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# Client Bulletin



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## Changes to Federal Trade Commission (FTC) Cooling-Off Rule

The FTC changed its rules which apply to sales at a buyer's home, workplace or dormitory or at facilities rented by the seller on a temporary or short-term basis, such as hotel or motel rooms, convention centers, fairgrounds and restaurants, even when the consumer invites the salesperson to make a presentation in the person's home. The March 13, 2015 rule change changed the definition of "door-to-door sales" to distinguish in-home sales from those occurring at other locations. The revised definition retains coverage for sales made at buyers' residences for purchases with a purchase price of \$25 or more, but increases the purchase price requirement to \$130 or more for sales at temporary locations. Thus, the new Cooling-Off Rule does not apply to sales that are (a) under \$25 in the buyer's residence, (b) under \$130 at temporary locations, (c) for goods or services not primarily intended for personal family or household purposes, (d) made entirely by mail or telephone, (e) the result of prior negotiations at the seller's permanent business location where the goods are regularly sold, (f) needed to meet an emergency, (g) made as part of a buyer's request to the seller to do repairs on the buyer's personal property (but purchases made beyond that maintenance or repair request are covered), (h) of real estate insurance or securities, (i) of automobiles, vans, trucks or other motor vehicles sold at temporary locations if the seller has at least one permanent place of business, and (j) arts or crafts at fairs or locations such as shopping malls, civic centers, and schools. Under the Cooling-Off Rule, the sales person must tell a buyer about the buyer's cancellation rights at the time of the sale, give two copies of the cancellation form (one to keep and one to send to the seller to cancel the sale) and a copy of the contract or receipt. The contract or receipt must be in the same language that is used in the sales presentation. A buyer can cancel under the Cooling-Off Rule by signing and dating a copy of the cancellation form and mailing it before midnight of the third business day after the date of the contract/receipt (Saturday is a business day but Sundays and federal holidays are not). The cancellation can also be hand-delivered before midnight of the third business day. If the seller does not provide a cancellation form, the buyer can write his or her own cancellation letter, but it must be postmarked within three business days of the sale. A buyer does not have to give a reason for canceling the purchase under the Cooling-Off Rule.

Ohio has a Home Solicitation Sales Act, which incorporates the FTC's Cooling-Off Rule and which covers some sales that are not covered by the FTC's amended Cooling-Off Rule, such as sales conducted and consummated entirely by mail or by telephone but initiated by the seller, rentals or leases of goods, except for rentals of real property by a licensed real estate broker or salesperson. Ohio's Home Solicitation Sales Act, like the Cooling-Off Rule, requires providing a buyer with a duplicate notice of cancellation, but further requires that the notice of cancellation be attached to the contract signed by the buyer and be easily detachable and contain in 10 point bold face type the exact notice of cancellation prescribed in the statute (Ohio Rev. Code § 1345.23). Under Ohio's Home Solicitation Sales Act, the three business day cancellation period runs from the time the seller complies with the Act by giving a complying notice of cancellation to the buyer (thus, in many sales subject to Ohio's Home Solicitation Sales Act, the sale can effectively be canceled quite some period of time after the sale occurs). Obviously, it is very important that sellers of goods or services at a buyer's house or at a temporary location understand and comply with both the FTC's Cooling-Off Rule and Ohio's Home Solicitation Sales Act.

## Nominations for Delaware County Philanthropy Awards now being Accepted

Delaware County Foundation is now accepting nominations for the Delaware County Philanthropy Awards for Outstanding Business, Outstanding Volunteer, Outstanding Youth or Youth Group, and Spirit of Philanthropy Award. The deadline is May 7, 2015. Included with this client bulletin is the nomination form.

Peter J. Manos and his family made the initial gift/donation to Delaware County Foundation, and Steve Martin was one of the incorporators of the Foundation and is one of two Director Emeritus, having been term limited after serving as a director for 11 years.

The awardees will be honored on October 14, 2015 at "evening of Generosity" at the Hilton Polaris.

## Delaware County Still Fastest Growing in Ohio

According to a recent article in The Delaware Gazette and the latest data released by the U.S. Census Bureau, Delaware continues to be the fastest growing of Ohio's 88 counties. The county's population grew at a rate of 8.6 percent between April 2010 and July 2014, while Franklin County, which was the second fastest growing county in the state over the four year period, had a growth rate of 5.8 percent. Delaware County added just under 15,000 residents from 2010 to 2014. The total population in July 2014 was 189,113, making Delaware the 15th largest county in the state.

Delaware County has led the state in growth for more than a decade, and has, over that time, also been one of the fastest growing counties in America. Scott Sanders, the Executive Director of Delaware County Regional Planning, expects the growth to continue well into the future. The Delaware County Regional Planning Commission expects an average growth rate of 8 percent over the next 15 years. It is estimated that the county's population will be slightly more than 243,000 by the end of 2030.

## Delaware County Jobless Rate Lowest in Ohio

In a recent article in The Delaware Gazette, it was reported that the jobless rate in Ohio is the lowest in Ohio. The county's unemployment rate was 3.6 percent in February, according to the Ohio Bureau of Labor Market Information. Delaware was one of just four counties with an unemployment rate of 4 percent or below. According to Economic Development coordinator Jenna Jackson, retail, manufacturing and various types of jobs are plentiful in Delaware County.

Three central Ohio counties, including Delaware, were in the top 10 for the lowest unemployment rates in February. Union County had an unemployment rate of 4.2 percent and Franklin County had an unemployment rate of 4.3 percent.

The unemployment rate fell statewide from 6.2 percent a year ago, to 5.1 percent. Nationally, the unemployment rate is at 5.5 percent, down from 6.7 percent in February 2014.

## Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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Delaware County Foundation

Delaware County PHILANTHROPY AWARDS Cover Sheet

DEADLINE: May 7th, 2015

These awards recognize exceptional philanthropic and volunteer contributions in Delaware County. Awardees will be honored October 14, 2015 at "Evening of Generosity" at the Hilton Polaris.

INSTRUCTIONS:

- Please use a separate typed Nomination Form for each nomination. List and answer all questions in the nomination narrative, listed on page 2, on no more than 2 typed pages. Nominations must also include up to 2 letters of support from other organizations or individuals expanding on or validating the nominee's qualifications. Please do not send a cover letter or any other supplemental materials.

NOMINEE:

Name: Title (if applicable):

Organization (if applicable):

Address: street city state zip

Phone: ( ) email:

If nominating an individual for Outstanding Youth Award please also add name and contact information for a parent/guardian:

CATEGORY OF NOMINATION (Please check ONLY ONE):

Outstanding Business: Demonstrates outstanding sustained commitment to building a culture of civic and charitable engagement through financial support and the creating of a corporate culture that encourages and motivates employees to take leadership roles in philanthropy and community service.

Outstanding Volunteer: Demonstrates excellence in volunteer service, leading to significant improvements in the quality of life in our community. This individual demonstrates exceptional leadership in recruiting, motivating, and coordinating volunteers, devotes great time and effort to the advancement of volunteerism, and has shown deep commitment to voluntary action to address community needs.

Outstanding Youth or Youth Group: An individual youth (21 years of age or under) or youth group that demonstrates outstanding sustained commitment to the promotion of philanthropy and volunteerism through their work in our community. The individual or group acts as a role model for others in the community and encourages interest in volunteerism and philanthropy.

Spirit of Philanthropy Award: An individual or family that demonstrates exceptional personal generosity through a record of outstanding civic and charitable contributions and whose leadership has encouraged others in philanthropic roles.

SUBMITTED BY:

Name: Title (if applicable):

Organization (if applicable):

Address: street city state zip

Phone: ( ) email:

Relationship to Nominee:

## NOMINATION NARRATIVE

Responses to the questions below must accompany the Nomination Form.

Please answer ALL of the following questions, and type this narrative on no more than 2 pages.

Please review the award description & suggestions below to guide your answers.

1. What are the nominee's specific **achievements**?
2. What **impact** has the nominee had on volunteerism and/or philanthropy in the community?
3. What **leadership** qualities does the nominee possess and how has the nominee demonstrated that leadership to promote philanthropy and/or volunteerism?
4. How is Delaware County a **better place** to live and work because of the nominee's philanthropic contributions and/or volunteer efforts?
5. Please include up to 2 letters of support.

### SUGGESTIONS FOR A STRONG NOMINATION

- ◆ Describe how this person has made a difference in Delaware County
- ◆ Cite examples of accomplishments
- ◆ Add details and discuss the impact the nominee has made
- ◆ Include data (number of people impacted, money raised outcomes, etc.)
- ◆ Share some inspirational stories
- ◆ Generate some excitement and enthusiasm for your nominee
- ◆ Share what your nominee is doing with other groups
- ◆ Describe how their efforts have encouraged others
- ◆ Be descriptive--remember, the selection committee may not know your nominee

**DEADLINE: May 7, 2015**

*(Postmarked or electronically submitted)*

**Nominations must be complete when submitted.**

**All nominations will remain active for three years from the date they are received.**

**Please send completed nominations via email, fax or mail to:**

**Email:** foundation@delawarecf.org  
**Phone:** (614) 764-2332  
**Fax:** (614) 764-2333  
**Mail:** Delaware County Foundation  
3954 North Hampton Drive  
Powell OH 43065

★★Past Awardees★★  
Delaware County Bank, Maloney + Novotny  
Jane Van Fossen, Dinovo Family  
Dr. Kent Doherty & Dr. Kevin Doherty  
Polly Horn, Abby Fields  
and Delaware County Air Force Junior ROTC Unit  
OH-012.

***Receipt of all nominations will be acknowledged.***

***If you do not receive an acknowledgement by May 14, 2015, please contact us by phone or by email.***

***Thank you for taking the time to nominate someone who has contributed to the good of our communities.***