Fox Rothschild LLP
ATTORNEYS AT LAW

Richard S. Caputo

Partner

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Rich is the chair of the firm's Nonprofit Organizations Group. His primary practice is devoted to:

- Forming private foundations, public charities, supporting organizations and other tax-exempt organizations
- Addressing private foundation compliance issues, including self-dealing, qualifying distributions, excess business holdings and taxable expenditure responsibility
- Preparing, adopting and interpreting corporate policies and best practices tailored to the specific structure and compliance requirements of the organization
- Providing corporate governance advice (including advice on structuring and best practices, such as Sarbanes-Oxley practices) and preparing signatory and disbursement policies, conflict of interest policies and whistleblower policies
- Preparing articles of incorporation, bylaws, consents, EIN Applications and applications for income tax exemption
- Structuring and effectuating reorganizations, joint ventures and other strategic alliances (with nonprofit entities and between nonprofit entities and for-profit entities)
- Forming nonprofit and for-profit subsidiaries, including supporting organizations, to limit liability, manage assets more efficiently and protect an entity's public charity status
- Addressing public charity compliance issues, including intermediate sanctions, public support tests and private benefit rules
- Liquidating tax-exempt organizations (preparing all required documents, such as resolutions, dissolution notices, applications for tax clearance certificates, any required IRS notices and articles of dissolution, and obtaining Attorney General approval and Orphans' Court approval)
- Structuring compensation agreements, scholarship programs and loan forgiveness programs
- Assisting corporate fiduciaries in obtaining tax-exempt status for the charitable trusts they administer
- Representing corporate fiduciaries in various Orphans' Court proceedings, such as *cy pres* proceedings, court accountings and trust reformations
- Preparing estate planning documents, such as wills, trusts, powers of attorney and living wills
- Defending clients against federal tax assessments and preparing installment agreements and offers in compromise on behalf of such clients

Before Fox Rothschild

Rich was formerly a shareholder at Stevens & Lee, where he represented charitable trusts, private foundations, publicly supported organizations, educational organizations, hospitals and other tax-exempt organizations.

Beyond Fox Rothschild

An active speaker, Rich regularly presents to tax-exempt clients and corporate fiduciaries and has spoken for the Berks County Bar Association, the Lancaster County Bar Association, the Lehigh County Bar Association, the Bucks County Bar Association, the Berks County Estate Planning Council, the Lehigh County Estate Planning Council, the Chester County Bar Association, the Chester County Estate Planning Council, the Montgomery County Estate Planning Council, the Philadelphia Estate Planning Council, the Committee of Banking Institutions on Taxation, the Fiduciary Education Foundation, the PBA Wealth Management & Trust Conference, the Association of Fundraising Professionals Berks County Chapter, the Pennsylvania Bar Institute, the Chester County United Way and the Partnership for Philanthropic Planning of Greater Philadelphia.

Rich's presentations focus on a variety of tax-exempt organization topics, such as Private Foundations, Charitable Trust Administration: How to Avoid Surcharge; Advanced Private Foundation Issues; New Developments Affecting Public Charities, and Supporting Organizations; The Changing Face of Philanthropy; Code Section 4958 Intermediate Sanctions; Using Charitable Trusts In Estate Planning: Traps for the Unwary; Advanced Philanthropic Planning Opportunities: The Good, the Bad and the Ugly; and Esoteric Fundraising Vehicles: Pitfalls and Opportunities; The ABCs of Solicitation of Funds Registration Statements; Mergers and Reorganizations of Nonprofit Organizations and Minimizing Risk Through Insurance and Your Organizational Structure.

Practice Areas

- Nonprofit Organizations
- Fiduciary Litigation
- Tax Controversy & Litigation
- Taxation & Wealth Planning
- Health Law
- Higher Education

Bar Admissions

- Pennsylvania

Education

- Villanova University School of Law (LL.M., 2001)
  - Taxation
- Pennsylvania State University Dickinson School of Law (J.D., 1997)
- Pennsylvania State University (B.S., 1994)
  - Accounting

Memberships

- American Bar Association
  - Tax-Exempt Organizations Committee
- Pennsylvania Bar Association

  - Tax Law Section
  - Tax-Exempt Organizations Committee
- Berks County Bar Association
- Berks County Estate Planning Council
- The Pennsylvania State University Planned Giving Advisory Council

Board of Directors

- Gilmore Henne Foundation
- Berkshire Country Club
- Olivet Boys and Girls Club