



**Bill Moak**  
CONSUMER WATCH

## Obituary donations online get hard look

If you're reading an obituary and it contains a request to submit donations to a particular charity in lieu of flowers, it's a really nice thing to consider. Giving to charity in someone's name is a wonderful way to honor them, and in supporting causes the deceased person cared about, you are helping further their legacy. But it's also a good idea to make sure your money goes where the obituary says it will go.

On Tuesday, Vermont Attorney General William Sorrell announced his office had levied a \$30,000 fine against Legacy.com and Tributes, which comprise much of the nation's online obituary business. Sorrell charged the websites had not only failed to register with his office before soliciting donations in Vermont, but that they also had directed donors to a (now defunct) website called Givealike, which then deducted fees from the donation before sending it on to the specified charities.

He also alleged neither the families of the deceased nor the named charities were informed about the scheme, in which Vermonters were charged fees ranging from \$10 to \$35.50. In some cases, the names and logos of charities were allegedly used without the consent of the charities.

"We are pleased to end this practice, which has cost Vermonters unnecessary fees at a time of vulnerability," Sorrell noted. "This is a good outcome for Vermont donors and nonprofits alike."

Under the terms of the settlement, Legacy.com and Tributes agreed not to allow software in the obituary of any Vermonter, or in any obituary where a Vermont nonprofit is listed without disclosing that a third-party's website will be used and disclosing all fees. They also agreed not to solicit donations on behalf of a nonprofit, or use its trademark, without consent. Further, they agreed to register as paid fundraisers before soliciting Vermonters on behalf of a nonprofit.

This action may have occurred in Vermont, but it highlights a nationwide issue. When someone claims to be raising funds for charity, they often get the benefit of the doubt that the money will go where it's supposed to go.

Here in Mississippi, charitable fundraisers must register with the secretary of state's office. If you are planning to include a memorial gift request in your obituary, if you are writing one for someone else or planning to donate to a charity in lieu of flowers, here are a few things you need to consider:

» **Check out the charity.** Not only will this help you determine if the charity is a worthwhile steward of donor money, it can help you avoid confusion. "Sound-alike" charities have confused many a donor because their names are similar to well-known organizations.

» **Contact the charity before including them.** While charities are unlikely to turn down a monetary donation or to have a problem with including them, it's important to notify them. Call or email them to let them know you are planning to include the request, and ask for permission and advice. Keep in mind it's illegal to use their name, logo or other intellectual property in a solicitation without their permission.

» **Include a direct path to the charity.** If the charity accepts donations on its own website, include that address (rather than a third-party website). Include a mailing address as well. Even better, just dropping a check in the mail or delivering it in person helps avoid your donation being diluted by fees. (Be sure to include your return address and a description of your gift; it will make it easier for the family to send their thanks.)

» **Be generous.** If you can only afford to give a small donation, it will certainly be appreciated. However, "in lieu of" literally means "in place of," so if you are giving something in place of flowers, the Emily Post Institute advises in a blog post that you try to give at least as much as you would have spent on flowers.

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