

# Checklist

## **Incorporate with WV Sec. State (\$25)**

- Create Name
- Include type of Entity (nonprofit)
- Name Registered Agent
  - (The primary goal of a registered agent is to receive official mail, legal documentation, and service of process on a business's behalf. All business entities in the state of West Virginia are required to nominate an individual who will fulfill this designated role.)
- Name Office
- Name at least 1 Board Member
- Describe Organizations Purpose

## **Get Employer Identification Number (EIN) (IRS Form SS-4)**

- Apply with IRS as a nonprofit.

## **Elect Board of Directors**

- Require at least 3 officers
- President, Secretary & Treasurer
- Not related or in Business together
- Only non-voting staff on Board

## **Write & Adopt Board Bylaws. (Form CD-1NP)**

- State Member Term Length & Limits
- Speedily Member Duties & Roles
- Board Election & Voting Procedures
- Member Removal or vacancy Process
- Spending Limit without Board Approval

## **Write & Sign Conflict of Interest Policy**

- Define Conflict of Interest
- Create Disclosure Policy
- Determine Signers and get signatures
- Create Process to Handle Conflicts

## **File 501c3-EZ Application with IRS (Form 1023-EZ)**

- Application is like an audit
- Structure, Purpose & Plan is scrutinized
- Conflicts of Interest will be examined

## **File for State Tax Exemptions (WV Charitable Registration \$25-50 \$0 if exempt)**

- 501c3 proof can get state sales tax exemption
- WV requires a form
  - Form 1023 - \$600
  - Form 1023EZ - \$275

## **Open a business bank account**

- Maintain accounting and tax filing
- Ensure that your personal assets are kept separate from your nonprofits' assets

To open a bank account, you will need to provide:

- Your EIN
- A copy of your articles of incorporation
- A copy of your organization's bylaws.

## **Obtain insurance**

### **Sign legal documents**

One aspect that tends to get overlooked is signing legal documents in your personal capacity instead of as an authorized representative of your nonprofit.

If you've appointed yourself as a registered agent of the nonprofit, then the following tips will help avoid personal liability:

- State the registered name of your nonprofit
- Use your name and signature
- State your position/role in the organization as its authorized representative

When signing legal documents on behalf of the nonprofit, it is important that you do so in your capacity as the registered agent, as opposed to your capacity as an individual.

Example: Instead of signing your name only, state the name of the nonprofit and then your name and position within the organization before signing.

<https://www.chamberofcommerce.org/nonprofit/west-virginia>