

(1) ANY ACTUAL DAMAGES SUSTAINED BY THE DONOR AS A RESULT OF THE FAILURE; AND

(2) IN THE CASE OF A SUCCESSFUL ACTION TO ENFORCE LIABILITY UNDER THIS SECTION, THE COSTS OF THE ACTION TOGETHER WITH REASONABLE ATTORNEY'S FEES, AS DETERMINED BY THE COURT.

(C) A PERSON CHARITABLE ORGANIZATION, FUND-RAISING COUNSEL, PROFESSIONAL SOLICITOR, SOLICITOR, OR AN OFFICER, DIRECTOR, PARTNER, OR TRUSTEE OF A CHARITABLE ORGANIZATION, IS NOT LIABLE TO A DONOR UNDER THIS SECTION IF THE--PERSON ESTABLISHES THEY ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE THAT, AT THE TIME OF THE FAILURE, THE--PERSON--MAINTAINED THEY FOLLOWED REASONABLE PROCEDURES TO COMPLY WITH THIS SUBTITLE.

3-216.

~~EACH--PERSON--AND--EACH--OFFICER--DIRECTOR--TRUSTEE--EMPLOYEE--AND--INDEPENDENT-CONTRACTOR-OF-A-PERSON--INVOLVED-WITH-SOLICITING--COLLECTING--OR--EXPENDING--CONTRIBUTIONS--FOR--CHARITABLE-PURPOSES--IS DEEMED-TO-BE--A--FIDUCIARY--AND--TO--BE--ACTING--IN--A--FIDUCIARY CAPACITY.~~

THE FOLLOWING PERSONS ARE DEEMED TO BE FIDUCIARIES AND TO BE ACTING IN A FIDUCIARY CAPACITY WITH RESPECT TO THE CHARITABLE CONTRIBUTIONS THEY SOLICIT, COLLECT, OR EXPEND:

(1) CHARITABLE ORGANIZATIONS;

(2) FUND-RAISING COUNSELS;

(3) PROFESSIONAL SOLICITORS;

(4) SOLICITORS; AND

(5) OFFICERS, DIRECTORS, PARTNERS, OR TRUSTEES OF A CHARITABLE ORGANIZATION, FUND-RAISING COUNSEL, PROFESSIONAL SOLICITOR, OR SOLICITOR.

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AN OFFICER, DIRECTOR, PARTNER, OR TRUSTEE OF A CHARITABLE ORGANIZATION MAY NOT VOTE FOR THE AUTHORIZATION, APPROVAL, OR RATIFICATION OF A CONTRACT OR TRANSACTION INVOLVING A MATTER RELATED TO A CHARITABLE SOLICITATION IN WHICH THE OFFICER, DIRECTOR, PARTNER, OR TRUSTEE HAS A MATERIAL FINANCIAL INTEREST OR A MATERIAL CONFLICTING INTEREST.

3-217- 3-218.

THIS SUBTITLE MAY BE CITED AS THE "CHARITABLE ORGANIZATION SOLICITATIONS LAW".