

Challenging Charitable Contributions

A Panel Discussion:

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Agenda

- What is a contribution? 4 Definitions
- Charity Auction Rules
- Self- Dealing Issues
- Gift Acceptance Policies
- Gift Agreements
- Gifts with Strings and Other Unusual Gifts



Charitable Contribution

- What is a charitable contribution?
 - Tax
 - Gift credit
 - Accounting
 - Gift counting



Contribution - Tax

- IRC § 170(c) defines a charitable contribution as a gift or contribution made to or for the use of a qualified charitable organization
- Irrevocable transfer by a competent donor to a qualified donee without adequate consideration ("disinterested generosity")



Contribution - Tax

- No deduction for donated services or use of facility (also not counted as contributions on Form 990)
 - Tip for donor relations: inform donors giving such donations upfront so they are not surprised when they don't get a deduction for them
- Volunteer expenses (e.g., board travel) may be deducted



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Contribution – Gift Credit

- Whatever donee policy allows
- Often count things that result in no tax deduction.
 - Services
 - Use of autos or plane
 - Free rent
 - FMV of item



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