

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

950 CMR 103.00: GENERAL PROVISIONS

Section

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103.01: Administration

950 CMR 103.00 describes the practices and procedures followed by the Corporations Division in the Office of the Secretary of the Commonwealth. The Corporations Division which is under the supervision of the Secretary of the Commonwealth administers the provisions of the M.G.L. pertaining to certain corporations and related matters. The chief executive officer of the Corporations Division has the title "Director of the Corporations Division." The Director may, subject to the approval of the Secretary, make, amend, and rescind such rules, forms, and orders as are contemplated by the provisions of the General Laws and as are necessary to carry out their purposes. The Director is empowered to hear, examine, and investigate matters subject to the provisions of the General Laws.

From time to time the Director may authorize exceptions to these Rules with respect to any specific requirement provided that such exceptions are in conformity with the provisions of the M.G.L.. These Rules and Regulations supersede any administrative orders or rules and regulations governing the matters contained herein issued by the Corporations Division in the past, with the sole exception of 950 CMR 101.00 ("Rules for Adjudicatory Proceedings Conducted by the Corporations Division") which shall coexist with these Rules and continue to regulate the procedure relative to hearings held by and before the Corporations Division.

103.02: General Definitions

For the purposes of 950 CMR 103.02, unless the context otherwise requires, the following terms shall have the meanings indicated:

Annual Report means the report filed annually pursuant to M.G.L. chs. 156A, 156B, 180, 181, or 182.

Commonwealth means the Commonwealth of Massachusetts;

Director means the Director of the Corporations Division;

Division means the Corporations Division in the Office of the Secretary of the Commonwealth;

General Laws means the General Laws of Massachusetts;

Person means an individual, corporation, firm, partnership, society, association, trust, or other organization;

Rules means the Rules and Regulations of the Corporations Division;

Secretary means the Secretary of the Commonwealth;

103.03: Address of the Division

All communications, including applications and inquiries shall be addressed or delivered to:
Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th Floor
Boston, Massachusetts 02108

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103.04: General Filing Requirements

The Division supplies blank forms for most documents required to be filed with the Division. Where such forms are made available, the Division may require that documents be submitted on the official forms.

Any documents submitted to the Division, for which there are no blank forms available from the Division for completion, shall be submitted on standard size paper 8 ½ by 11 inches. Such documents shall be printed, lithographed, mimeographed, typewritten, or prepared by a similar process which, in the opinion of the Director, produces copies suitable for a permanent record. All forms and documents shall be clear, easily readable, on heavy stock paper and suitable for microfilming and repeated copying.

All applications and other documents received and filed with the Division become a part of its records and may not be returned to the applicant or correspondent.

103.05: Filing Dates

In most instances, documents (with the exception of annual reports) received by the Division before 4:00 p.m. in proper order and accompanied by the appropriate fee will be filed on that date, unless a later effective date is specified. Documents received after 4:00 p.m. will not be filed until the following business day.

103.06: Computation of Time

Computation of any period of time referred to in 950 CMR 103.00 *et. seq.* shall begin with the first day following that on which the act which initiates such period of time occurs. When the last day of the period so computed is a day on which the offices of the Division are closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays, and legal holidays counted, is five days or less, then said Saturdays, Sundays, and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

103.07: Fees

All fees paid to the Division for an amount of five dollars or more shall be by check or money order payable to the Commonwealth of Massachusetts.

REGULATORY AUTHORITY

950 CMR 103.00: M.G.L. chs. 109, 156A, 156B, 180, 181 and 182.