



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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Attorney General

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November 24, 2020

Terry Hayes
Chair, Board of Directors
American Horticultural Society
7931 East Boulevard Drive
Alexandria, Virginia 22308

Re: Proposed Sale of River Farm

Dear Ms. Hayes:

The Virginia Office of the Attorney General oversees the use of charitable funds in the Commonwealth. Virginia Code section 2.2-507.1(A) details this authority:

The assets of a charitable corporation incorporated in or doing any business in Virginia shall be deemed to be held in trust for the public for such purposes as are established by the governing documents of such charitable corporation, the gift or bequest made to such charitable corporation, or other applicable law. The Attorney General shall have the same authority to act on behalf of the public with respect to such assets as he has with respect to assets held by unincorporated charitable trusts and other charitable entities, including the authority to seek such judicial relief as may be necessary to protect the public interest in such assets.

It has come to our attention that the American Horticultural Society, a nonprofit, tax-exempt 501(c)(3) corporation, intends to sell River Farm, a property that was reportedly purchased with donated funds from Enid A. Haupt and/or a foundation with which she was affiliated. Accordingly, and in keeping with our role in ensuring that the public interest in such gifts is protected, please provide us with any and all documents related to this gift and to the purchase of River Farm.

We take very seriously our responsibility to ensure that charitable assets are used in a manner consistent with the charitable purposes expressed by the donor – in this case, any purposes or restrictions expressed by Mrs. Haupt in conjunction with the gift to purchase River Farm. We look forward to your prompt response.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Anderson", written over a horizontal line.

Donald D. Anderson
Deputy Attorney General

cc: Robert Brackman, Interim Executive Director, American Horticultural Society