



Dave Thomas
Foundation
for Adoption

Forever Families for Children in Foster Care

Position Description

Title: Staff Attorney, Marketing, Development & Compliance
FLSA Status: Exempt
Posted Date: May 2024
Reports To: Senior Vice President, General Counsel

The Dave Thomas Foundation for Adoption (Foundation) is a national nonprofit public charity dedicated to finding permanent homes for the more than 140,000 children waiting in North America's foster care systems. Created by Wendy's® founder Dave Thomas who was adopted, the Foundation implements evidence-based, results-driven national service programs, foster care adoption awareness campaigns and innovative grantmaking.

STATEMENT OF PURPOSE

With support from the SVP, general counsel, the staff attorney, marketing, development & compliance will review or draft agreements to support the Foundation's marketing & development department; provide counsel, as needed, regarding complex charitable gifts, state charitable and registration requirements, agreements with corporate development partners and external fundraising and awareness partners, marketing content and corporate policies and procedures; provide analysis of unrelated business income taxation laws and regulations as applied to the Foundation's activities; support compliance with state contracts; and research federal and state laws as applicable to the needs of the human resources department to support the mission of the Foundation.

ACCOUNTABILITIES

1. Ensure Foundation's compliance with all regulations regarding donor privacy issues
2. Manage state solicitation and business compliance filings for nationwide fundraising and operations; remain up to date on state solicitation and corporate filing statutes and regulations and work with other Foundation departments to ensure compliance
3. Review and/or draft development contracts and templates as assigned and as needed, including gift agreements, suggested language for grants from donor advised funds and mandatory documentation required for trusts, wills or other bequests
4. Understand state laws and Internal Revenue Service regulations governing charitable solicitation partnerships (professional solicitors, professional fundraising counsel, commercial co-venturers, etc.), draft or review contracts governing these various charitable solicitation partnerships, interact with attorneys representing charitable solicitation partners, advise on appropriate copy to recognize commercial co-venturers and third-party fundraisers, ensure compliance with state regulations and maintain records of all such partnerships
5. Review and draft all contracts with external marketing & development department vendors
6. Review and/or draft business agreements and templates, including services, consulting, supply and purchasing agreements

7. Assist with intellectual property matters
8. Assist with managing Foundation risk through appropriate review and understanding of insurance policies and implementing board-approved policies throughout the Foundation
9. Review and draft all contracts and letters of intent with the Foundation's brand ambassadors and other partners in building awareness of foster care adoption
10. Provide training to the marketing & development department to facilitate increased learning on relevant topics, including third-party fundraisers, outside charitable solicitation partners, unrelated business income tax exemptions and state and federal compliance statutes and regulations that govern their work
11. Review Foundation agreements with state partners and work with other departments to ensure compliance with relevant state requirements
12. Conduct research and advise human resources department on various employment and policy-related matters
13. Serve as backup for any legal department procedure
14. Other responsibilities and assistance to SVP, general counsel, as assigned

KNOWLEDGE AND SKILLS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Strong legal research, drafting, contract review and negotiation skills
- Excellent problem solving and creative thinking abilities with the ability to develop innovative solutions to further the Foundation's goals while managing risk
- Strong and clear verbal and written communications and ability to listen to others to thoroughly understand department goals to facilitate appropriate legal counsel
- Demonstrated ability to work on multiple projects simultaneously in diverse legal subject areas while remaining responsive and following through on projects
- Ability to interact confidently with executive and non-executive staff and government representatives and to cultivate authentic relationships with colleagues
- Excellent organizational skills and acute attention to detail
- Proven ability to work effectively in a team environment
- Ability to exercise sound judgment and maintain a high level of discretion and confidentiality
- Ability to guide non-lawyers with application of legal standards
- Knowledge of charitable gift, fundraising, unrelated business income tax and state charitable regulations

- Basic knowledge of and ability to research employment law issues
- Values diversity and supports an inclusive culture

EDUCATION AND/OR EXPERIENCE

- Juris Doctor (JD) degree from an ABA-approved law school required
- Ohio bar admission required
- Three or more years of experience with development departments, marketing departments and/or charitable solicitation regulations required
- Experience in drafting gift agreements involving complex gifts, including noncash gifts and cryptocurrency preferred
- Experience in-house at a highly regulated corporation, state agency or non-profit organization preferred

The Dave Thomas Foundation for Adoption is an equal employment opportunity employer and does not discriminate against any employee or applicant based on race, color, religion, religious beliefs, political affiliation, creed, HIV/AIDS status, ethnicity, sex, age, national origin, ancestry, disability, sexual orientation, gender, gender identity, gender expression, pregnancy, marital status, familial status, veteran/military status, predisposing genetic characteristics, domestic violence victim status, prior arrest or any other category protected by applicable law. Any employee who engages in such conduct is subject to disciplinary action, up to and including discharge.