# Fiscal Sponsorship: Six Ways to Tank your Organization

**Fiscal Sponsor Conversations** 

Presented by: **Gene Takagi** NEO Law Group



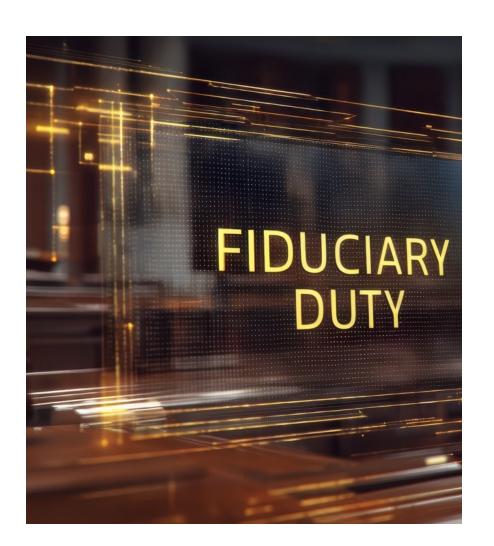






## Use project funds to cover operational costs

- Do fiscal sponsors do this?
- Would this breach the restrictions placed on the project funds?
- Would this breach the fiscal sponsorship agreement?
- Could the fiscal sponsor's leaders be liable for lost project funds?
- ADVANCED: What about an intraorganizational loan from a project fund to the general fund subject to market rate interest?









## Overextend on public grants – cash flow

- How much certainty can a fiscal sponsor have about receiving public grants?
- What if the fiscal sponsor can no longer make the certifications necessary to be eligible to receive/keep federal funds (e.g., DEI programs)?
- Are the project's revenues from public grants appropriately matched with its expenditures (e.g., are short-term grants being used to pay long-term obligations, including employee compensation)?







### Lax or nonexistent board oversight

- Board isn't focused on or doesn't understand the fiscal sponsor's financials
  - Board is only focused on the non-FSP financials
- Board views fiscal sponsorship primarily as an additional source of revenues rather than as a strategy for advancing the mission
  - Board may not be providing oversight related to sufficient risk management and asset protection







neo

## Project expenditures beyond project revenues

- What prevents a project leaders from spending more than its revenues?
  - How would they know if their expenditures are based on expected revenues, which may or may not come in?
  - How do you manage fixed costs, including of non-temporary employees?
- Where does the fiscal sponsor get the money to pay the project's expenditures if the project has insufficient revenues?
  - What if the fiscal sponsor learns of the expenditure after the project has exited?
  - What if the project leaders leave or quit?









## Substantial accrued vacation liability

- Balance sheet issues (factoring liability)
- Cash flow issue
- What happens if multiple employees quit or need to be laid off?









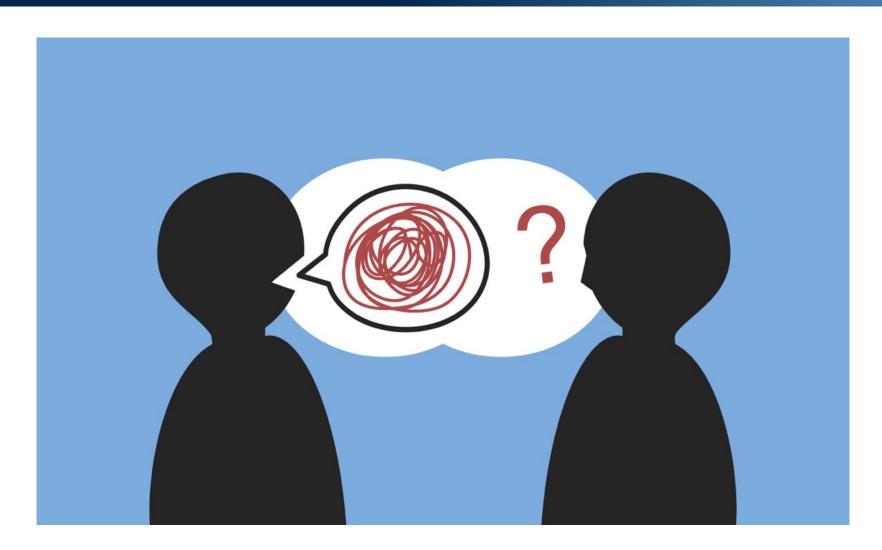
## Lax cybersecurity controls



+ Fiduciary Risks

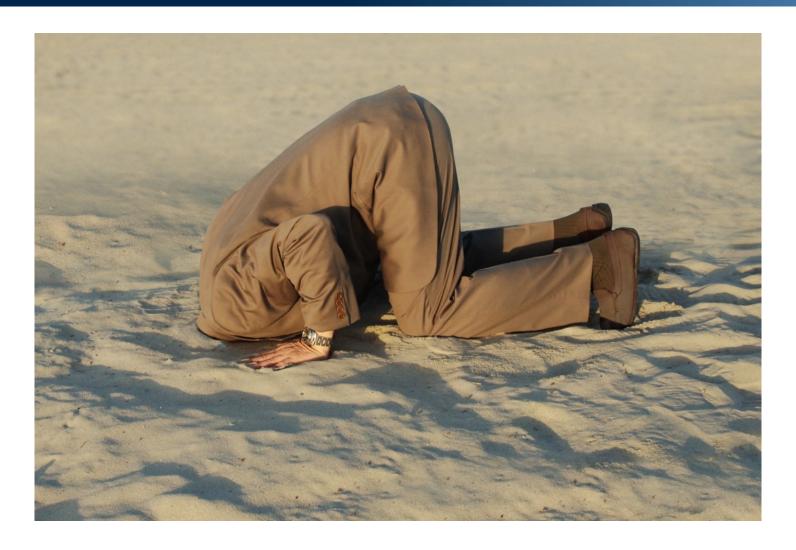


#### From Erin ...



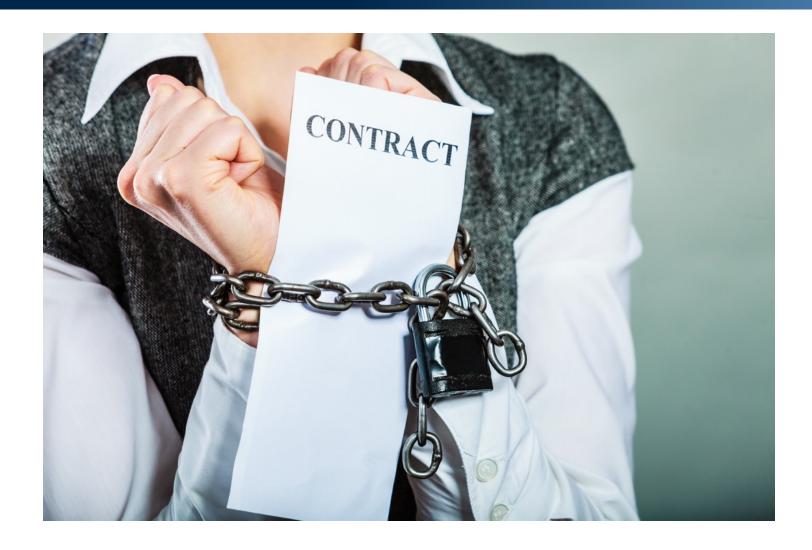


#### From Gene ...



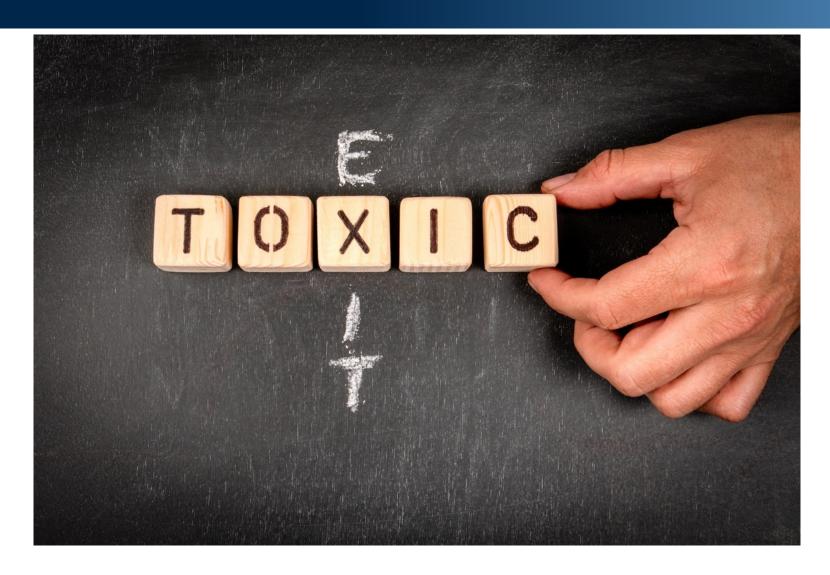


#### From Gene ...





#### From Gene ...





# Revocation of 501(c)(3) status







## Letters – Exams, Audits, & Subpoenas

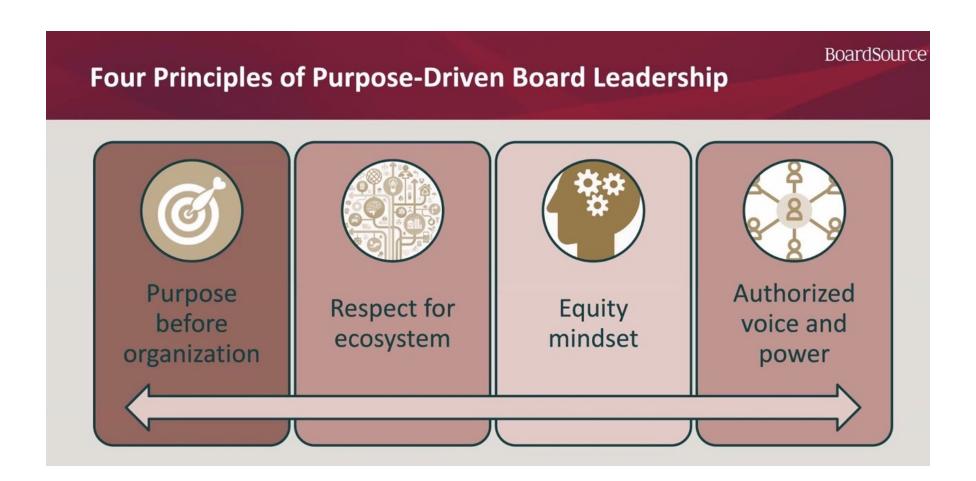








## Purpose-Drive Board Leadership





#### Disclaimer

#### Gene Takagi gene@neolawgroup.com

657 Carolina Street, San Francisco, CA 94107 415.977.0558 NEOLawGroup.com NonprofitLawBlog.com The information contained in this presentation has been prepared by NEO Law Group and is not intended to constitute legal advice. NEO Law Group has used reasonable efforts in collecting, preparing, and providing this information, but does not guarantee its accuracy, completeness, adequacy, or currency. The publication and distribution of this presentation are not intended to create, and receipt does not constitute, an attorney-client relationship.



