in the Chapter's program services and its fund-raising campaigns that have not been reported in the accompanying financial statements because the services do not create or enhance non-financial assets and no objective basis is available to measure the value of such donations.

#### **Expense Allocation**

General, administrative and public relations expenses have been allocated among functional expense categories based upon estimates by management.

#### **Income Taxes**

The Chapter is an operating unit of a national organization exempt from taxes under Section 501(c)(3) of the Internal Revenue Code; accordingly, no provision for income taxes has been made in these financial statements.

#### NOTE 2 – CONTRIBUTIONS RECEIVABLE

The Chapter has included unconditional promises to give as contributions receivable in accordance with the provisions of SFAS No. 116, Accounting for Contributions Received and Contributions Made. Contributions are scheduled to be received as follows at June 30:

	2006	
Amount receivable within one year	\$ 409,530	\$ 493,851
Amount receivable in 1 to 5 years	66,945	<u>74,505</u>
	476,475	568,356
Less allowance for uncollectible contributions	<u>(64,719)</u>	<u>(75,956</u> )
Contributions receivable, net	<u>\$ 411,756</u>	<b>\$</b> 492,400

#### **NOTE 3 – SPLIT INTEREST AGREEMENTS**

The Chapter has been named beneficiary of certain charitable gift annuities ("annuities"). Assets contributed related to the annuities are held at national headquarters of the American Red Cross. The difference in the fair value of the assets contributed and the present value of the estimated future distributions to be paid has been recorded as contribution revenue at the time of gift. Amounts included in Inter-Red Cross receivables for annuities were \$530,941 and \$499,319 at June 30, 2006 and 2005 respectively. The annuities increased in value by \$31,622 and \$51,858 for the years ended June 30, 2006 and 2005, respectively.

#### NOTE 4 - LAND, BUILDING AND EQUIPMENT

A summary of land, building and equipment at June 30 is as follows:

	2006	2005
Land	\$ 203,156	\$ 203,156
Building and improvements	1,301,813	1,301,813
Equipment and automobiles	<u>397,189</u>	<u>379,614</u>
• •	1,902,158	1,884,583
Less accumulated depreciation	<u>(847,211</u> )	(770,569)
Land, buildings and equipment, net	<u>\$1,054,947</u>	<u>\$1,114,014</u>

#### **NOTE 5 – LINE OF CREDIT**

The Chapter has a line of credit with a financial institution. Borrowings under this agreement bear interest at the bank's index rate (4.75 percent at June 30, 2006) and require monthly payments of interest only. As of June 30, 2006 and 2005, the Chapter had no borrowings on this line of credit. The amount available under the agreement is \$250,000. The note is secured by accounts receivable and matures on October 9, 2006.

#### **NOTE 6 – NOTES PAYABLE**

Notes payable consist of the following:	2006	2005
Notes payable, equipment, payable to bank. The notes provide for interest at rates ranging from 4.25% to 8.41%. The notes require monthly principal and interest payments of \$1,024 with maturity dates from October 2007 through January 2009. The notes are collateralized by vehicles.  Scheduled principal payments of notes payable are as follows:	<u>\$ 15,271</u>	<u>\$ 14,050</u>
Year Ended 2007 2008 2008	\$ 9,249 5,003 1,019 \$ 15,271	

#### NOTE 7 – NET ASSETS

Unrestricted net assets are comprised of the following at June 30:

	<u> 2006</u>	2005
Undesignated net deficit Investment in land, building and equipment Designated for quasi-endowment Designated for capital improvements and maintenance	\$ (287,865) 1,054,947 28,990 255,004	\$ (84,157) 1,114,014 31,411 255,004
	<u>\$ 1,051,076</u>	<u>\$ 1,316,272</u>

#### **NOTE 7 – NET ASSETS (Continued)**

Temporarily restricted net assets are comprised of the following at June 30:

		2005
Disaster services	\$ 436,684 .	\$ 63,334
Health and safety services	11,922	11,922
Community services	37,671	21,519
Buildings and equipment	66,449	66,449
Time restrictions	692,391	631,182
Other	199,000	<u>147,606</u>
	<u>\$ 1,444,117</u>	\$ 942,012
Permanently restricted net assets are comprised of the follow	ing at June 30:	
	2006	2005
Investments in perpetuity, income from which is expendable to support general operations	\$ 33,000	\$ 33,000

2,000

35,000

2,000

35,000

As of June 30, 2006 and 2005, the temporarily restricted net asset class has a receivable from the unrestricted net asset class for \$1,082,004 and \$637,911, respectively.

#### **NOTE 8 – RETIREMENT PLAN**

Due from unrestricted fund

The Chapter participates in a defined-benefit retirement plan administered by the Retirement System of the American Red Cross that covers substantially all employees. Chapter participation in the Retirement System is voluntary; however, most chapters with paid employees have elected to join the plan. For funding purposes under the plan, normal pension costs are determined by the projected unit credit method and are funded currently. The plan provides a pension funded by the employer. Voluntary contributions may be made by active members to fund an optional annuity benefit. Defined benefits are based on years of service and/or age and the employee's final average compensation, which is calculated using the highest consecutive 48 months of the last 120 months' service before retirement.

## **NOTE 8 – RETIREMENT PLAN (Continued)**

The Retirement System includes numerous participating chapters and blood services regions. It is not practicable for the actuary to compute accumulated and projected benefit obligations for individual chapters or blood services regions. Accumulated and projected benefit obligations and other required disclosures for the entire American Red Cross (including all participating chapters, blood services regions, and the national sector) are presented in consolidated financial statements of the American Red Cross. Payments to the Retirement System on behalf of the participants of the Chapter were \$34,162 and \$41,069 during the years ended June 30, 2006 and 2005, respectively.

#### **NOTE 9 – POST-RETIREMENT BENEFITS**

The American Red Cross provides medical and dental benefits to eligible retirees and their eligible dependents. Generally, retirees and employer units pay a portion of the premium costs. The American Red Cross has the right to modify cost-sharing provisions at any time.

In addition, life insurance benefits of \$5,000 are provided with no contributions required from the retirees. Life insurance benefits are generally provided by insurance contracts.

Post-retirement benefits are accrued over the period the employee provides services to the organization. Since the American Red Cross is a single corporate legal entity and most retirees participate in the single American Red Cross benefits plan, providing separate disclosures for retirees associated with individual chapters or blood services regions is not practicable. Annual post-retirement benefits expenses are recorded and disclosed for the entire American Red Cross in its consolidated financial statements.

#### NOTE 10 – EMPLOYEE BENEFIT PLANS

Beginning August 1, 2005, the Chapter elected to participate in a defined contribution retirement plan sponsored by the American Red Cross for the benefit of all permanent employees, under which they are allowed to make contributions on a pre-tax basis. Employee contributions are further matched based on certain other provisions of the plan, not to exceed a total Chapter contribution of 4% of eligible compensation. Total contributions to the plan by the Chapter amounted to \$14,352 in 2006.

#### NOTE 11 - NATIONAL CHAPTER ASSESSMENT

The Board of Governors of the American Red Cross established \$83.5 million as the net financial requirements for all services provided by the American Red Cross national sector ("NHQ") on behalf of all chapters for the year ended June 30, 2006. The Chapter's portion of the assessment for the fiscal year ending June 30, 2006 was established at \$280,127.

#### **NOTE 12 - CONCENTRATIONS**

The Chapter maintains cash in excess of federally insured limits. In management's opinion, risk related to such deposits is minimal based on the credit rating of its depositories.

United Way Budget Form - Agency Agency Name: American Red Cross Nashville Area Chapter						
Please specify the dates of your fiscal year (e.g. Jan-Dec or July-June): July - June						
A. Revenue	<del></del>	FY 2006 or 06/07	FY 2007 or 07/08			
United Way of Cheatham County	\$ 3,014	<del></del>				
Other United Ways	208,806	208,911	245,000			
1c. Government Grants	10,000	10,000				
			10,000			
All Other contributions	1,617,694	1,271,454	1,350,000			
1d. Contributions direct and indirect public	4 1020 514	t 1,402,225	4 (47 000			
support): 2. Program Service Revenue (including government	\$ 1,839,514	\$ 1,492,325	\$ 1,617,000			
fees and contracts)	762,481	841,860	000 000			
3. Membership dues and assessments	702,701	841,800	880,000			
Interest on savings and cash investments	17,069	8,698	10,000			
5. Dividends and Interest from securities	17,007	8,078	10,000			
	<u>·</u>	7.050	7.050			
6c. Net Rental Income	7,250	7,250	7,250			
7. Other Investment income	73,766	17,000	20,000			
8d. Net gain from sales of assets	-	-				
9c. Net income from special events	111,015	396,974	400,000			
10c. Gross profit from sales of inventory	-	-	<u> </u>			
11. Other revenue (please describe) L/C fee	70,455	66,279	60,000			
12. Total Revenue:	\$2,881,554		\$2,994,250			
B. Functional Expenses	FY 2005 or 05/06**	FY 2006 or 06/07	FY 2007 or 07/08			
22. Grants and allocations	\$ -	-	-			
23. Specific assistance to individuals	318,737	319,018	350,000			
25 & 26. Salaries	1,029,070	1,053,657	1,051,065			
27 & 28. Employee Benefits	151,740	161,967	161,569			
29. Payroll Taxes	74,336	80,416	80,406			
30-32. Professional Fees	82,058	104,231	110,000			
33. Supplies	183,563	229,911	220,000			
34. Telephone	58,462	54,567	60,000			
35. Postage and Shipping	15,411	17,034	19,000			
36. Occupancy	119,262	110,795	115,000			
37. Equipment rental and maintenance	16,799	26,139	18,000			
38. Printing and Publications	40,046	49,922	50,000			
39. Travel	17,180	13,978	15,000			
40. Conferences/meetings	13,714	27,401	30,000			
42. Depreciation	76,642	76,857	75,000			
43. Other expenses not covered abovelease						
describe): assessment fee to NHQ, insurance, etc.	447,625	463,030	475,000			
44. Total Functional Expenses:	\$2,644,645	\$2,788,923	\$2,830,040			
16. Payments to affiliates						
C. Surplus (Deficit)	\$236,909	\$41,463	\$164,210			
E. # FTEs (Full-Time Equivalents)	23	22	22			
*Figures in the revenue section should reflect the at	ached IRS 990					
** Figures in the functional expense section should.	reflect the numbers fr	om Column A in the a	ttached IRS 990			

Agency: American Red Cross Nashville Area Chapter

Program: American Red Cross Nashville Chapter – Wilson County

Attachment # 6 – State Charitable Solicitation – Please see attachment

This is a copy of a document filed in the Office of the General Counsel.

State of Tennesso

BROOKS MELEMORE ATTORNET GLYERAL & SEPOSTER C. HAYES COONEY CHIEF DEPUT ATTORNEY DERERAL ROBERT E. KENDRICK CEPUTY ATTURNEY GENERAL EVERETT H. FALK ----

OFFICE OF THE ATTORNEY GENERAL 450 JAMES ROBERTEON FARRAL NASHVILLE, TENNESSEE 37219

October 26, 1977

Mr. Clyde Howard, Manager The American National Red Cross Nashville-Davidson County Chapter 321 - 22nd Avenue, North Hashville, Tennessee

Dear Mr. Howard:

You have requested the opinion of this office concerning whether the American National Red Cross and its Tennessee Chapters are subject to the provisions of the Solicitation of Charitable Funds Act found at T.C.A. §§ 48-2201 et seq.

It is the opinion of this office that the American National Red Cross is an instrumentality of the United States and that it, and its Tennessee Chapters, are therefore not subject to the provisions of the Solicitation of Charitable Funds Act.

Congress chartered the present Red Cross in 1905, subjecting it to governmental supervision and to a regular financial audit by the Defense Department. 33 Stat. 599, as amended, 36 U.S.C. § 1 et seq. Its principal officer is appointed by the President, who also appoints seven (all government officers) of the remaining 49 Governors. 33 Stat. 601, as amended, 36 U.S.C. § 5. By statute and Executive Order, there devolved upon the Red Cross the right and the obligation to meet this Nation's commitments under various Geneva Conventions, to perform a wide variety of functions indispensable to United States' armed forces around the globe, and to assist the federal government in providing disaster assistance to the states in time of need. 33 Stat. 600, as amended, 36 U.S.C. § 3; 64 Stat. 1109, 42 U.S.C. §§ 1855 - 1855 g.