

1
2
3 BEFORE THE ATTORNEY GENERAL
4 OF THE STATE OF OREGON

5 In the Matter of the Issuance of a
6 Disqualification Order against

7 DAKOTA INDIAN FOUNDATION, INC.,
8 Respondent.

FINAL DISQUALIFICATION ORDER

Matter No. XCT0031-15

9 On August 24, 2015, the Attorney General properly served notice on the Dakota Indian
10 Foundation, Inc., ("Respondent") that she intended to issue an order disqualifying Respondent
11 from receiving contributions that are tax deductible for Oregon income tax purposes by mailing
12 Notices of Intent to Issue a Disqualification Order Notice by certified mail and by first-class mail
13 to Respondent's addresses on file with the Attorney General. Respondent received and accepted
14 the certified mail on August 27, 2015.

15 The Notice informed Respondent that it had 60 days from the date of mailing of the
16 notice to make a written request for a hearing and designated the relevant portions of the
17 Attorney General's file in connection with this matter as the record for purposes of default.
18 Respondent did not request a hearing within the 60 day period and has not provided any written
19 response or submission in response to the Notice.

20 NOW THEREFORE, after considering the relevant portions of the Attorney General's
21 file relating to this matter, the Attorney General enters the following Order.

22
23 **Findings of Fact**

24 1. Respondent is registered with the Oregon Attorney General as a charitable
25 organization engaged in solicitations or otherwise doing business in Oregon and has the
26 registration file number # 23484.

2. At the time the Notice was issued, Respondent's most recent IRS Form 990 filed with the Attorney General was for the 2013 fiscal year. Respondent's total functional expenses and program expenses as reported in its IRS Form 990, Part IX Statement of Functional Expenses, are set forth below.

Dakota Indian Foundation, Reg. # 23484	2011	2012	2013	Average
Total Expenses	\$1,683,179	\$1,266,350	\$1,018,891	\$1,322,806.67
Program Expenses	\$271,940	\$231,478	\$279,943	\$261,120.33
Program Service ratio	16.2%	18.3%	27.5%	19.7%

3. Respondent filed its 2014 IRS Form 990 and financial report with the Attorney General on October 13, 2015. The 2014 financial report reflected total expenses of \$706,335 and program expenses of \$166,346 for a ratio of 23.6%. If the 2014 report was considered and the period used to calculate the three-year average was 2012-2014, Respondent's program service expenditure ratio would be 22.7%. Respondent would still be subject to disqualification.

4. Respondent is not exempt from disqualification under ORS 128.760(4) and does not warrant exemption under ORS 128.760(2) and OAR 137-010-0032.

Ultimate Findings of Fact

Respondent's program service expenditures averaged over the applicable years is less than 30 percent of its total expenditures and Respondent is not otherwise exempt from disqualification.

Conclusions of Law

Because Respondent has failed to expend at least 30 percent of its total annual functional expenses on program services, as reflected in its IRS Form 990, Part IX Statement of Functional

1 Expenses, when averaged over the applicable period and because Respondent is not exempt
2 from disqualification under ORS 128.760(4) and does not warrant exemption under ORS
3 128.760(2) and OAR 137-010-0032, Respondent is disqualified from receiving contributions that
4 are tax deductible for Oregon income tax purposes.

5
6 **Order**

7 Dakota Relief Foundation is disqualified from receiving contributions that are tax
8 deductible for Oregon income tax purposes. Respondent is ordered to disclose its disqualified
9 status in solicitations to persons in Oregon pursuant to ORS 128.763. This Disqualification
10 Order remains in effect for a minimum of one year and will continue until such time as
11 Respondent submits information to demonstrate that its program services expenses meet the
12 minimum percentage specified in ORS 128.760(1).

13
14 **Notice of Right to Appeal**

15 You are entitled to judicial review of this Order. Judicial review may be obtained by
16 filing a petition of review within 60 days from the date of service of this Order. Judicial Review
17 is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

18
19 DATED this 1st day of December

20
21
22 Ellen F. Rosenblum
Attorney General

23 Susan A. Bower
24 Susan A. Bower, OSB # 960960
25 Assistant Attorney General
1515 SW Fifth Avenue, Suite 410
26 Portland, Oregon 97201
Of Attorneys for State of Oregon
Charitable Activities Section

BEFORE THE ATTORNEY GENERAL
OF THE STATE OF OREGON

In the Matter of the Issuance of a
Disqualification Order against

DAKOTA INDIAN FOUNDATION, INC.,
Respondent.

NON-MILITARY AFFIDAVIT

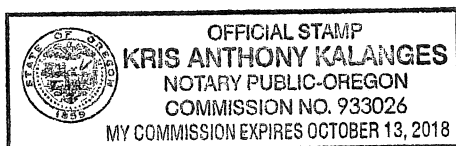
Matter No. XCT0031-15

STATE OF OREGON)
) ss.
County of Multnomah)

I, Susan Bower, being first duly sworn, depose and say that I am employed by the State of Oregon, with the Attorney General, as an Assistant Attorney General. Respondent is a nonprofit corporation and therefore not a member of the military service of the United States.

Susan A. Bower
Susan Bower, OSB #960960
Assistant Attorney General
1515 SW Fifth Avenue, Suite 410
Portland, Oregon 97201
Of Attorneys for State of Oregon
Charitable Activities Section

SUBSCRIBED AND SWORN to before me by Susan A. Bower on this 1st day of
December 2015.



Kris A. Kalanges
Notary Public for Oregon
My Commission Expires 10-13-18

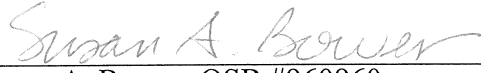
NON-MILITARY AFFIDAVIT

Certificate of Service

I certify that on December 1, 2015, I served the attached Final Disqualification Order by Default and Non-Military Affidavit by mailing copies thereof in a sealed envelope, first-class postage prepaid and also by certified mail, addressed as follows:

Dakota Indian Foundation, Inc.
Attn: Ellen Durkin, Pres.
209 N Main St
PO Box 340
Chamberlain, SD 57325-0340

Dakota Indian Foundation, Inc.
Attn: John Beheler, Registered Agent
209 N Main St
PO Box 340
Chamberlain, SD 57325-0340



Susan A. Bower, OSB #960960
Assistant Attorney General

CERTIFICATE OF SERVICE