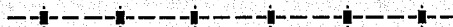




*Blanche Davis  
Moore Foundation*

*Information on  
starting a  
non-profit 501.c.3*



# Instructions for Form 1023

(Rev. June 2006)



Department of the Treasury  
Internal Revenue Service

## Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

Section references are to the Internal Revenue Code unless otherwise noted.

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- Tax Map: an electronic research tool and finding aid.
- Tax Law frequently asked questions (FAQs).
- Tax Topics from the IRS telephone response system.
- Fill-in, print, and save features for most tax forms.
- Internal Revenue Bulletins.
- Toll-free and email technical support.
- The CD is released twice during the year.
  - o The first release will ship the beginning of January 2007.
  - o The final release will ship the beginning of March 2007.

Purchase the CD from National Technical Information Service at [www.irs.gov/cdorders](http://www.irs.gov/cdorders) \$25 (no handling fee) or call 1-877-CDFORMS (1-877-233-6767) toll-free to buy the CD for \$25 (plus a \$5 handling fee). Price is subject to change.

### By Phone and In Person

You can order forms and publications by calling **1-800-TAX-FORM** (1-800-829-3676). You can also get most forms and publications at your local IRS office.

## Overview of Section 501(c)(3) Organizations

### Who Is Eligible for Section 501(c)(3) Status?

Organizations organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals are eligible to file Form 1023 to obtain recognition of exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code.

**Form 1023 not necessary.** The following types of organizations may be considered tax exempt under section 501(c)(3) even if they do not file Form 1023.

- Churches, including synagogues, temples, and mosques.
- Integrated auxiliaries of churches and conventions or associations of churches.
- Any organization that has gross receipts in each taxable year of normally not more than \$5,000.

## What's New

The user fee for the initial application for recognition of exemption under IRC Section 501(c)(3) has been increased. Part XI of Form 1023 has been revised to reflect the new fee. See Rev. Proc. 2006-8, 2006-1 I.R.B. 245 for more information about user fees that may be applicable to tax-exempt organizations.

## How To Get Forms and Publications

### Personal Computer

You can access the IRS website 24 hours a day, 7 days a week at [www.irs.gov](http://www.irs.gov) to:

- Order IRS products online.
- Download forms, instructions, and publications.
- Get answers to frequently asked tax questions.
- Search publications online by topic or keyword.
- Send us comments or request help by email.
- Sign up to receive local and national tax news by email.

### CD-ROM

You can order Publication 1796, IRS Tax Products CD, and obtain:

- Current-year forms, instructions, and publications.
- Prior-year forms, instructions, and publications.
- Bonus: Historical Tax Products DVD — Ships with the final release.

Even though the above organizations are not required to file Form 1023 to be tax exempt, these organizations may choose to file Form 1023 in order to receive a determination letter that recognizes their section 501(c)(3) status and specifies whether contributions to them are tax deductible.

### Qualification of a Section 501(c)(3) Organization

There are two key requirements for an organization to be exempt from federal income tax under section 501(c)(3). A 501(c)(3) organization must be organized and operated exclusively for one or more exempt purposes.

**Organized.** An organization must be organized as a corporation (including a limited liability company), trust, or unincorporated association. The organizing document (articles of incorporation if you are a corporation, articles of organization if you are a limited liability company, articles of association or constitution if you are an association, or trust agreement or declaration of trust if you are a trust) must limit the organization's purpose(s) and permanently dedicate its assets to exempt purposes.

**Operated.** An organization must be operated to further one or more of the exempt purposes stated in its organizing document. Certain other activities are prohibited or restricted, including, but not limited to, the following activities. A 501(c)(3) organization must:

- a. Absolutely refrain from participating in the political campaigns of candidates for local, state, or federal office.
- b. Absolutely ensure that its assets and earnings do not unjustly enrich board members, officers, key management employees, or other insiders.
- c. Not further non-exempt purposes (such as purposes that benefit private interests) more than insubstantially.
- d. Not operate for the primary purpose of conducting a trade or business that is not related to its exempt purpose(s).
- e. Not engage in activities that are illegal or violate fundamental public policy.
- f. Restrict its legislative activities.

**Legislative activity.** An organization does not qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation.

**Form 5768.** Most public charities are eligible to elect to make expenditures to influence legislation by filing Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation. By filing Form 5768, an eligible organization's legislative activities will be measured solely by an expenditure limit rather than by the "no substantial amount" limit. For additional information on the expenditure limit or the no

substantial amount limit, see Publication 557, Tax-Exempt Status for Your Organization.

For this purpose, "legislation" includes action by Congress, a state legislature, a local council, or a similar governing body, with respect to acts, bills, resolutions or similar items (such as legislative confirmation of appointive offices). Legislation also includes action by the public in a referendum, ballot initiative, constitutional amendment, or similar procedure. Legislation generally does not include actions by executive, judicial, or administrative bodies.

Organizations may involve themselves in issues of public policy without being engaged in legislative activity. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues. Similarly, an organization may appear before a governmental body to offer testimony about a decision that may affect the organization's existence.



*A private foundation is not allowed to influence legislation.*

**Political campaign intervention.** All 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating or intervening in any political campaign on behalf of (or in opposition to) any candidate for elective public office. Non-partisan voter education activities (including public forums and voter education guides) are permitted. Similarly, non-partisan activities to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives, are not prohibited political campaign activity. However, voter education or registration activities that (a) favor one candidate over another, (b) oppose a candidate in some manner, or (c) favor a group of candidates, are prohibited.

### Public Charities and Private Foundations

Every organization that qualifies for tax-exempt status under section 501(c)(3) is further classified as either a public charity or a private foundation. For some organizations, the primary distinction between a public charity and a private foundation is an organization's source of financial support.

A public charity has a broad base of support, while a private foundation receives its support from a small number of donors. This classification is important because different tax rules apply to the operations of each entity.

Deductibility of contributions to a private foundation is more limited than contributions to a public charity. See Publication 526, Charitable Contributions, for more information on the deductibility of contributions. In addition, private foundations are subject to excise taxes that are not imposed on public charities.

**Public charities.** The following 501(c)(3) organizations are classified as public charities.

- Churches.
- Schools.
- Hospitals, medical research organizations, and cooperative hospital service organizations.
- Organizations that receive substantial support from grants, governmental units, and/or contributions from the general public.
- Organizations that normally receive more than one-third of their support from contributions, membership fees, and gross receipts from activities related to their exempt functions, and not more than one-third of their support from gross investment income and net unrelated business income.
- Organizations that support other public charities.

If an organization requests public charity classification based on receiving substantial public support, it must continue to seek significant and diversified public support contributions in later years. A new organization that cannot show it will receive enough public support may request an advance ruling of its status. After 5 years, it must file Form 8734, Support Schedule for Advance Ruling Period, showing its sources of support during the advance ruling period. If the organization does not meet the public support requirements during the 5-year advance ruling period, it could be reclassified as a private foundation.

**Private foundation.** A 501(c)(3) organization that cannot meet one of the specific exceptions to be classified as a public charity is a private foundation.



*Classification as a private foundation has nothing to do with the name of the organization.*

*There are many organizations that include the word foundation in their names that are not private foundations for tax purposes.*

**Private operating foundations.** A private foundation that lacks general public support but actively conducts exempt programs (as opposed to making grants to other organizations to conduct exempt activities) may be treated as a private operating foundation. Private operating foundations are subject to more favorable rules than other private foundations in terms of charitable contribution deductions and attracting grants from private foundations. In order to be classified as a private operating foundation, an organization must meet certain support tests.

### State Registration Requirements

Tax exemption under section 501(c)(3) is a matter of federal law. After receiving federal tax exemption, you may also be required to register with one or more states to solicit for contributions or to obtain exemption from state taxes. The National Association of State Charity Officials (NASCO) maintains a website

that provides informational links to the various states for these purposes. It can be accessed at [www.nasconet.org](http://www.nasconet.org).

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**“You” and “Us”.** Throughout these instructions and Form 1023, the terms “you” and “your” refer to the organization that is applying for tax-exempt status. The terms “us” and “we” refer to the Internal Revenue Service.

**Definitions.** Terms in bold type in Form 1023 are defined throughout these instructions and in *Appendix C*.

### Answers

Answer items completely. Where a “Yes” or “No” reply is not requested, you may answer “Not Applicable” where appropriate. If you believe you have previously answered the item, you may refer to your previous answer.



*Your answers must provide sufficient detail about your past, present, and planned activities to prove that you are an exempt organization. We will not be able to recognize you as tax exempt based on generalizations. Therefore, we need to understand the specific activities you will undertake to reach your charitable goals.*

**Financial data.** Form 1023 asks you to answer a series of questions and provide information to assist us in determining if you meet the requirements for tax exemption under section 501(c)(3). One of the key pieces of information requested is financial data. This data, whether budgeted or actual, should be consistent with other information presented in the application.

For example, if you are requesting public charity status under one of the public support tests, the financial data should show contributions from the public or receipts from providing exempt services. Budgeted financial data should be prepared based upon your current plans. We recognize that the organization’s actual financial results may vary from the budgeted amounts.

**Past, present, and planned activities.** Many items on Form 1023 are written in the present tense; however, your answers should be based on your past, present, and planned activities.

**Language and currency requirements.** Prepare Form 1023 and attachments in English. Provide an English translation if the articles of organization or bylaws are in any other language.

We may ask you to provide English translations of foreign language publications you submit with your Form 1023.

Report financial information in U.S. dollars (specify the conversion rate used). Combine amounts from within and outside the United States and report the

total for each line on the financial statements.

## Purpose of Form

**Completed Form 1023 required for section 501(c)(3) exemption.** Form 1023 is filed by organizations to apply for recognition of exemption from federal income tax under section 501(c)(3). Upon approval, we will issue a determination letter that provides written assurance about the organization’s tax-exempt status, and its qualification to receive tax-deductible charitable contributions. Every organization qualifying for exemption under section 501(c)(3) will also be classified as either a “public charity” or a “private foundation.”

**Other organizations that may file Form 1023.** Other organizations that apply for tax-exempt status under section 501(c)(3) by filing Form 1023 include section 501(e) and (f) cooperative service organizations, section 501(k) childcare organizations, and section 501(n) charitable risk pools.

## Obtaining Tax-Exempt Status

To apply for tax-exempt status, file Form 1023 and pay the appropriate user fee.

### Expedite Requests

We will only approve expedited processing of an application where a request is made in writing and contains a compelling reason for processing the application ahead of others. Circumstances generally warranting expedited processing include:

- A grant to the applicant is pending and the failure to secure the grant may have an adverse impact on the organization’s ability to continue operations.
- The purpose of the newly created organization is to provide disaster relief to victims of emergencies such as flood and hurricane.
- There have been undue delays in issuing a letter caused by problems within the IRS.

### User Fee

The law requires payment of a user fee with each application. Submit the appropriate user fee based on your average annual gross receipts as indicated on Form 1023. Enclose payment with your application. **DO NOT STAPLE** or otherwise attach your check or money order to your application.

You may pay your user fee with a personal or certified check, bank check, or cashier’s check. Processing your application will not be delayed by the form of payment unless your check is returned to us for insufficient funds.

Generally, a user fee will be refunded only if we decline to issue a determination. Additional guidance regarding user fees is available in Rev. Proc. 2006-8, 2006-1 I.R.B. 245, or later revision (revised in the first Internal

Revenue Bulletin (I.R.B.) issued each year).

For additional information on the user fee, see *Part XI*.

## Group Exemption

Form 1023 is not used to apply for a group exemption. A group exemption is issued to a central organization that recognizes on a group basis the exemption of subordinate organizations on whose behalf the central organization has applied. See Publication 557 for information on how to apply for a group exemption.

**Leaving a group exemption.** If a subordinate organization in an existing group exemption wishes to apply for an individual exemption, it should notify its parent organization of its intention to leave the group ruling before filing Form 1023.

## What to File

All applicants, unless otherwise noted, must complete Parts I through XI of Form 1023, plus any required schedules and attachments.

The following organizations must complete additional schedules to Form 1023.

| IF your organization is a(n) . . .   | THEN you must file Schedule . . . |
|--|-----------------------------------|
| Church . . . . .   | A                                 |
| School, College, or University . . . . .   | B                                 |
| Hospital or Medical Research Organization . . . . .  | C                                 |
| Section 509(a) Supporting Organization . . . . .   | D                                 |
| Organization Not Filing Form 1023 Within 27 Months of Formation . . . . .  | E                                 |
| Home for the Elderly or Handicapped and Low-Income Housing . . . . .   | F                                 |
| Successor to Other Organizations . . . . .   | G                                 |
| Organization Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Approval of Individual Grant Procedures . . . . . | H                                 |

## Assembly of Application Package

To assist us in processing the application, documents should be submitted in the following order.

- User fee enclosed but not attached to the application form.
- Form 1023 Checklist.
- Form 2848, Power of Attorney and Declaration of Representative (if needed).

- Form 8821, Tax Information Authorization (if needed).
- Expedite request (if needed).
- Application (Form 1023, Checklist, and Schedules A through H, as required).
- Organizing document.
- Amendments to organizing document in chronological order.
- Bylaws or other rules of operation and amendments.
- Documentation of nondiscriminatory policy for schools, as required by *Schedule B*.
- Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation (if filing).
- All other attachments, including explanations, financial data, and printed materials or publications.

### Attachments

Use an attachment where there is insufficient space on the form for you to legibly and accurately respond to a question. For any attachments submitted with your Form 1023:

- Use 8½ x 11 inch paper.
- Provide your name and Employer Identification Number (EIN) at the top of each page.
- Identify the Part and line number to which the attachment relates.

Include any court decisions, rulings, opinions, or any other documents that will assist us in processing your Form 1023.

Generally, attachments in the form of tape, recordings or other electronic media are not acceptable unless accompanied by a transcript.

Attachments must be in English.

### When to File

If you file Form 1023 within 27 months after the end of the month in which you were legally formed, and we approve the application, the legal date of formation will be the effective date of your exempt status.

If you do not file Form 1023 within 27 months of formation, you may not qualify for exempt status before the date we receive Form 1023. The date considered to be the date we receive Form 1023 is generally the postmark date. For exceptions and special rules, including automatic extensions, see *Schedule E* of Form 1023.

### Where To File



Send the completed Form 1023 application, with all required information, and the applicable user fee to:

Internal Revenue Service  
P.O. Box 192  
Covington, KY 41012-0192

If you are using express mail or a delivery service, send the completed Form 1023

application, with all required information and user fee to:

Internal Revenue Service  
201 West Rivercenter Blvd.  
Attn: Extracting Stop 312  
Covington, KY 41011

### Private Delivery Services

In addition to the United States mail, you can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. The most recent list of designated private delivery services includes only the following:

- DHL Express (DHL): DHL "Same Day" Service; DHL Next Day 10:30 AM; DHL Next Day 12:00 PM; DHL Next Day 3:00 PM; and DHL 2nd Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The private delivery service can tell you how to get written proof of the mailing date.

### Filing Assistance

For help in completing this form or general questions relating to an exempt organization, call the Exempt Organization Customer Account Services toll free at 1-877-829-5500. You may also access information on our website at [www.irs.gov/eo](http://www.irs.gov/eo).

Listed below are a number of publications that may be helpful to your organization.

- Publication 517, Social Security and Other Information for Members of the Clergy and Religious Workers
- Publication 526, Charitable Contributions
- Publication 557, Tax-Exempt Status for Your Organization
- Publication 598, Tax on Unrelated Business Income of Exempt Organizations
- Publication 1771, Charitable Contributions Substantiation and Disclosure Requirements
- Publication 1828, Tax Guide for Churches and Religious Organizations
- Publication 3079, Gaming Publication for Tax-Exempt Organizations
- Publication 3833, Disaster Relief: Providing Assistance through Charitable Organizations
- Publication 4220, Applying for 501(c)(3) Tax-Exempt Status
- Publication 4221, Compliance Guide for 501(c)(3) Tax-Exempt Organizations
- Publication 78, Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1986 (searchable online at [www.irs.gov/eo](http://www.irs.gov/eo))

Philanthropic Research, Inc., aka GuideStar, a 501(c)(3) nonprofit organization, maintains information about specific section 501(c)(3) organizations (searchable online at [www.guidestar.org](http://www.guidestar.org)).

### Signature Requirements

An officer, director, trustee, or other official who is authorized to sign for the organization must sign Form 1023 at the end of *Part XI*. The signature must be accompanied by the title or authority of the signer and the date. Please clearly print the accompanying information.

Figure 1. Table of Annual Returns

| Type of Annual Return  | Who Should File   |
|--|---|
| Form 990, Return of Organization Exempt from Income Tax                      | Section 501(c)(3) public charities  |
| Form 990-EZ, Short Form Return of Organization Exempt from Income Tax        | Section 501(c)(3) public charities whose gross receipts during the year were less than \$100,000 and total assets at the end of the year were less than \$250,000 |
| Schedule A (Form 990 or 990-EZ), Organization Exempt under Section 501(c)(3) | Section 501(c)(3) public charities  |
| Schedule B (Form 990, 990-EZ, or 990-PF), Schedule of Contributors           | All section 501(c)(3) organizations   |
| Form 990-PF, Return of Private Foundation                                    | Private foundations, including private operating foundations  |
| Form 990-T, Exempt Organization Business Income Tax Return                   | Public charities and private foundations that have gross unrelated business income of \$1,000 or more   |

## Representation

**Form 2848.** Attach a completed Form 2848 if you want to authorize a representative to represent you regarding your application. An individual authorized by Form 2848 may not sign the application unless that person is also an officer, director, trustee, or other official who is authorized to sign the application.



*A centralized authorization file (CAF) number is not required to be listed on Form 2848.*

**Form 8821.** Form 8821 authorizes us to discuss your application with the person you have appointed.

Form 8821 does not authorize your appointee to advocate your position with respect to the Federal tax laws; to execute waivers, consents, or closing agreements; or to otherwise represent you before the IRS. If you want to authorize an individual to represent you, use Form 2848.

### After You Submit Form 1023

We will acknowledge receiving your application in writing. You may expect to receive this notice within 21 days of the postmark date of the Form 1023. Read the notice thoroughly because it will provide further information about the processing of your Form 1023.

**No additional information needed.** If our initial review shows that you qualify, we will send you a letter stating that you are exempt under section 501(c)(3) and whether you are a public charity or a private foundation.

**Additional information needed.** If the initial review shows that we need additional information or changes, we will assign Form 1023 to a specialist who will call or write you. Generally, we assign applications in the order we receive them. Unless the application is approved for expedited processing, it will be worked in the order received.

If the additional information indicates that you qualify, we will send you a letter stating that you are exempt under section 501(c)(3) and whether you are a public charity or a private foundation. If we conclude that you do not qualify for exemption, we will send you a letter that explains our position and your appeal rights.

### Annual Filing Requirements

If an annual information return or tax return is due while the Form 1023 is pending, complete the return, mark "Application Pending" in the heading, and send the return to the address indicated in the instructions.

Information on return filing requirements and exceptions may be found in Publications 557 and 598 and in the instructions to the annual returns listed in Figure 1.



*You may also be required to file other returns, such as employment tax returns or benefit plan returns, which are not discussed here.*

## Public Inspection

**Information available for public inspection.** If we approve exempt status under section 501(c)(3), the following information will be open for public inspection.

- Your complete Form 1023 and any supporting documents.
- All correspondence between you and the IRS concerning Form 1023, including Form 2848.
- The letter we issue approving your exemption.
- Annual information returns (Forms 990, 990-EZ, or 990-PF).
- Schedule A, included with Forms 990 or 990-EZ.
- Schedule B, included with Forms 990 or 990-EZ, except the names and addresses of contributors and other identifying information about contributors.
- Schedule B, included with Form 990-PF, including names, addresses and other identifying information about contributors.

**Information not available for public inspection.** The following items will not be open for public inspection.

- Any information relating to a trade secret, patent, style of work, or apparatus that, if released, would adversely affect you. (We must approve withholding this information.)
- Any other information that would adversely affect the national defense. (We must approve withholding this information.)
- User fee check.
- Information only applications from the United States Virgin Islands, Bureau of Internal Revenue (BIR) and related supporting documents.
- Contributors' names and addresses and identifying information about contributors included with Forms 990 or 990-EZ and the Schedule B, filed with these forms.
- Form 990-T, Exempt Organization Business Income Tax Return.

When applying for tax-exempt status, you must clearly identify any information that is not open for public inspection by separately marking it as "NOT SUBJECT TO PUBLIC INSPECTION" and attaching an explanation of why you are asking for the information to be withheld. We will decide whether to withhold the identified information from public inspection.

**Making documents available for public inspection.** Both you and the IRS must make the information that is subject to disclosure available for public inspection. The public may contact us toll-free at 1-877-829-5500 to request public inspection or copies of the information. The public may also request inspection of

the information or a copy of the information directly from you.

An exempt organization may post the documents required to be available for public inspection on its own website. The information return and exemption application materials must be posted exactly as filed with the IRS. Only the information that is not open for public inspection may be deleted.

If an exempt organization posts the documents on its website, it must provide notice of the website address where the documents may be found, but it need not provide copies of the information. However, documents posted on an organization's website must still be made available for public inspection without charge at its main office during regular business hours.

Documents are not considered available for public inspection on a website if the otherwise disclosable information is edited or subject to editing by a third party when posted. To date, the IRS has not approved any third party websites for posting.

See Publication 557 for additional guidance on public inspection.

## Foreign Organizations in General

Foreign organizations are those that were created in countries other than the United States, its territories, or its possessions. Foreign organizations may apply for tax-exempt status on income earned in the United States in the same way that domestic organizations apply for exempt status. See *Language and currency requirements*.

A foreign organization applying for exempt status should complete all required parts of Form 1023. There are, however, special rules below for some Canadian organizations.



*Contributions by U.S. residents to foreign organizations generally are not deductible. Tax treaties between the U.S. and certain foreign countries provide specific limited exceptions.*

**Annual returns for foreign organizations.** A foreign organization that obtains exemption as a public charity must file an information return annually (Form 990 or Form 990-EZ). A foreign organization that is a private foundation must file Form 990-PF annually. However, a foreign organization, other than a private foundation, may be relieved from filing Form 990 or Form 990-EZ in any year in which it has gross receipts from U.S. source income of \$25,000 or less and has not conducted significant activity in the United States. See the Instructions for Form 990 and Form 990-EZ, and the Instructions for Form 990-PF for further information. A foreign organization that is subject to unrelated business income tax must file Form 990-T.

## Canadian Organizations

Canadian organizations that have received a Notification of Registration from the Canada Customs and Revenue Agency (formerly, Revenue Canada), and whose registrations have not been revoked ("Canadian registered charities"), are automatically recognized as section 501(c)(3) organizations and are not required to file Form 1023. Canadian registered charities are also presumed to be private foundations. A Canadian registered charity may complete certain portions of the Form 1023 in order to be listed as a section 501(c)(3) organization in IRS Publication 78, or to request classification as a public charity, rather than a private foundation. A Canadian registered charity should only complete and submit the following documents.

- Copy of its Notification of Registration.
- *Part I* of Form 1023.
- *Part X* of Form 1023 (if requesting public charity classification).
- Signature line in *Part XI* of Form 1023.
- Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).
- No user fee is required.

## Organizations Created in United States Territories and Possessions

Organizations created in possessions and territories of the United States are generally treated as domestic organizations. These organizations complete all required parts of Form 1023 to apply for exempt status under section 501(c)(3). Special rules, discussed below, apply to some Virgin Islands organizations.

Charitable contributions to organizations created in United States possessions and territories are deductible by the donors if the organization qualifies for exempt status under section 501(c)(3).

## Virgin Islands Organizations

The United States Virgin Islands, Bureau of Internal Revenue (BIR) may request an information only letter concerning the exempt status under section 501(c)(3) of an organization formed in the Virgin Islands. The organization itself does not seek U.S. recognition of exempt status. The information only procedure requires the BIR to complete Form 1023 and supporting documents for the organization, but does not require a user fee payment. The application and supporting documents are not open for public inspection (see *Public Inspection*, for more information).

All other Virgin Islands organizations that seek U.S. recognition of exempt status under section 501(c)(3) must follow the normal application process.

# Specific Instructions

## Part I. Identification of Applicant

### Line 1. Full name of organization.

Enter your complete name exactly as it appears in your organizing document, including amendments.

**Line 2. c/o Name.** If you have an "in care of" name, enter it here.

**Line 3. Mailing address.** Enter your complete address where all correspondence will be sent. If mail is not delivered to the street address and you have a P.O. Box, show the box number instead of the street address.

For a foreign address, enter the information in the following order: city, province or state, and country. Follow the country's practice in placing the postal code in the address. Do not abbreviate the country name.

**Line 4. Employer Identification Number (EIN).** Enter the nine-digit EIN assigned to you.



*Do not submit this application until you have obtained an EIN.*

An EIN is your account number with us and is required regardless of whether you have employees. If you need an EIN, you can apply for one by:

1. Calling 1-800-829-4933.
2. Calling 1-215-516-6999, if you are located outside the United States.
3. Mailing Form SS-4 to the IRS.
4. Faxing Form SS-4 to a location provided in the Instructions for Form SS-4.

You can get Form SS-4 online at [www.irs.gov](http://www.irs.gov), or by calling 1-800-829-3676, to order IRS tax forms and publications.

If you previously applied for an EIN and have not yet received it, or you are unsure whether you have an EIN, please call our toll-free customer account services number, 1-877-829-5500, for assistance.

**Line 5. Month the annual accounting period ends (01-12).** Enter the month that your annual accounting period ends, using a two-digit number format. For example, if your annual accounting period ends December 31, enter "12." Your annual accounting period is the 12-month period on which your annual financial records are based. Your first tax year could be less than 12 months.

Check your bylaws or other rules of operation for consistency with the annual accounting period entered in line 5.

**Line 6a. Primary contact.** Your primary contact person may be an officer, director, trustee, or other individual who is permitted to speak with us according to your bylaws or other rules of operation. Your primary contact person may also be an "authorized representative," such as

an attorney or certified public accountant for whom you have submitted a completed Form 2848, with the Form 1023.

**Line 7.** If you wish to be represented by an authorized representative, a completed Form 2848 must be attached to the Form 1023.

**Line 8.** Provide information about persons, other than your officers, directors, trustees, employees, or authorized representative(s), whom you paid, or promised to pay, to assist you in establishing your organization, developing programs to solicit funds, or otherwise advising you about organizational, financial, or tax matters.

For example, provide information about a paid consultant who advised you about obtaining tax exemption.

**Line 9a. Organization's website.** Enter your complete website address if you have one. Also, list any websites maintained on your behalf. The information on your website should be consistent with the information in your Form 1023.

**Line 9b. Email (optional).** Enter your email address to receive educational information from us in the future. Because of security concerns, we cannot send confidential information via email. However, we can use a fax to contact you.

**Line 10.** Generally, organizations not required to file Form 990 (or Form 990-EZ) include churches, certain church affiliated organizations, certain affiliates of a governmental unit, and organizations with annual gross receipts normally not more than \$25,000. For more information, see the Instructions for Form 990 and Form 990-EZ.



*Private foundations must file Form 990-PF regardless of the amount of their gross receipts.*

**Line 11.** List the date you were legally created by month, day, and year (for example, 02/01/2004). The date should be consistent with your organizing document described in *Part II*.

**Line 12.** For purposes of completing this application, you are formed under the laws of a foreign country if you are not formed under the laws of (1) the United States, its territories and possessions, (2) federally recognized Indian tribal or Alaska Native governments, or (3) the District of Columbia.

## Part II. Organizational Structure

Only trusts, unincorporated associations, or corporations (including limited liability companies) are eligible for tax-exempt status under section 501(c)(3) of the Code. Sole proprietorships, partnerships, or loosely affiliated groups of individuals are not eligible.

To qualify for tax-exempt status, you must check "Yes" on either line 1, 2, 3, or

4 and submit a copy of your organizing document.

**Line 1.** A "corporation" is an entity organized under a Federal or state statute, or a statute of a federally recognized Indian tribal or Alaskan native government. A corporation's organizing document is its "articles of incorporation."

**Certification of filing.** If formed under state statute, your articles of incorporation must show certification of filing. This means your articles show evidence that on a specific date they were filed with and approved by an appropriate state authority. The document must be an exact copy of what is on file with your state.

If you do not have a copy of your articles of incorporation showing evidence of having been filed and approved by an appropriate state official, you may submit a substitute copy of your articles of incorporation. This substitute copy may be handwritten, typed, printed, or otherwise reproduced. It must be accompanied by a declaration, signed by an officer authorized to sign for you, that it is a complete and correct copy of the articles of incorporation and that it contains all the powers, principles, purposes, functions, and other provisions by which you currently govern yourself.

**Line 2.** A "limited liability company (LLC)" that files its own exemption application is treated as a corporation rather than a partnership. Instead of articles of incorporation, an LLC's organizing document is its state-approved "articles of organization." If it has adopted an "operating agreement," then this document is also part of its organizing document.

An LLC may only have 501(c)(3) member(s) to qualify for an exemption. An LLC should not file an exemption application if it wants to be treated as a disregarded entity by its tax-exempt member.

**Line 3.** An "unincorporated association" formed under state law must have at least two members who have signed a written document for a specifically defined purpose.

The articles of organization of an unincorporated association must include the name of your organization, your purpose, the date the document was adopted, and the signatures of at least two individuals. If your copy does not contain the proper signatures and date of adoption, you may submit a written declaration that states your copy is a complete and accurate copy of the signed and dated original. Your declaration should clearly indicate the original date of adoption.

**TIP** *Bylaws may be considered an organizing document only if they are properly structured (includes name, purpose, signatures, and intent to form an organization).*

**Line 4a.** A trust may be formed by a trust agreement or declaration of trust. A trust may also be formed through a will.

If your trust agreement copy does not contain the proper signatures, you may submit a written declaration that states your copy is a complete and accurate copy of the signed and dated original. Your declaration should clearly indicate the original date that it was signed.

**Trust created by a will.** For trusts created by a will, include a copy of the death certificate or a statement indicating the date of death, and a copy of the relevant portions of the will.

**Trust agreement and non-charitable interests.** If your trust agreement provided for distributions for non-charitable interests, indicate the date on which these interests expired. If your trust agreement continues to provide for these interests, you will not qualify for tax-exempt status.

**Line 4b.** Generally, a trust must be funded with property, such as money, real estate, or personal property to be legally created.

**Line 5.** "Bylaws" are generally the internal rules and regulations of an organization. If you have bylaws, you should submit a current copy.

Bylaws do not need to be signed unless they are the organizing document as described in line 3 above.

## Part III. Required Provisions in Your Organizing Document

**Line 1. Purpose clause.** Your organizing document must limit your purposes to those described in section 501(c)(3). Those purposes are: charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals.

The generally accepted legal definition of "charitable" includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency. Therefore, the phrase "relief of the poor" in your organizing document properly limits your purposes.

If your purposes are limited in some way by referring to section 501(c)(3), your organizing document also properly limits your purposes. For example, the phrase "relief of the elderly within the meaning of section 501(c)(3)" in your organizing document also properly limits your purposes.

However, if the purposes listed in your organizing document are broader than those listed in section 501(c)(3), you should amend your organizing document before applying. A reference to section 501(c)(3) will not ensure that your purposes are limited to those described in section 501(c)(3). All of the language in your organizing document must be considered. The following is an example of an acceptable purpose clause:

*The organization is organized exclusively for charitable, religious, educational, and scientific purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.*

See Publication 557 for further information and examples of how to limit your purposes.

Any amendment to your articles of organization you submit should show evidence that it was signed, dated, and certified as described in *Part II*.

**Line 2a. Dissolution clause.** Your organizing document must permanently dedicate your assets for a section 501(c)(3) purpose. This means that if you dissolve your organization in the future, your assets must be distributed for an exempt purpose described in section 501(c)(3), or to the federal government, or to a state or local government for a public purpose.

If your organizing document states that your assets would be distributed to members or private individuals or for any purpose other than those provided in section 501(c)(3), you must amend your organizing document to remove such statements.

If multiple amendments are required, they may be done at the same time. For example, if you are a corporation and are required to amend both your purpose and dissolution clauses, you may file a single amending document with your appropriate government authority.

The following is an example of an acceptable dissolution clause:

*Upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.*

Naming a specific organization to receive your assets upon dissolution will only be acceptable if your articles state that the specific organization must be exempt under section 501(c)(3) at the time your dissolution takes place and your articles provide for an acceptable alternative if the specific organization is



not exempt. See Publication 557 for further information and examples of acceptable language for dedication of assets in your organizing document.

**Line 2c. Operation of state law.** If you are a corporation formed in the following states, then you do not need a specific provision in your articles of incorporation providing for the distribution of assets upon dissolution.

|               |           |
|---------------|-----------|
| Arkansas      | Minnesota |
| California    | Missouri  |
| Louisiana     | Ohio      |
| Massachusetts | Oklahoma  |

If you are a testamentary charitable trust formed in the following states, then you do not need a specific provision in your trust agreement or declaration of trust providing for the distribution of assets upon dissolution.

|              |              |
|--------------|--------------|
| Alabama      | South Dakota |
| Louisiana    | Virginia     |
| Pennsylvania |              |

If you are a testamentary charitable trust formed in the states listed below and the language of your trust instrument provides for a general intent to benefit charity, then you do not need a specific provision in your trust agreement or declaration of trust providing for the distribution of assets upon dissolution.

|                      |                |
|----------------------|----------------|
| Arkansas             | Minnesota      |
| California           | Mississippi    |
| Colorado             | Missouri       |
| Connecticut          | Nebraska       |
| Delaware             | New Hampshire  |
| District of Columbia | New Jersey     |
| Florida              | North Carolina |
| Georgia              | Ohio           |
| Illinois             | Oklahoma       |
| Indiana              | Oregon         |
| Iowa                 | Rhode Island   |
| Kansas               | Tennessee      |
| Kentucky             | Texas          |
| Maine                | Vermont        |
| Maryland             | Washington     |
| Massachusetts        | Wisconsin      |
| Michigan             |                |

Operation of state law is based on Rev. Proc. 82-2, 1982-1 C.B. 367.

**Foreign organizations.** Foreign organizations may be able to rely upon the applicable laws of their jurisdiction in a similar manner. You must provide a copy of the applicable law with an English translation.

## Part IV. Narrative Description of Your Activities

Describe completely and in detail your past, present, and planned activities. Do not refer to or repeat the purposes in your organizing document. You may refer to other parts of the application rather than repeat information provided elsewhere.

For each past, present, or planned activity, include information that answers the following questions.

- What is the activity?
- Who conducts the activity?
- When is the activity conducted?
- Where is the activity conducted (for example: Los Angeles and San Francisco, California)?
- How does the activity further your exempt purposes?
- What percentage of your total time is allocated to the activity?
- How is the activity funded? (This should agree with the financial data in Part IX.)
- List any alternate names under which you operate, including any "aka" (also known as) or "dba" (doing business as) names.

If you have a website, you may attach a paper copy to support your narrative description of activities.

## Part V. Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

**Compensation.** For purposes of Part V, compensation includes salary or wages, deferred compensation, retirement benefits, whether in the form of a qualified or non-qualified employee plan (pensions or annuities), fringe benefits (personal vehicle, meals, lodging, personal and family educational benefits, low interest loans, payment of personal travel, entertainment, or other expenses, athletic or country club membership, and personal use of your property), and bonuses.

**Example.** Assume an organization compensates its director as follows:

|                                   |              |
|-----------------------------------|--------------|
| Wages                             |              |
| Director Compensation             | \$ 2,500     |
| Salary as Chief Executive Officer | 40,000       |
| Deferred retirement               | 2,000        |
| Health insurance policy           | 5,000        |
| Use of a vehicle                  | <u>5,000</u> |
| Total Compensation                | \$ 54,500    |

Information in Part V must be consistent with the information provided in Part IX. *Financial Data.*

**Line 1a.** For each person listed, state their total annual compensation, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Officers, directors, and trustees may use the organization's address for mailing.

**Line 1b.** Employees may use the organization's address for mailing. Report total compensation. For employees who are also officers, directors, or trustees,

their compensation as employees and for all other services should be reported in line 1a.

**Line 1c.** "Independent contractors" are persons who are not treated as employees for employment tax purposes. For information on determining if an individual is an employee or an independent contractor, see Publication 15-A, Employer's Supplemental Tax Guide.

**Line 2a.** Describe family or business relationships between your officers, directors, or trustees. "Related" refers to both family and business relationships.

- "Family relationships" include the individual's spouse, ancestors, children, grandchildren, great grandchildren, siblings (whether by whole or half blood), and the spouses of children, grandchildren, great grandchildren, and siblings.

- "Business relationships" include employment and contractual relationships, and common ownership of a business where any officers, directors, or trustees, individually or together, possess more than a 35% ownership interest in common. "Ownership" means voting power in a corporation, profits interest in a partnership, or beneficial interest in a trust.

**Line 2b.** Describe family or business relationships between you and any of your officers, directors, or trustees other than their position with you as an officer, director, or trustee.

**Line 2c.** Describe family or business relationships between your officers, directors, or trustees and your five highest compensated employees or five highest compensated independent contractors who will receive more than \$50,000 in taxable or non-taxable compensation per year.

**Line 3b.** "Common control" means that you and one or more other organizations have (1) a majority of your governing boards or officers appointed or elected by the same organization(s), or (2) a majority of your governing boards or officers consist of the same individuals. Common control also occurs when you and one or more commonly controlled organizations have a majority ownership interest in a corporation, partnership, or trust. See the instructions for line 2a, above, for a definition of ownership.

**Line 4.** By adopting these recommended compensation-setting practices, such as by resolution of your governing board, you will be establishing procedures aimed at helping to prevent your top officials from receiving excess compensation benefits.

**Line 4e.** "Similarly situated organizations" means tax-exempt or taxable organizations of a comparable size, purpose, and resources. Adjustments due to geographic area, and other specific conditions are appropriate, but should be documented. The source(s) of comparable compensation data, both

taxable and non-taxable, should be documented and copies retained in your permanent records.

**Line 4g.** "Reasonable compensation" is the amount that would ordinarily be paid for like services by like organizations under like circumstances as of the date the compensation arrangement is made. Establishing and documenting reasonable compensation is important because excessive compensation may result in excise taxes on both the individual and the organization. In addition, this may jeopardize the organization's tax exemption.

**Line 5a.** A "conflict of interest" arises when a person in a position of authority over an organization, such as a director, officer, or manager, may benefit personally from a decision he or she could make. A *Sample Conflict of Interest Policy* is included as *Appendix A*.

Adoption of a conflict of interest policy is not required to obtain tax-exempt status. However, by adopting the sample policy or a similar policy, you will be choosing to put in place procedures that will help you avoid the possibility that those in positions of authority over you may receive an inappropriate benefit.

**Line 6a.** A "fixed payment" means a payment that is either a set dollar amount or fixed through a specific formula where the amount does not depend on discretion. For example, a base salary of \$200,000 that is adjusted annually based on the increase in the Consumer Price Index is a fixed payment.

A "non-fixed payment" means a payment that depends on discretion. For example, a bonus of up to \$100,000 that is based on an evaluation of performance by the governing board is a non-fixed payment because the governing body has discretion over whether the bonus is paid and the amount of the bonus.

**Line 7a.** Do not include purchases of goods and services in your normal course of operations that are available to the general public under similar terms and conditions.

**Arm's length.** An arm's length standard exists where the parties have an adverse (or opposing) interest. For example, a seller wants to sell his goods at the highest possible price, while a buyer wants to buy at the lowest possible price. These are adverse interests.

In negotiating with a person, an adverse interest is assumed if that person is otherwise unrelated to you in the sense of not being in a position to exercise substantial influence over you or your affairs. If the person is in a position to exercise substantial influence over your affairs, then an arm's length standard requires additional precautions to eliminate the effect of the relationship.

Using a conflict of interest policy, information about comparable transactions between unrelated parties, and reliable methods for evaluating the transaction, are examples of precautions

that would help make the negotiation process equivalent to one between unrelated persons.

**Fair market value.** This is the price at which property or the right to use property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy, sell, or transfer property or the right to use property, and both having reasonable knowledge of relevant facts.

**Line 7b.** Do not include sales of goods and services in your normal course of operations that are available to the general public under similar terms and conditions.

**Line 9a.** Answer "Yes" if any of your officers, directors, or trustees:

- Is an officer, director, or trustee in another organization (other than a section 501(c)(3) organization) that has a lease, contract, loan, or other agreement with you.
- Possess more than a 35% ownership interest in any organization that has a lease, contract, loan, or other agreement with you. For example, you would answer "Yes" if one of your directors were an officer for a section 501(c)(4) organization with whom you had a lease for office space. You would also answer "Yes" if one of your directors owns more than 35% of the voting stock of a corporation to which you made a loan.

## Part VI. Your Members and Other Individuals, and Organizations That Receive Benefits From You

**Line 1a. Benefits to individuals.** Describe any programs where you provide goods, services, or funds to individuals. For example, describe programs by which you provide food to the homeless, employment counseling to senior citizens, or grants to victims of a disaster.

**Line 1b. Benefits to organizations.** Describe any programs where you provide goods, services, or funds to organizations. For example, programs where you provide equipment, accounting assistance, or grants to other organizations.

**Line 2.** For programs that are available only for members, include a sample membership application and a schedule of membership dues. Also, describe any different membership levels and the benefits each membership level receives.

**Line 3.** Describe any business or family relationship between individuals who receive goods, services, or funds through your programs with any officer, director, trustee, or with any of the five-highest compensated employees or independent contractors listed in *Part V*, lines 1a, 1b, or 1c.

## Part VII. Your History

**Line 1.** You are a "successor" if you have:

- Substantially taken over all of the assets or activities of another organization,
- Been converted or merged from another organization, or
- Installed the same officers, directors, or trustees as another organization that no longer exists and that had purpose(s) similar to your purpose(s).

**TIP** *The predecessor organization may be or may not have been a tax-exempt or non-exempt organization.*

## Part VIII. Your Specific Activities

**Line 1.** You participate in a political campaign if you promote or oppose the candidacy of an individual for public office. Your explanation should include representative copies of your political literature, brochures, pamphlets, etc. Candidate debates and nonpartisan voter education are permitted.

**TIP** *Organizations described in section 501(c)(3) are prohibited from supporting or opposing candidates for public office in any political campaign. If you answer "Yes," you are not qualified for tax exemption under section 501(c)(3) and should reconsider whether the filing of application Form 1023 is appropriate for your organization. See Publication 557 for a description of other Internal Revenue Code sections under which you may qualify.*

**Line 2a.** You are attempting to "influence legislation" if you directly contact or urge the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation. You are also attempting to influence legislation if you advocate the adoption or rejection of legislation. If you answer "Yes," your explanation should include the percentage of your total time and total funds spent on such legislative activities. Also, submit representative copies of your legislative literature, brochures, pamphlets, etc.

Organizations described in section 501(c)(3) are prohibited from engaging in a substantial amount of legislative activities. Whether you are engaged in substantial legislative activities depends on all of the facts and circumstances.

**Line 2b.** By filing Form 5768 your legislative activities will be measured solely by expenditure limits under section 501(h) rather than by whether legislative activity is considered substantial. Form 5768 is included in Package 1023 for your convenience. It describes the types of organizations that are eligible to make an election. For a discussion of the requirements of section 501(h), see Publication 557. If you are an organization that elects to use

expenditure limits in influencing legislation:

- Attach a copy of Form 5768 that has already been separately filed with us, or
- Provide a completed Form 5768 with your exemption application.



**Churches and private foundations are not eligible to make this election.**

**Line 3a.** For purposes of this application, "bingo" is a game of chance played with cards that are generally printed with 5 rows of 5 squares each on which participants place markers to form a preselected pattern to win the game. Other gaming activities include pull-tabs, raffles, keno, split-the-pot, and other games of chance.

Describe these activities, including how often your bingo or other gaming activities are conducted, where they are conducted, and who conducts them. Also describe whether your workers are compensated. If workers are compensated, describe who receives compensation and how the amount is determined.

Revenue associated with these activities means gross revenue amounts.

Expenses associated with these activities means direct and indirect expenses. The dollar value of prizes should be included in expenses.



**Gaming may be subject to unrelated business income tax. See Publication 3079 for further information about gaming.**

**Line 3c.** Local jurisdictions include cities, counties, towns, municipalities, and similar government jurisdictions within a state. A local jurisdiction also includes an Indian Reservation.

**Line 4a.** "Fundraising" includes efforts to raise funds through appeals for financial support. Fundraising may be conducted by your employees or volunteers, through an agent, or through an independent contractor. If you answer "Yes," check all the boxes that apply and complete lines 4b through 4e.

**Line 4d.** Local jurisdictions include cities, counties, towns, municipalities, and similar government jurisdictions within a state. A local jurisdiction also includes an Indian Reservation.

**Line 4e.** This line is intended to obtain information from you regarding donor-advised funds that you may maintain. A "donor-advised fund" is maintained if you establish separate accounts for a donor whereby the donor may exercise a right to make a recommendation on either uses of the account, such as providing advice about how to invest, or distributions from the account, such as providing advice about how to make expenditures.

**Line 5.** You are "affiliated" with a governmental unit if you were created by, controlled by, or closely related to a governmental unit. Identify each governmental unit and describe your

relationship with it. Include details of any financial reports or audits required by the governmental unit. Also, describe any power or authority given to you by the governmental unit.

For purposes of this question, a "governmental unit" includes a State, a possession of the United States, or any political subdivision of a State or a possession of the United States, or the United States, or the District of Columbia.

A governmental unit would generally not qualify for exemption under section 501(c)(3). Also, if you can exercise certain sovereign powers, such as the power to tax or police powers, you would generally not qualify for exemption under section 501(c)(3).

**Line 6a.** "Economic development" organizations are generally formed to combat community deterioration by assisting businesses located in a particular geographic area whose economy is economically depressed or deteriorating. Their varieties of activities include grants, loans, provision of information and expertise, or creation of industrial parks. Economic development organizations may also be formed to eliminate prejudice and discrimination or lessen the burdens of government through involvement with business development.

If your exempt purpose is to combat community deterioration, describe whether the area or areas in which you will operate have been declared blighted or economically depressed by a government finding. If the area has not been declared blighted or economically depressed, a more suitable exemption may be under sections 501(c)(4) or 501(c)(6). See Publication 557 for more information.

If your exempt purpose is to eliminate prejudice and discrimination, describe how your activities further this purpose.

If your exempt purpose is to lessen the burdens of government, describe whether the government has recognized your activities as those for which it would otherwise be responsible, and any involvement you have with governmental entities that demonstrates that you are actually lessening governmental burdens.

**Line 7a.** "Develop" means the planning, financing, construction, or provision of similar services involved in the acquisition of real property, such as land or a building. For example, you should provide information regarding the services of a consultant who puts together an arrangement for you to acquire a nursing home through the issuance of tax-exempt bonds.

**Line 7b.** "Manage" means to direct or administer. For example, you would provide information about an organization hired to administer a museum gift shop. See the instructions for *Part V*, line 2a, for a description of the term business or family relationships.

**Line 7c.** See the instructions for *Part V*, line 2a, for a description of the term business or family relationships. See the instructions for *Part V*, line 7a, for a description of the term arm's length.

**Line 8.** A "joint venture" is a legal agreement in which the persons jointly undertake a transaction for mutual profit. Generally, each person contributes assets and shares risks. Like a partnership, joint ventures can involve any type of business transaction and the persons involved can be individuals, groups of individuals, companies, or corporations.

**Line 9a.** Childcare services provide care for children away from their homes. An organization providing childcare services may qualify for tax-exempt status as either a:

- School under IRC 170(b)(1)(A)(ii).
- Childcare organization under IRC 501(k).

Refer to the instructions for *Part VII*, line 19, to determine if you qualify as a school.

A childcare organization qualifies under IRC 501(k) if it provides care for children away from their homes; substantially all of the childcare enables individuals to be gainfully employed; and the services provided by the organization are available to the general public.

**Line 9b.** "Gainfully employed" includes enabling individuals to work or to seek work.

**Line 9c.** Section 501(k) states that to qualify as a childcare organization, substantially all of the care you provide should be to permit individuals to be gainfully employed. If less than 85% of your services are for children of working parents or caretakers:

- Describe the percentage of the children for whom you provide services to permit parents or caretakers to work, and
- Describe any efforts you are taking to increase the percentage of the children for whom you provide services to permit parents or caretakers to work.

**Line 9d.** Describe any eligibility requirements, such as employment with a particular employer.

**Line 10.** "Intellectual property" includes:

- Patents (for inventions).
- Copyrights (for literary and artistic works such as novels, poems, plays, films, musical works, drawings, paintings, photographs, sculptures, architectural designs, performances, recordings, film, and radio or television programs).
- Trade names, trade marks, and service marks (for symbols, names, images, and designs).
- Formulas, know-how, and trade secrets.

**Line 12a.** A "foreign country" is a country other than the United States, its territories and possessions, and the District of Columbia.

**Line 13d.** A "relationship" between you and the recipient organization includes the following situations:

- You control the recipient organization or it controls you through common officers, directors, or trustees, or through authority to approve budgets or expenditures.
- You and the recipient organization were created at approximately the same time and by the same persons.
- You and the recipient organization operate in a coordinated manner with respect to facilities, programs, employees, or other activities.
- Persons who exercise substantial influence over you also exercise substantial influence over the other organization.

**Line 14a.** Answer "Yes" if you make grants, loans, or other distributions, such as goods, to a foreign organization. For purposes of completing this application, a domestic organization is one that is formed under the laws of the United States, its territories and possessions, federally recognized Indian Tribal and Alaska Native governments (including political subdivisions), or the District of Columbia. A "foreign organization" is one that is not a domestic organization.

A list of federally recognized Indian tribes is provided in Rev. Proc. 2002-64, 2002-2 C.B. 717. A list of entities that are treated as political subdivisions of Indian tribal governments is provided in Rev. Proc. 86-17, 1986-1 C.B. 550 and Rev. Proc. 84-36, 1984-1 C.B. 510.

**Line 15.** A "close connection" between you and another organization includes the following situations:

- You control the organization or it controls you through common officers, directors, or trustees, or through authority to approve budgets or expenditures.
- You and the organization were created at approximately the same time and by the same persons.

For example, you were formed within months of the time that a social welfare organization and a political action committee were established by the same persons who were instrumental in your formation.

- You and the organization operate in a coordinated manner with respect to facilities, programs, employees, or other activities.

For example, you share rental expenses for office space and employees with a for-profit corporation.

- Persons who exercise substantial influence over you also exercise substantial influence over the other organization and (1) you either conduct activities in common or (2) have a financial relationship.

For example, a voting member of your governing body is also a voting member of the governing body of a business league with which you intend to cooperate in planning an advertising campaign that will inform the public about the benefits of a particular program.

For example, a voting member of your governing body is also a voting member

of the governing body of a business league that has made a loan to you.

**Line 16.** A "cooperative hospital service organization" described in section 501(e) is organized and operated on a cooperative basis to provide its section 501(c)(3) hospital members one or more of the following activities.

- Data processing.
- Purchasing (including purchasing insurance on a group basis).
- Warehousing.
- Billing and collection (including purchasing patron accounts receivable on a recourse basis).
- Food.
- Clinical.
- Industrial engineering.
- Laboratory.
- Printing.
- Communications.
- Record center.
- Personnel (including selecting, testing, training, and educating personnel) services.

A cooperative hospital service organization must also meet certain other requirements specified in section 501(e). For additional information, see Publication 557.

**Line 17.** A cooperative service organization of operating educational organizations described in section 501(f) is organized and operated to provide investment services to its members. Those members must be organizations described in section 170(b)(1)(A)(ii) or (iv), and either tax exempt under section 501(a) or whose income is excluded from taxation under section 115(a).

See Publication 557 for additional information.

**Line 18.** A "charitable risk pool" described in section 501(n) is organized and operated to pool insurable risks of its section 501(c)(3) members (other than risks related to medical malpractice). A section 501(n) organization must be organized under state law provisions authorizing risk pooling arrangements for charitable organizations and also meet certain other requirements provided by section 501(n).

See Publication 557 for additional information.

**Line 19.** "A school" is an educational organization whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. A school may include a:

- Primary, secondary, preparatory, or high school.
- College or university.
- Trade or technical school.
- Nursery or pre-school.
- School that you operate as an activity, such as a school that is operated as an

activity of a museum, historical society, or church.

If you are a nursery or pre-school that meets the description of a school, you would answer "Yes" to line 19 and complete *Schedule B*. You would also answer "No" to *Part VIII*, line 9a.

If you are a nursery or pre-school that does not meet the description of a school, you would answer "No" to line 19. You would answer "Yes" to *Part VIII*, line 9a, if you are applying for exemption as a childcare organization.

See Publication 557 for additional information.

**Line 20.** "Hospital or medical care" includes the treatment of any physical or mental disability or condition, whether as an inpatient or outpatient. A hospital includes:

- Hospitals and rehabilitation institutions, outpatient clinics, or community mental health or drug treatment centers if the principal purpose or function is the providing of medical or hospital care or medical education or research.
- Medical research organizations, if the principal purpose or function is the continuous active conduct of medical research in conjunction with a hospital.

See Publication 557 for additional information.

**Line 21.** "Low-income housing" refers to rental or ownership housing provided to persons based on financial need. "Elderly housing" refers to rental or ownership housing provided to persons based on age, including retirement, assisted-living, independent living, continuous care, and life care arrangements. "Handicapped housing" refers to rental or ownership housing provided to persons based on physical or mental disabilities, including nursing homes.

If you are a skilled nursing facility, you should also complete *Schedule C*.

**Line 22.** Answer "Yes" if you pay monies to an individual as a scholarship, fellowship, or educational loan, for travel, study, or other similar purposes. Also answer "Yes" if you pay such amounts on behalf of an individual to a school or a tuition or educational savings program.

Travel, study, or other similar purposes include payments made to enhance a literary, artistic, musical, scientific, teaching or other similar capacity, skill, or talent of the individual recipient. For example amounts paid to:

- Vocational high school students to be used to purchase basic tools.
- Teachers to induce them to teach in an economically depressed, public school system.
- A scientific researcher to underwrite that individual's research project.

Educational grants do not include amounts you pay to an individual as compensation, such as payments made to a consultant for personal services or to produce a report for you.

Educational grants do not include amounts paid to another organization that distributes your funds as a scholarship to an individual if you have no role in the selection process.

If you are a "private foundation" as described in *Part X*, you can request advance approval of your grant-making procedures by completing *Schedule H* and avoid the possible imposition of excise taxes under section 4945.

## Part IX. Financial Data

### A. Statement of Revenues and Expenses

**Existed 4 years or more.** If you have been in existence for 4 or more years, complete the *A. Statement of Revenues and Expenses* for your most recently completed year and each of the three years immediately before it for a total of four years of financial information. Place financial information for your most recently completed year in the column marked *Current tax year*.



We may request financial information for more than four years if necessary.

**Existed more than one year, less than 4 years.** If you have been in existence for more than 1 year and less than 4 years, provide your actual income and expenses for each completed year you have existed and projections of your likely income and expenses based on a reasonable and good faith estimate of your future finances for your current year and each year you have not existed for a total of 3 years of financial information. Place financial information for the year you are filing this application in the column marked *Current tax year*.

**Existed less than 1 year.** If you have existed for less than 1 year, you must provide projections of your likely income and expenses for your current year and projections of your likely income and expenses for the next 2 years based on a reasonable and good faith estimate of

your future finances. Place financial information for the year you are filing this application in the column marked *Current tax year*.

**Preparing the statement.** Prepare the statements using the method of accounting you use in keeping your books and records. If you use a method other than the cash receipts and disbursements method, attach a statement explaining the method used. For example, state whether you used the accrual method of accounting to prepare the financial statements included with this application.

Prepare the statements using the accounting period entered on *Part I*, line 5. Financial information should reflect projected activities reported elsewhere in this application.

**Line 1.** Include funds or other items of value that you receive as gifts, grants, or contributions. For example, if one of your activities is a food drive, the value of the donated food must be included on this line. Also include on this line payments a governmental unit makes to enable you to both:

- Accomplish your exempt purpose(s), and
- Provide a service or facility directly to the general public.

See the instructions to line 9 if you are uncertain whether revenue should be included as a grant in line 1 or as gross receipts in line 9. Unusual grants are not included on this line, but are included on line 12.

#### Examples

1. A city pays the symphony orchestra to provide free music programs in the public schools. The programs are open to the public. This income received from a governmental unit accomplishes the orchestra's exempt purpose and directly provides a service to the general public. The income is a grant to the symphony orchestra that should be listed on line 1.

2. The symphony orchestra sells tickets to the public for its fall season. Such income is gross receipts received from the general public in performance of

the orchestra's exempt function and should be listed on line 9.

3. The public school system pays the symphony orchestra to create several musical pieces suitable for the school system's elementary music curriculum. This payment by a governmental unit for the music compositions is primarily for its (the school system's) own use, not for the direct benefit of the public. Therefore, this income is gross receipts received from a governmental unit in performance of the orchestra's exempt function that should be listed on line 9.

**Line 2.** Include amounts received from members to provide support to the organization. Do not include payments from members or on behalf of members to purchase admissions, merchandise, services, or use of facilities.

**Line 3.** Include gross income from dividends, interest, payments received on securities, loans, rents, and royalties that are held for investment purposes.

**Line 4.** Net income from unrelated business activities generally includes income from any trade or business activity that is regularly carried on, not conducted with substantially all (at least 85%) volunteer labor, and not related to your exempt purposes. (This amount can be taken from Form 990-T, if filed.)

Report on line 9 income from activities that are not related to the accomplishment of your exempt purposes, but are not considered unrelated business activities. For example, income from the sale of merchandise by volunteers that is not treated as an unrelated trade or business is reported on line 9.

See Publication 598 for additional information regarding unrelated business income.

**Line 5.** Include the amount collected by any local tax authority from the public on your behalf.

**Line 6.** To determine the value of services or facilities furnished by a governmental unit, use the fair market value of the services or facilities furnished to you. Do not include the value of services or facilities generally provided to the public without charge.

**Line 7.** Enter the total income from all sources not reported on lines 1 through 6, or lines 9, 11, and 13. Submit an itemized list showing each type and amount of income included on this line. Also, briefly describe each type of income.

**Line 8.** Add lines 1 through 7 and enter the amount.

**Line 9.** "Gross receipts" is income from activities that you conduct to further your exempt purposes (excluding amounts listed on other lines). It includes payments by a governmental unit that may be called a "grant," but that is actually payment for a service or facility for the use of the government payer, rather than for the direct benefit of the public.

Figure 2. Part IX-A. Statement of Revenues and Expenses  
Line 11. Net Gain or (Loss)

|   | Categories      |                |           |
|---|-----------------|----------------|-----------|
|   | (A) Real Estate | (B) Securities | (C) Other |
| 1. Gross sales price of assets (other than inventory) by category.  |                 |                |           |
| 2. Less: Cost or other basis and sales expenses.  |                 |                |           |
| 3. Gain or (loss). Subtract line 2 from line 1.   |                 |                |           |
| 4. Net gain or (loss) - Add line 3 of columns (A), (B), and (C). Enter here and on Form 1023, <i>Part IX - A. Statement of Revenues and Expenses</i> , line 11. |                 |                |           |

**Example:** The state government gives a conservation group a grant to study the consequences to an ecologically significant woodland area of a new sewage treatment plan. Although the payment is called a grant, it is actually gross receipts that should be included on line 9. The payment is by a governmental unit (state) for a study for its own use, not for the direct benefit of the general public. The study could have been done by a for-profit consulting company rather than by the tax-exempt conservation group.

Submit an itemized list of payments by any governmental units showing:

- Payer (governmental unit or bureau).
- Purpose of payment.
- Amount.

Include as gross receipts the income from activity conducted:

- Intermittently (not regularly carried on), such as an occasional auction.
- With substantially all (at least 85%) volunteer labor, such as a car wash.
- For the convenience of members, students, patients, officers, or employees, such as a parking lot for a school's students and employees.
- With substantially all contributed merchandise, such as a thrift store.

See Publication 598 for additional information regarding income that is not from an unrelated trade or business.

**Line 10.** Add lines 8 and 9 and enter the amount.

**Line 11.** Attach a schedule with total amounts entered (rather than each individual transaction) for each category using the format in Figure 2.

**Line 12.** "Unusual grants" generally are substantial contributions and bequests from disinterested persons that by their size adversely affect classification as a public charity. They are unusual, unexpected, and received from an unrelated party.

You must fully describe your unusual grants in *Part X*, line 7. For additional information about unusual grants and a description of public charity classification see Publication 557.

**Line 13.** Add lines 10 through 12 and enter the amount.

**Line 14.** Fundraising expenses include the total expenses incurred by you for soliciting gifts, grants, and contributions included on line 1. Where you allocate a portion of your other expenses to fundraising, submit an itemized list describing the amounts allocated. Include fees paid to professional fundraisers for soliciting gifts, grants, and contributions.

**Line 15.** If distributions have been made, submit an itemized list showing the name of each recipient, a brief description of the purposes or conditions of payment, and the amount paid.

Colleges, universities, and other educational institutions and agencies subject to the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) need not list the names of individuals who were

provided scholarships or other financial assistance where such disclosure would violate the privacy provisions of the law. Instead, such organizations should group each type of financial aid provided, indicate the number of individuals who received the aid, and specify the aggregate dollar amount.

**Line 16.** If payments have been made, submit an itemized list showing the name of each recipient, a brief description of the purposes or condition of payment, and amount paid. Do not include any amounts on line 15.

**Line 17.** Enter the total amount of compensation. Be consistent with information provided in *Part V*, lines 1a, 1b, and 1c.

**Line 18.** Enter the total amount of employees' salaries and wages not reported on line 17, above.

**Line 19.** Enter the total interest expense for the year, excluding mortgage interest treated as an occupancy expense on line 20.

**Line 20.** Enter the amount paid for the use of office space or other facilities, heat, light, power, and other utilities, outside janitorial services, mortgage interest, real estate taxes, and similar expenses.

**Line 21.** If you record depreciation, depletion, and similar expenses, enter the total amount.

**Line 22.** Professional fees are those charged by individuals and entities that are not your employees. They include fees for professional fundraisers (other than fees listed on line 14, above), accounting services, legal counsel, consulting services, contract management, or any independent contractors.

**Line 23.** Submit an itemized list showing the type and amount of each significant expense for which a separate line is not provided.

**Line 24.** Add lines 14 through 23 and enter the amount on line 24.

## B. Balance Sheet

Complete the following for your most recently completed tax year. If you have not completed a full tax year, use the most current information available. Be sure to enter the year-end date for the information provided and not the date the form is prepared.

**Line 1.** Enter the total cash in checking and savings accounts, temporary cash investments (money market funds, CDs, treasury bills, or other obligations that mature in less than one year), and petty cash funds.

**Line 2.** Enter the total accounts receivable that arose from the sale of goods and/or performance of services, less any reserve for bad debt.

**Line 3.** Enter the amount of materials, goods, and supplies you purchased or manufactured and held to be sold or used in some future period.

**Line 4.** Enter the total amount of bonds or notes that you issued that will be repaid to you. Submit an itemized list that shows the name of each borrower, a brief description of the obligation, the rate of return, the due date, and the amount due.

**Line 5.** Enter the total fair market value (FMV) of corporate stocks you hold. Submit an itemized list of your corporate stock holdings. For stock of closely held corporations, the statement should show the name of the corporation, a brief summary of the corporation's capital structure, the number of shares held, and their value as carried on your books. If such valuation does not reflect current fair market value, also include fair market value.

For stock traded on an organized exchange or in substantial quantities over the counter, the statement should show the name of the corporation, a description of the stock and the principal exchange on which it is traded, the number of shares held, and their value as carried on your books and their fair market value.

**Line 6.** Enter the total amount of loans (personal and mortgage loans) receivable. Submit an itemized list that shows each borrower's name, purpose of loan, repayment terms, interest rate, and original amount of loan. Report each loan separately, even if more than one loan was made to the same person.

**Line 7.** Enter the total book value of other investments. Include the total book value of government securities (federal, state, or municipal), and buildings and equipment held for investment purposes. Submit an itemized list identifying and reporting the book value of each building/item of equipment held for investment purposes.

**Line 8.** Enter the total book value of buildings and equipment not held for investment. This includes facilities you own and equipment you use in conducting your exempt activities. Submit an itemized list of these assets held at the end of the current tax year/period, including the cost or other basis.

**Line 9.** Enter the total book value of land not held for investment.

**Line 10.** Enter the total book value of any other category of assets not reported on lines 1 through 9. For example, you would include patents, copyrights, or other intangible assets. Submit an itemized list of each asset.

**Line 11.** Add lines 1 through 10 and enter the amount.

**Line 12.** Enter the total amount of accounts payable to suppliers and others, such as salaries payable, accrued payroll taxes, and interest payable.

**Line 13.** Enter the total unpaid portion of grants and contributions you have committed to pay to other organizations or individuals.

**Line 14.** Enter the total of mortgages and other notes payable outstanding at the end of the current tax year/period. Submit

an itemized list that shows each note separately, including the lender's name, purpose of loan, repayment terms, interest rate, and original amount.

**Line 15.** Enter the total amount of any other liabilities not reported on lines 12 through 14. Submit an itemized list of these liabilities, including the amounts owed.

**Line 16.** Add lines 12 through 15 and enter the amount.

**Line 17.** Under fund accounting, an organization segregates its assets, liabilities, and net assets into separate funds according to restrictions on the use of certain assets. Each fund is like a separate entity in that it has a self-balancing set of accounts showing assets, liabilities, equity (fund balance), income, and expenses. If you do not use fund accounting, report only the "net assets" account balances, which include capital stock, paid-in capital, retained earnings or accumulated income, and endowment funds.

**Line 18.** Add lines 16 and 17 and enter the amount.

**Line 19.** If you answer "Yes," describe the change and explain what caused it.

## Part X. Public Charity Status

**Line 1a.** Organizations that are exempt under section 501(c)(3) are private foundations *unless* they are:

- Churches, schools, hospitals, governmental units, entities that undertake testing for public safety; organizations that have broad financial support from the general public; or
- Organizations that support one or more other organization(s) that are themselves classified as public charities.

Section 501(c)(3) organizations excepted from private foundation status are public charities. See the instructions for *Part X*, lines 5a through 5i for a more detailed description of public charities.

Unless you meet one of the exceptions above, you are a private foundation and must answer, "Yes," on line 1a.

**Line 1b.** Section 508(e) provides that a private foundation is not tax exempt unless its organizing document contains specific provisions. These specific provisions require that you operate to avoid liability for excise taxes under sections 4941(d), 4942, 4943(c), 4944, and 4945(d). You can also meet these provisions by reliance on state law.

See Publication 557, Chapter 3, *Section 501(c)(3) Organizations: Private Foundations*, for samples of provisions that will meet section 508(e). Also, see *Appendix B* for a list of states that have enacted statutory provisions that satisfy the requirements of section 508(e), subject to notations. *Appendix B* is based on Revenue Ruling 75-38, 1975-1 C.B. 161.

**Line 2.** Some private foundations are private operating foundations. These are types of private foundations that lack general public support, but make qualifying distributions directly for the active conduct of their educational, charitable, and religious purposes. "Directly for the active conduct" means that the distributions are used by the foundation itself to carry out the programs for which it is organized and operated. Grants made to assist other organizations or individuals are normally considered indirect.

For additional information about private operating foundations, log on to [www.irs.gov/charities/foundations/article/0,,id=136358,00.html](http://www.irs.gov/charities/foundations/article/0,,id=136358,00.html).

**Line 3.** If you have existed for one year or more, you must provide financial information that demonstrates you meet the requirements to be classified as a private operating foundation.

**Line 4.** If you have existed for less than one year, you must ordinarily provide an affidavit or opinion of counsel that sets forth facts concerning your operations and projected support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation. If you have not provided an affidavit or opinion of counsel, you may provide a narrative statement that provides sufficient information to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation.

**Line 5a.** Check this box if your primary purpose is operating a church or a convention or association of churches. The term "church" includes mosques, temples, synagogues, etc. If you select this box, complete and submit *Schedule A*.

**Line 5b.** Check this box if your primary purpose is operating a school. If you select this box, complete and submit *Schedule B*.

If you operate a school but it is not your primary purpose, do not check this box. However, you must still complete and submit *Schedule B*.

Be sure your response is consistent with *Part VIII*, line 19.

**Line 5c.** Check this box if your primary purpose is providing medical or hospital care, or medical education or research (performed in association with a hospital). If you select this box, complete and submit *Schedule C*.

A hospital includes a rehabilitation institution, outpatient clinic, community mental health clinic, drug treatment center, or skilled nursing facility.

A hospital does not include convalescent homes, homes for children or the aged, or institutions whose principal purpose or function is to train handicapped individuals to pursue some vocation.

Cooperative hospital service organizations described in section 501(e)

should also check this box, but do not complete *Schedule C*.

**Line 5d.** Check this box if you are organized and operated to support organizations described in lines 5a through 5c, 5f, 5g, or 5h, or an organization that is tax exempt under section 501(c)(4), (5), or (6). If you select this box, complete and submit *Schedule D*.

The organization(s) you support should have a significant influence over your operations.


**Line 5e.** Check this box if your primary purpose is to test products to determine their acceptability for use by the general public.

Contributions to organizations of this type are not deductible under section 170(c). Also, organizations that primarily test for specific manufacturers do not qualify for exemption under section 501(c)(3).

**Line 5f.** Check this box if you are organized and operated exclusively to benefit a college or university owned or operated by a governmental unit. You must also normally receive a substantial part of your support from a governmental unit or from contributions from the general public.

Organizations that qualify under this category would generally also qualify under section 509(a)(3), line 5d, which would be an easier public charity status to maintain.

**Line 5g.** Check this box if you normally receive a substantial part of your support from grants from governmental units or from contributions from the general public, or a combination of these sources. Typically, a substantial part of your income would be shown on *Part IX-A, Statement of Revenues and Expenses*, lines 1 and 2.

 **CAUTION** If you select this public charity status, you must request either an advance ruling or a definitive ruling by completing *Part X*, line 6.

Under this public charity status, you must meet the one-third public support test or the 10% facts and circumstances test.

**Public support test.** An organization must receive either (1) at least one-third of its total support from governmental agencies, contributions from the general public, and contributions or grants from other public charities, or (2) at least 10% of its total support from governmental agencies, contributions from the general public, and contributions or grants from other public charities and also satisfy a facts and circumstances test.

**Facts and circumstances test.** Facts and circumstances include (1) the amount of support you received from the general public, governmental units, or public charities, (2) whether you have a continuous and bona fide program for solicitation of funds from the general public, governmental units, or public

charities, and (3) all other facts and circumstances, including the public nature of your governing board, the extent to which your facilities or programs are publicly available, the extent to which your dues encourage membership, and whether your activities are likely to appeal to persons having a broad common interest or purpose. For additional information about the 10% facts and circumstances test, see Publication 557 and Treas. Regs. section 1.170A-9(e)(3).

**Line 5h.** Check this box if you normally receive more than one-third of your support from contributions, membership fees, and gross receipts from activities related to your exempt functions, or a combination of these sources, and not more than one-third of your support from gross investment income and net unrelated business income. Typically, a substantial part of your income would be shown on *Part IX-A. Statement of Revenues and Expenses*, lines 1, 2, and 9.

Under this public charity status, you must meet both the "one-third public support test" and the "not-more-than-one-third investment income and net unrelated business income test". Before checking this box, consider the types of income you listed on *Part IX-A. Statement of Revenues and Expenses*, lines 1 through 13. If you select this public charity status, you must request either an advance ruling or a definitive ruling by completing *Part X*, line 6. See Publication 557 for additional information about these tests.

**Line 5i.** Check this box if you are unsure whether you are better described in box 5g or 5h. By checking this box, you agree to let us choose the best public charity status for you.

### Request For Advance Ruling Or Definitive Ruling

If you checked the box for line 5g, 5h, or 5i, you must check either line 6a or 6b. Your request for an "advance ruling" or a "definitive ruling" depends on the following factors:

- The date you were formed or other date that your exemption would be effective;
- Whether you have completed at least one tax year (consisting of at least 8 full months) from the date you were formed or other date that your exemption would be effective; and
- The amount and type of income you have received.

**Line 6a. Request for Advance Ruling.** By checking the box on line 6a, you are requesting an advance ruling for your public charity status. The advance ruling gives you a 5-year period in which you can get the financial support needed to meet one of the public support tests described in line 5g or 5h. Generally, the financial information for the 5-year period is submitted at the end of your advance ruling period and a final determination is

made as to whether you are a public charity or a private foundation.

When your advance ruling period ends in 5 years, we will ask that you provide updated information about your public support by completing Form 8734.

**Statute extension.** To receive an advance ruling, you must agree to extend the statute of limitations for any of the 5 tax years in the advance ruling period. This agreement allows us additional time to assess federal taxes under section 4940 if you do not qualify as a public charity for any of the 5 tax years in the advance ruling period. You are not required to agree to the extension requested. However, in this situation, we will not be able to issue an advance ruling. If you agree to the extension, the statute will extend 8 years, 4 months, and 15 days beyond the end of your first tax year. By signing the consent, you are agreeing to the statute extension. If, at the end of your 5-year advance ruling period, we determine that you do not meet the public support tests and you are a private foundation, we will assess the tax under section 4940 for that 5-year period.

If you requested an advance ruling, we will return a copy of *Part X* of your application with your signed consent, also signed by an IRS official. Keep this signed document in your permanent records.

**First tax year not completed.** If you have not yet completed your first tax year consisting of at least 8 full months, you must check the box for line 6a to request an advance ruling. For example, if you were formed on May 15, 2003, with an accounting period that ends December 31, and you submitted your application on August 15, 2004, you must request an advance ruling since your first tax year consisted of only 7½ months and you have not completed your second tax year.

**Completed first tax year.** If you have completed your first tax year consisting of at least 8 full months but cannot currently meet one of the required public charity support tests, you may still wish to request an advance ruling. This request should only be made if you reasonably expect to meet the required public charity support tests within the 5-year advance ruling period.

**Completed more than 5 tax years.** If you have completed more than 5 tax years from the date your exemption would be effective, do not request an advance ruling.

**Line 6b. Request for Definitive Ruling.** By checking line 6b, you are requesting a definitive ruling for your public charity status. The definitive ruling is given to you when you apply if you have existed at least one tax year of 8 months or more, and meet one of the public support tests described in these instructions and Publication 557.

A definitive ruling must be based on your public support computed on the cash


method of accounting. Therefore, if you use the accrual method of accounting, please use a worksheet to convert your revenue accounts from the accrual to the cash basis. Such a worksheet is provided in Instructions for Schedule A (Form 990 or 990-EZ), *Part IV-A. Support Schedule*.

If you have completed your first tax year consisting of at least 8 full months and can meet one of the required public charity support tests, you should check the box for line 6b.

To show that you meet one of the required public charity support tests, complete lines 6b(i) and/or 6b(ii).

**Line 6b(i)(a).** From *Part IX-A. Statement of Revenues and Expenses*, add the line 8 amounts from completed tax years only. Multiply the total by 2% (0.02) and enter the amount in the space provided.

**Line 6b(ii)(b).** The required list for this line should include the name of and amounts paid by each individual or organization included on line 9, *Part IX-A. Statement of Revenues and Expenses*, that were greater than the larger of 1% of line 10, of the *Part IX-A. Statement of Revenues and Expenses* or \$5,000 for any completed tax year. Your list for each payer must show a year-by-year breakdown of the amounts reported for completed tax years on *Part IX-A. Statement of Revenues and Expenses*, line 9.

 Do not include disqualified persons in this list. Disqualified persons should be listed in line 6b(ii)(a).

If you did not receive such payments, check the box for this line.

For purposes of this application, a "disqualified person" is any individual or organization that is:

1. A "substantial contributor" to you (defined below).
2. An officer, director, trustee, or any other individual who has similar powers or responsibilities.
3. An individual who owns more than 20% of the total combined voting power of a corporation that is a substantial contributor.
4. An individual who owns more than 20% of the profits interest of a partnership that is a substantial contributor.
5. An individual who owns more than 20% of the beneficial interest of a trust or estate that is a substantial contributor.
6. A member of the family of any individual described in 1, 2, 3, 4, or 5 above.
7. A corporation in which any individuals described in 1, 2, 3, 4, 5, or 6 above, hold more than 35% of the total combined voting power.
8. A trust or estate in which any individuals described in 1, 2, 3, 4, 5, or 6 above, hold more than 35% of the beneficial interests.
9. A partnership in which any individuals described in 1, 2, 3, 4, 5, or 6



above, hold more than 35% of the profits interest.

**Substantial contributor.** A "substantial contributor" is any individual or organization that gave more than \$5,000 to you from the date you were formed or other date that your exemption would be effective, to the end of the year in which the contributions were received. This total amount contributed must also be more than 2% of all the contributions you received. A creator of a trust is treated as a substantial contributor regardless of the amount contributed.

For more information regarding substantial contributors, log on to the IRS website at [www.irs.gov/charities/foundations/article/0,,id=136935,00.html](http://www.irs.gov/charities/foundations/article/0,,id=136935,00.html).

**Family members.** A "member of the family" includes the spouse, ancestors, children, grandchildren, great grandchildren, and their spouses.


For additional information concerning members of the family, go to [www.irs.gov/charities/foundations/article/0,,id=136955,00.html](http://www.irs.gov/charities/foundations/article/0,,id=136955,00.html).

Further information about disqualified persons, can be obtained at [www.irs.gov/charities/foundations/article/0,,id=136927,00.html](http://www.irs.gov/charities/foundations/article/0,,id=136927,00.html).

**Line 7.** "Unusual grants" generally are substantial contributions and bequests from disinterested persons that by reason of their size adversely affect classification as a public charity. They are unusual, unexpected, and received from an unrelated party. If you answer "Yes" to line 7, submit a statement for each grant. The statement should include the name of the contributor, the date and amount of the grant, a brief description of the grant, and an explanation of why it is unusual. You should include details of any additional funds you expect to receive from the contributors listed. If they qualify for unusual grant treatment, these amounts should be reported on *Part IX-A, Statement of Revenues and Expenses*, line 12.

See Publication 557 for additional information about unusual grants.

## Part XI. User Fee Information

 **Your application will not be processed without payment of the proper user fee.**

Your user fee may be paid by a personal or certified check, bank check, or cashier's check. Your check should be made payable to the United States Treasury.

**Gross receipts.** The total amount listed on *Part IX-A, Statement of Revenues and Expenses*, line 10 is your gross receipts for purposes of determining your user fee.

**Line 1.** Compute the average of your gross receipts for a 4-year period based on either (1) the gross receipts you expect to receive over your first four years

if you have not completed a 4-year period, or (2) the gross receipts you actually received for the immediately preceding 4 years if you have completed a 4-year period.

## Schedule A. Churches

### General Information:

There is no single definition of the word "church" for tax purposes. When determining whether a section 501(c)(3) religious organization is also a church, we will consider characteristics generally attributed to churches and the facts and circumstances of each organization applying for public charity status as a church.

The characteristics generally attributed to churches are as follows.

- A distinct legal existence.
- A recognized creed and form of worship.
- A definite and distinct ecclesiastical government.
- A formal code of doctrine and discipline.
- A distinct religious history.
- A membership not associated with any other church or denomination.
- Ordained ministers ministering to the congregation.
- Ordained ministers selected after completing prescribed courses of study.
- A literature of its own.
- Established places of worship.
- Regular congregations.
- Regular religious services.
- Sunday schools for the religious instruction of the young.
- Schools for the preparation of ministers.

Although it is not necessary that each of the above criteria be met, a congregation or other religious membership group is generally required. A church includes mosques, temples, synagogues, and other forms of religious organizations. For more information, see Publication 1828.

The practices and rituals associated with your religious beliefs or creed must not be illegal or contrary to clearly defined public policy.

### Specific Line Items

**Line 1a.** Provide a copy of your written creed, statement of faith, or summary of beliefs.

**Line 1b.** A "form of worship" refers to religious practices that express your devotion to your creed, faith, or beliefs.

**Line 2a.** A "code of doctrine and discipline" refers to a body of laws or rules that govern behavior.

**Line 2b.** Your "religious history" includes the story of your establishment and major events in your past.

**Line 2c.** Your literature includes any writings about your beliefs, rules, or history.

**Line 3.** A "religious hierarchy or ecclesiastical government" refers to


people or institutions that exercise significant influence or authority over you.

**Line 4a.** Indicate the regular days and times of your religious services. Describe the order of events during your regular worship service and explain how the activities conducted as part of your services further your religious purposes. Also include sample copies of church bulletins, pamphlets, or flyers that are distributed to your members or the general public.

**Line 4b.** Enter on the line provided, the average number of members and non-members who attend your regularly scheduled religious services.

**Line 5a.** An "established place of worship" is a place where you hold regularly scheduled religious services. It may be a place that you own, rent, or which is provided freely for your use. If you answer "Yes," go to line 5b. If you answer "No," describe where you meet to hold regularly scheduled religious services.

**Line 6.** An "established congregation" or "other religious membership group" includes individuals who regularly attend and take part in the religious services of your organization at an established location. An established congregation generally does not include members of only one family. If you answer "No" because you do not have an established congregation or other religious membership, you may be a religious organization that does not qualify as a church. If you do not qualify as a church, you will need to go back to *Part X*, line 5, to reconsider your public charity status.

 **You may request classification as a church at a later date after you establish a congregation or other religious membership group. For information about this option, contact our customer account service representatives at 1-877-829-5500 (toll-free).**

**Line 7.** Enter the total number of your current members in the line provided. If you have no members, enter zero.

**Line 8a.** Answer "Yes" if you have a prescribed way to become a member. Answer "Yes" even if you just keep records of who is currently a member. Describe any actions required for individuals to become members. Submit copies of any application forms used.

**Line 8b.** Describe any rights and benefits of members. You should include details of any levels of membership and the rights and/or benefits associated with each level.

**Line 8c.** If your members may be associated with another denomination or church, describe the circumstances in which your members would be members of your church and another church.

**Line 8d.** See *Glossary, Appendix C*, for a description of the word "family."

**Line 9.** Answer "Yes" if you conduct baptisms, weddings, funerals, or other religious rites.

**Line 10.** A school for the religious instruction of the young refers to any regularly scheduled religious, educational activities for youth, such as a "Sunday school."

**Line 11a.** A "prescribed course of study" refers to formal or informal training. It does not include self-ordination or paying a fee for an ordination certificate without completing a course of study. Describe the course of study completed by your religious leader.

**Line 12.** Answer "Yes" if your religious leader is listed in *Part V*, line 1a.

**Line 14.** Answer "Yes" if you are part of a group of churches with similar beliefs and structures, such as a convention, association, or union of churches.

**Line 16.** If you answer "Yes," submit a copy of your church charter. Identify the organization that issued the charter and describe the requirements you met to receive it. Do not describe organizational charters you received from your state's Secretary of State, Franchise Tax Board, or similar administrative office.

**Line 17.** Attach any additional information you would like us to consider that would help us classify you as a church.

## Schedule B. Schools, Colleges, and Universities

### General Information:

An organization is a school if it:

- Presents formal instruction as its primary function.
- Has a regularly scheduled curriculum.
- Has a regular faculty of qualified teachers.
- Has a regularly enrolled student body.
- Has a place where educational activities are regularly carried on.

The term "school" includes primary, secondary, preparatory, high schools, colleges, and universities. It does not include organizations engaged in both educational and non-educational activities, unless the latter are merely incidental to the educational activities. Non-traditional schools such as an outdoor survival school or a yoga school may qualify.

The term "school" does not include home schools.

### Section I. Operational Information

**Line 1a.** Answer "Yes" if you have a regularly scheduled curriculum, a regular faculty of qualified teachers, a regularly enrolled student body, and facilities where your educational activities are regularly carried on. Submit evidence establishing that you meet these factors, as described below:

- Evidence that you have a regularly scheduled curriculum includes a list of required courses of study, dates and times courses are offered, and other information about how to complete required courses.

- Evidence that you have a regular faculty of qualified teachers, includes certifications by the appropriate state authority or successful completion of required training.
- Evidence of a regularly enrolled student body includes records of regular attendance by students at your facility.
- Evidence of a place where your exclusively educational activities are regularly carried on includes a lease agreement or deed for your facility.

If you answer "No," do not complete *Schedule B*. You do not meet the requirements of a school and you will need to go back to *Part X*, line 5, to reconsider your public charity status.

**Line 1b.** Answer "Yes" if your primary function is the presentation of formal instruction. If you answer "No," do not complete *Schedule B*. You do not meet the requirements of a school and you will need to go back to *Part X*, line 5, to reconsider your public charity status.

**Line 2a.** Answer "Yes" if you are a public school. Submit documentation of your status as a public school. If you answer "Yes," do not complete the remainder of *Schedule B*.

**Line 2b.** Answer "Yes" if you have a signed contract or agreement with a state or local government under which you operate and receive funding. Submit a signed and dated copy of your contract or agreement. If you answer "Yes," do not complete the remainder of *Schedule B*.

**Line 3.** Enter the name of the public school district and county where you operate.

**Line 4.** Answer "Yes" if you were formed or substantially expanded during a period of time when public schools in your district or county were desegregated by court order.



If you are unsure whether to answer "Yes," contact an appropriate public school official.

**Line 5.** Answer "Yes" if a state or federal administrative agency or judicial body ever determined your organization to be racially discriminatory. Identify the parties involved and the forum in which the case was presented. Explain the reason for the action, the decision reached, and provide legal citations (if any) for the decision. Also, explain in detail any changes made in response to the action against your organization or the decision reached.

**Line 7.** In responding to this line, you may reference information previously provided in response to *Part VIII*, line 7a, 7b, or 7c, along with any additional information to fully respond.

**Line 8.** Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in *Part VIII*, line 7b. In responding to this line, you may

reference information previously provided in response to *Part VIII*, line 7a, 7b, or 7c, along with any additional information to fully respond.

### Section II. Establishment of Racially Nondiscriminatory Policy

A section 501(c)(3) organization that is a school must publish a notice of its racially nondiscriminatory policy as to students as follows.

*The M school admits students of any race, color, national origin, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national origin, and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school-administered programs.*

Every private school is subject to the provisions of Revenue Procedure 75-50, 1975-2 C.B. 587 (Rev. Proc. 75-50). See Publication 557, which sets forth the requirements of Rev. Proc. 75-50 under the section for *Private Schools*.

A private school must also certify annually that it meets the requirements of Rev. Proc. 75-50. This can be accomplished by filing Schedule A (Form 990, Form 990-EZ) Organization Exempt Under Section 501(c)(3).

Schools that do not file Form 990 must file Form 5578, Annual Certification of Racial Nondiscrimination for a Private School Exempt From Federal Income Tax.

**Line 1.** Answer "Yes" if your organizing document or bylaws contain a nondiscriminatory statement as to students similar to the one shown above.

Answer "No" if the nondiscrimination statement is not included. If the statement is not included in your organizing document or bylaws, you may submit a copy of your signed and dated resolution that was adopted according to your internal rules or regulations. Your resolution should approve a nondiscriminatory policy similar to the one shown above.

**Line 2.** Answer "Yes" if your brochures, application forms, advertisements, and catalogues dealing with student admissions, programs, and scholarships contain a statement similar to the following.

*The M school admits students of any race, color, and national or ethnic origin.*

Submit representative copies of each document.

If you answer "No," to line 2, but checked the box on line 2b, you are agreeing that all future printed materials,

including Internet content, will contain a statement of nondiscriminatory policy as to students similar to the one provided above.

**Line 3.** You must demonstrate that you have made your nondiscriminatory policy known to all segments of the general community served by the school. One way of meeting this requirement is to publish the school's nondiscriminatory policy annually. If you have already published your notice, submit the actual page of the newspaper on which the notice appears. We cannot accept a photocopy, other electronic reproduction, or partial page of the newspaper.

Answer "No," if you have not attached your notice and describe how you meet the publicity requirement of Rev. Proc. 75-50.

See Publication 557 or Rev. Proc. 75-50 for guidance on the format and content of the required notice and whether any exceptions may apply to you.



*A notice published in the legal notices section or classified advertisements of your local newspaper is generally not acceptable.*

**Line 5.** Enter the racial composition of your student body, faculty, and administrative staff in the spaces provided. Enter actual numbers, rather than percentages, for the current year and projected numbers for the next academic year. If the number is zero, then enter "0."



*Do not identify students, faculty, and staff by name.*

If you are completing the table based on estimates, submit documentation that supports how you arrived at the estimated numbers. For example, if your estimates are based on the racial composition of the community in which you operate, submit current census data of the racial composition for the area. If your numbers and the census numbers differ greatly, explain why.

**Line 6.** Enter the racial composition of students to whom you award loans and scholarships in the spaces provided. Enter actual numbers, rather than percentages, for the current year and projected numbers for the next academic year. If the number is zero, then enter "0."



*Do not identify students by name.*

**Line 7a.** Submit a list that identifies each individual or organization by name. Your list must include your incorporators, founders, board members, donors of land, and donors of buildings.

**Line 7b.** Answer "Yes" if any individuals or organizations on your list have an objective to keep public or private school education segregated by race. Explain how these individuals or organizations promote segregation in public or private schools.

**Line 8.** Answer "Yes" if on a continuing basis, you will maintain for a minimum period of three years the following records.

- Your racial composition (similar to the information requested in *Schedule B, Section II*, line 5).
- Evidence that your scholarships and loans are awarded on a racially nondiscriminatory basis (similar to the information requested in *Schedule B, Section II*, line 6).
- Copies of all materials used by you or on your behalf to solicit contributions.
- Copies of brochures, application forms, advertisements, and catalogues dealing with student admissions, programs, and financial aid.

Answer "No" if you do not maintain records and explain how you meet the recordkeeping requirements under Rev. Proc. 75-50.



*Failure to maintain these records or produce them upon the proper request, will create a presumption that you have not complied with the requirements of Rev. Proc. 75-50.*

## Schedule C. Hospitals and Medical Research Organizations

### General Information:

An organization qualifies as a hospital if it is a:

- Hospital.
- Cooperative hospital service organization (*Schedule C* not required).
- Medical research organization operated in conjunction with a hospital.

**Hospital.** An organization is a "hospital" if its principal purpose or function is providing medical or hospital care or medical education or research. Medical care includes treatment of any physical or mental disability or condition, on an inpatient or outpatient basis. Thus, if an organization is a rehabilitation institution, outpatient clinic, or community mental health or drug treatment center, it is a hospital if its principal function is providing treatment services as described above.

A hospital does not include convalescent homes, homes for children or the aged, or institutions whose principal purpose or function is to train handicapped individuals to pursue a vocation.

**Medical research organization.** An organization is a "medical research organization" if its principal purpose or function is the direct, continuous, and active conduct of medical research in conjunction with a hospital. The hospital with which the organization is affiliated must be described in section 501(c)(3), a federal hospital, or an instrumentality of a governmental unit, such as a municipal hospital.

"Medical research" means investigations, experiments, and studies to discover, develop, or verify knowledge

relating to the causes, diagnosis, treatment, prevention, or control of human physical or mental diseases and impairments. For more information, see Treas. Regs. section 1.170A-9(c)(2).

If you are a hospital, check the first box on *Schedule C* and complete *Section I*.

If you are a medical research organization, check the second box on *Schedule C* and complete *Section II*.

### Section I. Hospitals

**Line 1.** Answer "Yes" if all doctors in your community are eligible for staff privileges at your facility. You may answer "Yes" if staff privileges at your facility are limited by capacity.

Answer "No" if all doctors in your community are not eligible for staff privileges at your facility.

If you answer "No," describe in detail how you limit eligibility for staff privileges at your facility. Include details of your eligibility criteria and selection procedures for your courtesy staff of doctors.

**Line 2a.** Answer "Yes" if you admit all patients in your community who can pay for themselves or through private health insurance.

Answer "No" if you limit admission for these individuals in any way. If you answer "No," describe your admission policy in detail. You should explain how and why you restrict patient admission.

**Line 2b.** Answer "Yes" if you admit all patients in your community who participate in Medicare.

Answer "No" if you limit admission in any way for these individuals. If you answer "No," describe your admission policy in detail. You should explain how and why you restrict patient admission to exclude persons who participate in Medicare.

**Line 2c.** Answer "Yes" if you admit all patients in your community who participate in Medicaid.

Answer "No" if you limit admission in any way for these individuals. If you answer "No," describe your admission policy in detail. You should explain how and why you restrict patient admission to exclude persons who participate in Medicaid.

**Line 3a.** Answer "Yes" if you require a deposit from Medicare and/or Medicaid patients before admission. If you answer "Yes," describe in detail how you determined the amount required and explain why a deposit is needed.

**Line 3b.** Answer "Yes" if you require a deposit for other patients before admission and the requirement is the same as for Medicare and/or Medicaid patients.

Answer "No" if you require a deposit, but deposits for Medicare/Medicaid patients and other patients differ as to: (1) the way the amount is determined, or (2) the reason for the deposit. If you answer "No," describe the differences in detail.

**Line 4a.** Answer "Yes" if you offer emergency medical or hospital care at your facility on a 24-hour basis, seven days a week. If "No," explain why you do not offer an emergency room. For example, emergency care may be inappropriate for the type of services you provide. Also, describe any emergency services that you provide.

**Line 4b.** Answer "Yes" if you have a specific written plan or policy to accept all patients in need of emergency care without considering their ability to pay.

If you answer "Yes," submit a copy of your plan or policy.

**Line 4c.** Answer "Yes" if you have specific arrangements with any police, fire, or ambulance service providers to bring emergency cases to your facility.

If you answer "Yes," describe each specific agreement. For written agreements, you may submit a copy of each agreement. If it is oral, explain fully the agreement. For any oral agreements, include details of how and when the agreement was arranged.

**Line 5a.** Answer "Yes" if you provide free or low cost medical or hospital care services to the poor. If you answer "Yes," answer lines 5b through 5e. Do not answer 5b through 5e if you answer "No."

**Line 5b.** Submit a copy of your written policy or explain fully the understanding under which you operate regarding the admission and/or treatment of charity cases. Explain how you distinguish between charity care and bad debts.

**TIP** *Include details of how you inform the general public about your policy. Submit copies of any documents or agreements you require charity patients to sign before being admitted and/or treated.*

**Line 5c.** Submit information that shows the amounts you expend for treating charity care patients and the types of services you provide. Include an explanation that distinguishes charity care patient expenditures from uncollected bad debts.

**Line 5d.** Submit copies of any written agreements you have with municipalities or government agencies to subsidize the cost of admitting or treating charity patients.

**Line 5e.** A sliding fee scale establishes payments depending on financial ability to pay.

**Line 6a.** Answer "Yes" if you have a formal program of medical training and research. If you answer "Yes," describe your program in detail, including its length and criteria for acceptance into your program.

**Line 6b.** Answer "Yes" if you have a formal program of community educational programs. If you answer "Yes," describe your program in detail.

**Line 7.** Answer "Yes" if you provide office space to physicians conducting their own medical practices.

**Line 8.** Answer "Yes" if you have a board of directors that is representative of the community you serve. Include a list of each board member with the individual's name and employment affiliation. Also, for each board member, describe how that individual represents the community. Generally, hospital employees and staff physicians are not individuals considered to be community representatives.

**TIP** *Answer "Yes" if an organization described in section 501(c)(3) with a community board exercises rights or powers over you, such as the right to appoint members to your governing board of directors and the power to approve certain transactions. Describe these rights and powers. In addition, describe how each of that organization's board of directors represents the community.*

Answer "Yes" if you are subject to a state corporate practice of medicine law that requires your governing board to be composed solely of physicians licensed to practice medicine in the state. If you answer "Yes" on this basis, also provide the following information.

- Describe whether a hospital described in section 501(c)(3) exercises any rights or powers over you.
- Identify the corporate practice of medicine law under which you operate.
- Explain how the section 501(c)(3) hospital exercises any rights or powers over you, such as the right to appoint members to your governing board of directors and the right to approve certain transactions.
- Explain what services you provide to the section 501(c)(3) hospital.

**Line 10.** Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in *Part VIII*, line 7b.

**Line 11.** Recruitment incentives may be offered to attract or retain physicians as employees or to serve the community in which the hospital is located. Such incentives are generally offered when there is an acute shortage of such physicians in your hospital or within the community.

**Line 12.** Physicians who have a financial or professional relationship with you include physicians with whom you have a business relationship, such as employees, staff physicians, participants in joint ventures, or physicians with whom you contract for services.

**Line 13.** A business relationship includes employment, contractual relationship, or status as a member of your board of directors.

**Line 14.** Answer "Yes" if you have adopted a conflict of interest policy consistent with the sample conflict of

interest policy provided in these instructions or you are subject to similar conflict of interest policies under state law. Provide copies of the policies to which you are subject. Although a conflict of interest policy is not required as a matter of tax law, we encourage adoption of a substantive conflict of interest policy because it makes it more likely that you will operate for the benefit of the community and not for private interests.

An example of a substantive conflict of interest policy is available in *Appendix A*. In these instructions.

Answer "No" if you have not adopted a conflict of interest policy or you are not subject to conflict of interest policies under state law.

## Section II. Medical Research Organizations

**Line 1.** Attach a list of hospitals with which you have relationships relating to the conduct of medical research. Describe in detail the relationship you have with each hospital. Submit copies of any written agreements.

**Line 2.** Describe in detail all activities that directly accomplish your conduct of medical research.

Making grants to other organizations does not directly accomplish the conduct of medical research.

**Line 3.** Your schedule should explain how you determine the fair market value of your assets.

## Schedule D. Section 509(a)(3) Supporting Organizations

### General Information:

A section 509(a)(3) organization is commonly referred to as a "supporting organization." An organization that a supporting organization benefits is commonly referred to as a "supported organization." A supporting organization may support more than one supported organization.

An organization qualifies for public charity status as a supporting organization under section 509(a)(3) if:

- It is organized and at all times thereafter is operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more public charities described in section 509(a)(1) or 509(a)(2);
- It meets one of three required relationship tests with the supported organization(s); and
- It is not controlled directly or indirectly by "disqualified persons." See specific instructions for *Part X*, line 6b(ii)(b), for a definition of a "disqualified persons."

A supporting organization can also support the charitable purposes of organizations that are exempt under sections 501(c)(4), (5), or (6).

## Section I. Identifying Information About Supported Organization(s)


**Line 1.** Enter the name, address, and EIN of each organization you support.

**Line 2.** Answer "Yes" if each supported organization has received a letter from the IRS recognizing it as a public charity under section 509(a)(1) or 509(a)(2). Then, go to *Section II*, line 1.

Answer "No" if any supported organization has not received a letter from us recognizing it as a public charity under section 509(a)(1) or 509(a)(2). Then, go to line 3.

**Line 3.** Answer "Yes" if any supported organization you listed in line 1 received a letter from us stating that it is exempt under section 501(c)(4), (5), or (6). Also, to show how the organization meets the public support test, submit the amounts and sources of revenue for the last four completed tax years for the supported organization(s). You should provide the requested financial data in the format shown on *Part IX-A. Statement of Revenues and Expenses*, for each supported organization. You must then submit the lists requested by *Part X*, line 6b(ii), which is applicable to the public support test under section 509(a)(2).

Answer "No" if no supported organization listed in line 1 has been recognized as tax-exempt under section 501(c)(4), (5), or (6).

 *If any organization you intend to support has not received a letter from us recognizing it as a public charity under section 509(a)(1) or 509(a)(2), or has not received a determination recognizing that it is tax-exempt under section 501(c)(4), (5), or (6), you must demonstrate, in writing, that each organization you support is described in section 509(a)(1) or 509(a)(2). For example, if you support a church or foreign organization, you should describe how this organization qualifies as a public charity under section 509(a)(1) or 509(a)(2).*

## Section II. Relationship with Supported Organization(s) – Three Tests

To qualify under section 509(a)(3), you must show that you meet one of three relationship tests with the supported organization(s).

- Test 1. Operated, supervised, or controlled by (comparable to a parent-subsidiary relationship);
- Test 2. Supervised or controlled in connection with (comparable to a brother-sister relationship); or
- Test 3. Operated in connection with (responsive to the needs or demands of, and having significant involvement in the affairs of, the supported organization(s)).

**Line 1.** Answer "Yes" if your governing document, bylaws, or other internal rules and regulations show that the majority of your governing board or officers is elected or appointed by the supported organization(s). Then, go to Section III.

Answer "No" if your governing document, bylaws, or other internal rules and regulations do not show that the majority of your governing board or officers is elected or appointed by the supported organization(s). If you answer "No" but still believe you satisfy this test, explain and go to Section III. Otherwise, go to line 2 because you do not meet the "operated, supervised, or controlled by" relationship test.

**Line 2.** Answer "Yes" if your governing document, bylaws, or other internal rules and regulations show that a majority of your governing board consists of individuals who also serve on the governing board of the supported organization(s). Then, go to Section III.


Answer "No" if your governing document, bylaws, or other internal rules and regulations do not show that a majority of your governing board consists of individuals who also serve on the governing board of the supported organization(s). If you answer "No" but still believe you satisfy this test, explain and go to *Section III*. Otherwise, go to line 3 because you do not meet the "supervised or controlled in connection with" relationship test.

**Line 3.** Answer "Yes" if you are a charitable trust under state law, you name each specified publicly supported organization as a beneficiary in your trust agreement, and each beneficiary organization has the power to enforce the trust and compel an accounting under state law. Then, go to *Section II*, line 5.

**Line 4a.** Answer "Yes" if the officers, directors, trustees, or members of the supported organization(s) elect or appoint any of your officers, directors, or trustees. If your governing document, bylaws, or other internal rules and regulations do not provide for this, explain how your officers, directors, or trustees are elected or appointed. Then, go to line 4d.

**Line 4b.** Answer "Yes" if any members of the governing body of the supported organization(s) also serve as your officers, directors, trustees, or hold another important office for your organization. Describe the position held and whether the position is ongoing. Then, go to line 4d.

**Line 4c.** Answer "Yes" if your officers, directors, or trustees maintain a close and continuous working relationship with the officers, directors, or trustees of the supported organization(s). Explain the continuous relationship in detail. Then, go to line 4d.

 *If you answer "No," on line 4c and your answer to lines 3, 4a, and 4b were "No," you do not meet the "operated in connection with" relationship test. You must establish a different relationship with the supported organization or go back to *Part X*, to reconsider your public charity status.*

**Line 4d.** Answer "Yes" if the supported organization has a significant involvement in your investment policies, making and

timing of grants, and directing the use of your income and assets. Explain how the supported organization is involved in these matters.

**Line 5.** An applicant for tax exemption as a supporting organization under the "operated in connection with" relationship must satisfy either the integral part test or the alternative integral part test. If you are requesting supporting organization status by meeting the "operated in connection with" relationship, you must satisfy either the integral part test or the alternative integral part test. If you satisfy the integral part test described in line 5, then you do not have to complete line 6.

Answer "Yes" if you conduct activities that the supported organization would otherwise conduct. Describe the activities that you conduct, other than distributing funds. Then, go to *Section III*.

**Line 6a.** To satisfy the alternative integral part test as a supporting organization, you must distribute at least 85% of your annual "net income" to the organization(s) you support. See the *Glossary* for a description of "net income" to be used in calculating whether you meet the 85% distribution threshold.

Answer "Yes" if you distribute at least 85% of your net income to the supported organization(s). For purposes of this schedule, "net income" has the same meaning as the term "adjusted net income," which is applicable to private operating foundations.

In general, "adjusted net income" is the excess of gross income, including gross income from any unrelated trade or business, determined with certain modifications, reduced by total deductions. Gross income does not include gifts, grants, or contributions.

If you answer line 6a "No," and your answer to line 5 was "No," unless you establish that the supported organization(s) will be attentive to your operations, you do not meet the "operated in connection with" relationship test. Go back to *Part X*, to reconsider your public charity status.

**Line 6b.** Submit a list that shows the total amount distributed annually to each supported organization. Also, indicate how each amount will vary from year to year.

**Line 6c.** Submit a list that shows the total annual income for each supported organization.

**Line 6d.** Answer "Yes" if your funds are "earmarked" for a particular program or activity.

If you distribute your income to, or for the use of, a particular department or program of an organization, list the total annual revenue of the supported department or program in line 6c.

**Line 7a.** The "operated in connection with" test requires that you specify the supported organization(s) by name in your organizing document unless there has been an historic and continuing

relationship between you and the supported organization(s).

**Line 7b.** An historic and continuing relationship depends on all the facts and circumstances that would demonstrate a substantial identity of interests between you and the supported organization.

If you answer "No" to lines 7a and 7b, you may consider amending your organizing document to specify the supported organization(s) by name so you can answer "Yes" to line 7a. Otherwise, you will need to go back to *Part X* to reconsider your public charity status.

### Section III. Organizational Test

**Line 1a.** If you answered "No" to line 1a, you must amend your organizing document to specify the supported organization(s) by name, purpose, or class. Otherwise, you will not meet the operational test under section 509(a)(3) and you will need to go back to *Part X* to reconsider your public charity status.

**Line 1b.** If you answered "No" to line 1b, you must amend your organizing document to specify the supported organization(s) by name. Otherwise you will not meet the operational test under section 509(a)(3) and you will need to go back to *Part X* to reconsider your public charity status.

### Section IV. Disqualified Person Test

**Control.** As a section 509(a)(3) supporting organization, you may not be controlled directly or indirectly by disqualified persons. You are controlled if disqualified persons can exercise 50% or more of the total voting power of your governing body. You are also controlled if disqualified persons have authority to affect significant decisions, such as power over your investment decisions, or power over your charitable disbursement decisions. You are also controlled if disqualified persons can exercise veto power. Although control is generally demonstrated where disqualified persons have the authority over your governing body to require you to take an action or refrain from taking an action, indirect control by disqualified persons will also disqualify you as a supporting organization.

See the instructions for *Part X*, line 6b for a description of the term "disqualified person."

A public charity is not a disqualified person.

A "foundation manager" means your:

- Officers, directors, or trustees, or
- An individual having powers or responsibilities similar to those of your officers, directors, or trustees.

**Line 1b.** See the instructions for *Part V*, line 2a, for a description of the terms "family or business relationship."

## Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation

### General Information:

The questions in this schedule will help us determine the effective date of exemption for an organization that filed its application more than 27 months after the end of the month in which it was legally formed.

- If you meet exceptions for late filing, your exemption under section 501(c)(3) will be effective from the date you were legally formed.
- If you do not meet any exceptions, your exemption under section 501(c)(3) will be effective from the date you filed your application.
- Although you do not meet any exceptions, you may, nevertheless, qualify for tax exemption as an organization described in section 501(c)(4) for the period beginning with the date you were legally formed and ending with the date you are recognized under section 501(c)(3). Generally, contributions made to a section 501(c)(4) organization are not tax deductible.

**Line 1.** Answer "Yes" if you are a church or an association of churches. You should have also checked *Part X*, line 5a, and completed *Schedule A*. If you qualify as a church or an association of churches, your exemption will be effective from the date of your legal formation.

Answer "Yes" if you are an integrated auxiliary of a church. If you qualify as an integrated auxiliary of a church, your exemption will be effective from the date of your legal formation.

An "integrated auxiliary of a church" refers to a class of organizations that are related to a church or convention or association of churches, but are not such organizations themselves. In general, you must:

- Be described as both tax exempt under section 501(c)(3) and a public charity described in sections 509(a)(1), (2), or (3); and
- Receive financial support primarily from internal church sources as opposed to public or governmental sources.

Men's and women's organizations, seminaries, mission societies, and youth groups that satisfy the above referenced sections 501(c)(3) and 509(a)(1), (2), or (3) requirements are considered integrated auxiliaries whether or not they meet the internal support requirements. More guidance as to the types of organizations that qualify as integrated auxiliaries can be found in *Treas. Regs.* section 1.6033-2(h).

**Line 2a.** Answer "Yes" if you are a public charity and your annual gross receipts are normally \$5,000 or less. For information about whether your annual gross receipts are normally \$5,000 or less, see Publication 557. If you qualify as an

organization with annual gross receipts of normally \$5,000 or less, your exemption would be effective from the date of your legal formation.


Answer "No" if you are a private foundation, regardless of your gross receipts.

**Line 2b.** Answer "Yes" if:

- Your gross receipts were normally less than \$5,000 for years before your last completed tax year,
- Your gross receipts normally exceeded \$5,000 for your last completed tax year, and
- You filed this application within 90 days from the end of your last completed tax year.

**Line 3.** Lines 3a, 3b, and 3c are applicable to subordinates included in a group exemption application. See Publication 557 for information regarding group exemptions. If you were a subordinate of a group exemption that was timely filed and you are filing for exemption within 27 months from the date you were notified by the organization holding the group exemption letter that either (1) you are no longer covered by the group exemption letter, or (2) the group exemption request was denied, answer "Yes" and do not complete the remainder of this schedule.

**Line 4.** Answer "Yes" if you were formed on or before October 9, 1969. If you are a corporation, your formation date is the date your articles of incorporation were filed with and approved by your state officials. If you are an association, your formation date is the date you adopted your organizing document. If you are a trust, your formation date is generally the date your trust was both adopted and funded.

 **CAUTION** If you answer "Yes," do not complete the rest of this schedule. As an organization formed on or before October 9, 1969, your exemption would be effective from the date of your legal formation. Answer "No" if you were formed after October 9, 1969.

**Line 5.** You may receive an extension of time to file Form 1023 beyond the 27-month period if you can establish that you acted reasonably and in good faith, and that granting an extension will not prejudice the interests of the government.

- You filed Form 1023 before we discovered your failure to file.
- You failed to file because of intervening events beyond your control.
- You exercised reasonable diligence but you were not aware of the filing requirements. (The complexity of your filing and experience in these matters is taken into consideration.)
- You reasonably relied on written advice from us.
- You reasonably relied on the advice of a qualified tax professional who failed to file or advise you to file Form 1023.

Answer "Yes" if you wish to request an extension of time to file under these provisions. If you answer "Yes," describe

in detail the reasons for filing late based on the factors listed above. Do not complete the rest of this schedule.

Answer "No" if you do not wish to request an extension under these provisions and go to line 6a.

**Line 6a.** By checking "Yes," and completing *Part X*, line 6a, you are eligible for an advance ruling to be classified as a public charity from the postmark date of your application.

Do not complete line 6a, 6b, or 7 if you checked the boxes in *Part X*, lines 5a, 5b, 5c, 5d, or 5e.

**Line 6b.** If you anticipate significant changes in your sources of support in the future, answer "Yes," and we will base your qualification for an advance ruling on the financial information you provide in line 7. If you check "Yes," complete the financial information requested in line 7 of Schedule E.

If you answer "No," we will base your qualification for an advance ruling on the financial information you provided in *Part IX*. If you answer "No," do not complete line 7 of Schedule E.

**Line 7.** Complete projected budgets of income for the first two full tax years after the date you mailed your Form 1023. See the specific instructions for *Part IX-A, Statement of Revenues and Expenses*, lines 1 through 13, if you need guidance on what to include in the various categories.

**Line 8.** Check the box if you wish to request exemption under section 501(c)(4) for the period before the postmark date of your Form 1023. If you check the box, attach page 1 of Form 1024. Form 1024 is available on the IRS website at [www.irs.gov](http://www.irs.gov) or by calling 1-800-829-3676.

If you qualify for exemption under section 501(c)(4), you will not be liable for income tax returns as a taxable entity, but you will need to file any exempt organization returns for which you may be responsible. Contributions to section 501(c)(4) organizations are generally not deductible by donors.

Do not check the box if you do not wish to be tax exempt under section 501(c)(4) for the period before the postmark date of your Form 1023. If you do not request and obtain exemption under section 501(c)(4) for the period before the postmark date of your Form 1023, you may be liable for income tax returns as a taxable entity for that time period.

## Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing

### General Information:

Homes for the elderly or handicapped are eligible for tax exemption as charitable

organizations only if they meet the special needs of the elderly or handicapped for residential facilities designed to meet their physical, social, recreation, health care, and transportation needs. Homes for the elderly or handicapped must also be within the financial reach of a significant segment of the elderly or handicapped in the community. Once admitted to the elderly or handicapped housing facility, the organization must have an established policy to maintain them as residents, to the extent possible, even if the residents subsequently become unable to pay the monthly charges.

Low-income housing must provide affordable housing for a significant segment of individuals in your community with low incomes. Your housing may serve a combination of purposes, such as for poor, frail, and elderly persons.

### Section I. General Information about Your Housing

**Line 1.** The type of housing you provide should include both a description of the type of facility provided, such as apartment complex, condominium, cooperative, or private residence, and the nature of your facility, such as assisted-living facility, continuing-care facility, nursing home, low-income facility, etc.

**Line 7.** See the instructions for *Part V*, line 7a, for a description of the terms arm's length and fair market value.

**Line 8.** Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in *Part VIII*, line 7b.

**Line 9.** Government programs include federal, state, or local government programs.

### Section II. Homes for the Elderly or Handicapped

**Line 2a.** Answer "Yes" if you charge a one-time fee for admission to your facility.

**Line 2b.** Answer "Yes" if you charge daily, weekly, monthly, or annual fees or maintenance charges.

**Line 2c.** A "community" refers to the area that will be served by your facility. For example, a community may be a local area or a region.

**Line 3a.** Describe what happens to individuals if they become unable to pay your regular charges. For example, you may have a policy whereby you have a reserve fund for maintaining residents who are having trouble in paying their regular charges. You may also have a

policy of keeping residents who are having trouble in paying their regular charges in place for a period of time to permit them to find alternative housing. Include a copy of any printed materials that informs the public about your policy.

**Line 3b.** Describe any arrangements you have or expect to have with welfare agencies, sponsoring organizations, or others to assist residents who become unable to afford to remain residents.

**Line 4.** Describe how you provide for the health care needs of residents, including the services provided. This can include providing for the activities of daily living of residents at your facilities and transporting residents to other facilities for medical services.

**Line 5.** Describe how living units and common areas are designed to meet the physical needs of residents (such as grab bars in bathrooms, wide doorways and hallways, design of kitchens and bathrooms, etc.). Also, include information about facilities and programs designed to meet some combination of physical, emotional, recreational, social, religious, and similar needs of residents.

### Section III. Low-Income Housing

**Line 2.** Answer "Yes" if you charge daily, weekly, monthly, or annual fees or maintenance charges.

## Schedule G. Successors to Other Organizations

### General Information:

You should complete this schedule as a successor organization if any of the following situations pertain to you.

- You have taken or will take over the activities that were previously conducted by another.
- You have taken or will take over 25 percent or more of the fair market value of the net assets of another organization.
- You were established upon the conversion of an organization from for-profit to non-profit status.

The other organization is the predecessor organization. You should complete this schedule regardless of whether the predecessor (other organization) was exempt or not exempt from federal income tax.

**Line 1a.** For purposes of this schedule, a "for-profit" organization is one in which persons are permitted to have an ownership or partnership interest, such as corporate stock. It includes sole proprietorships, corporations, and other entities that provide for ownership interests.

# Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures

## General Information:

Complete this schedule if you provide scholarships, fellowships, grants, loans, or other distributions to individuals for educational purposes. When answering the questions on this schedule, you should demonstrate how these distributions further your exempt purposes.

Generally, distributions made to individuals may advance educational purposes if selection is made:

- In a non-discriminatory fashion in terms of racial preference,
- Based on need and/or merit, and
- To a charitable class in terms of being available to an open-ended group, rather than to pre-selected individuals.

A scholarship or fellowship is tax free to the recipient only if he or she is:

- A candidate for a degree at an eligible educational institution; and
- Uses the scholarship or fellowship to pay qualified education expenses.

Qualified education expenses include tuition and fees; and course-related expenses such as books, supplies, and equipment. Room and board, travel, research, clerical help, and non-required equipment are not qualified education expenses. See Publication 970, Tax Benefits for Education, for additional information.

Selection of individuals using a lottery system generally has not been approved by the IRS.

## Section I

**Line 1b.** If you have different grant programs, describe the purpose and amount of each program.

**Line 1c.** If you award educational loans, describe the terms of the loan (for example, interest rate, duration, forgiveness provision, etc.). Also, describe how any other loan institutions are involved in your program.

**Line 1d.** Explain how you will publicize your program and whether you publicize to the general public or to another group of possible recipients. Include specific information about the geographic area in which your program will be publicized and the means you will use, such as through newspaper advertisements, school district announcements, or community groups.

**Line 1e.** Submit sample copies of your solicitation material for applicants or materials announcing the awards. If solicitation is done orally through school counselors or others, explain fully.

**Line 2.** Organizations that make grants to individuals must maintain adequate records and case histories showing the name and address of each recipient pursuant to Revenue Ruling 56-304, 1956-2 C.B. 306. If you answer "No," explain how you will be able to demonstrate that your distributions serve exempt purposes.

## Section II

**Line 1a.** Only complete lines 1a through 4 if you are a private foundation based on your answers to *Part X*, line 1a. Answer "Yes" if you are a private foundation and you are requesting advance approval of your grant-making procedures under section 4945(g). Answer "No" if you are a private foundation but do not wish to request advance approval of your grant-making procedures under section 4945(g). If you answer "No," the amounts you distribute as educational grants provided to individuals may be considered taxable expenditures under section 4945.

Answer "N/A" if you are requesting public charity status in *Part X*.

For more information about advance approval of grant-making procedures of a private foundation, log on to [www.irs.gov/charities/foundations/article/0,,id=137397,00.html](http://www.irs.gov/charities/foundations/article/0,,id=137397,00.html).

**Line 1b.** Check the box for section "4945(g)(1)" if your award qualifies as a scholarship or fellowship grant that is awarded on an objective and

nondiscriminatory basis and is used for study at a school (see the *Schedule B, General Information* for what is considered a school).

Check the box for section "4945(g)(3)" if the purpose of your award is to achieve a specific objective, produce a report or other similar product, or improve or enhance a literary, artistic, musical, scientific, teaching, or other similar capacity, skill, or talent of the recipient. Include your educational loan program under this section. You may check more than one box.

If your award qualifies as a prize or award that is subject to the provisions of section 74(b) and your recipient is selected from the general public, you do not have to request advance approval of your grant-making procedures since a prize or award is not subject to the advance approval procedure requirements because it is not a grant for travel, study, or other similar purposes. See Revenue Rulings 77-380, 1977-2 C.B. 419; 76-460, 1976-2 C.B. 371, and 75-393, 1975-2 C.B. 451.

**Line 4.** For additional information regarding private foundations requesting advance approval of individual grant procedures, go to [www.irs.gov/charities/foundations/article/0,,id=137396,00.html](http://www.irs.gov/charities/foundations/article/0,,id=137396,00.html).

**Line 4a.** Answer "Yes" if you award scholarships on a preferential basis because you require, as an initial qualification, that the individual be an employee or be related to an employee of a particular employer.

**Line 4c.** Answer "N/A" if you do not provide scholarships, fellowships, or educational loans to employees of a particular employer.

**Line 4d.** Answer "N/A" if you do not provide scholarships, fellowships, or educational loans to children of employees of a particular employer.

**Line 4e.** Answer "N/A" if your answer to line 4d is "N/A."



**TIP** For purposes of this schedule, a program for children of employees of a particular employer includes children and family members of employees.



**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you want your organization to be recognized as tax exempt by the IRS, you are required to give us this information. We need it to determine whether the organization meets the legal requirements for tax-exempt status.

The organization is not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 1023 application are covered in Code section 6104.

The time needed to complete and file these forms will vary depending on individual circumstances. The estimated average times are:

|               | Recordkeeping    | Learning about the law or the form | Preparing the form | Copying, assembling, and sending the form to the IRS |
|---------------|------------------|------------------------------------|--------------------|--|
| Parts I to XI | 89 hrs. 26 mins. | 5 hrs. 10 mins.                    | 9hrs. 39 mins.     | 48 mins.   |
| 1023 Sch. A   | 10 hrs. 2 mins.  | 6 mins.                            | 16 mins.           | —  |
| 1023 Sch. B   | 15 hrs. 18 mins. | 12 mins.                           | 27 mins.           | —  |
| 1023 Sch. C   | 11 hrs. 14 mins. | 12 mins.                           | 23 mins.           | —  |
| 1023 Sch. D   | 9 hrs. 48 mins.  | 42 mins.                           | 53 mins.           | —  |
| 1023 Sch. E   | 14 hrs. 35 mins. | 1 hrs. 9 mins.                     | 2 hrs. 22 mins.    | 16 mins.   |
| 1023 Sch. F   | 11 hrs. 28 mins. | 12 mins.                           | 23 mins.           | —  |
| 1023 Sch. G   | 6 hrs. 42 mins.  | 6 mins.                            | 12 mins.           | —  |
| 1023 Sch. H   | 7 hrs. 53 mins.  | 42 mins.                           | 51 mins.           | —  |

If you have comments concerning the accuracy of these time estimates or suggestions for making these forms simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Avenue, NW, IR-6406 Washington, DC 20224.

DO NOT send the application to this address. Instead, see *Where to File* on page 4.

## Appendix A: Sample Conflict of Interest Policy

**Note:** Items marked *Hospital insert – for hospitals that complete Schedule C* are intended to be adopted by hospitals.

### Article I Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

### Article II Definitions

#### **1. Interested Person**

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

#### ***[Hospital Insert – for hospitals that complete Schedule C***

If a person is an interested person with respect to any entity in the health care system of which the organization is a part, he or she is an interested person with respect to all entities in the health care system.]

#### **2. Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
- b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

### Article III Procedures

#### **1. Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

#### **2. Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

#### **3. Procedures for Addressing the Conflict of Interest**

- a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

#### **4. Violations of the Conflicts of Interest Policy**

- a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### **Article IV** **Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

#### **Article V** **Compensation**

- a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

***[Hospital Insert – for hospitals that complete Schedule C***

- d. Physicians who receive compensation from the Organization, whether directly or indirectly or as employees or independent contractors, are precluded from membership on any committee whose jurisdiction includes compensation matters. No physician, either individually or collectively, is prohibited from providing information to any committee regarding physician compensation.]

#### **Article VI** **Annual Statements**

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

#### **Article VII** **Periodic Reviews**

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

#### **Article VIII** **Use of Outside Experts**

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

## **Appendix B: States with Statutory Provisions Satisfying the Requirements of Internal Revenue Code Section 508(e)**

The following states have adopted legislation satisfying the requirements of section 508(e) relating to private foundation governing instruments. Information derived from Revenue Ruling 75-38, 1975-1 C.B. 161.

**ALABAMA** — except where otherwise provided by a decree of a court of competent jurisdiction or by a provision in the private foundation's governing instrument which in either case has been entered or made after October 1, 1971, and expressly limits the applicability of State law.

**ALASKA** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Alaska law do not apply to them.

**ARKANSAS** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Arkansas law do not apply to them and except in the case of trusts where otherwise provided by decree of a court of competent jurisdiction.

**CALIFORNIA** — except where otherwise provided by a court of competent jurisdiction.

**COLORADO** — with respect to trusts that are private foundations except where otherwise provided by a court of competent jurisdiction.

**CONNECTICUT** — except where otherwise provided by a court of competent jurisdiction.

**DELAWARE** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Delaware law do not apply to them.

**DISTRICT OF COLUMBIA** — except for such corporations which expressly provide in their governing instruments that the applicable sections of District of Columbia law do not apply to them and except in the case of trusts where otherwise provided by a court of competent jurisdiction. (For purposes of this statute, corporations include corporations organized under any Act of Congress applicable to the District of Columbia as well as corporations organized under the laws of the District of Columbia.)

**FLORIDA** — except for such trusts which file a proper election not to be subject to the applicable provisions of Florida law and for such corporations as to which a court of competent jurisdiction has otherwise determined.

**GEORGIA** — except for such private foundations which file a proper election not to be subject to such law.

**HAWAII** — no exceptions.

**IDAHO** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Idaho law do not apply to them.

**ILLINOIS** — except for such corporations which have express provisions to the contrary in their articles of incorporation and except for trusts where it is otherwise provided by a court of competent jurisdiction.

**INDIANA** — except where otherwise determined by a court of competent jurisdiction with respect to private foundations organized before January 1, 1970.

**IOWA** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Iowa law do not apply to them.

**KANSAS** — except where otherwise provided by a court of competent jurisdiction.

**KENTUCKY** — except, with respect to corporations in existence on July 1, 1972, to the extent that such a corporation provides to the contrary by amendment to its articles of incorporation adopted after July 1, 1972, and, with respect to trusts in existence on July 1, 1972, where action is properly commenced on or before December 31, 1972, in a court of competent jurisdiction to excuse the trust from compliance with the requirements of section 508(e) of the Code.

**LOUISIANA** — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Louisiana law do not apply to them.

**MAINE** — except where otherwise provided by a court of competent jurisdiction.

**MARYLAND** — except where otherwise provided by a court of competent jurisdiction.

MASSACHUSETTS — except where otherwise provided by a court of competent jurisdiction.

MICHIGAN — with respect to trusts that are private foundations except for such private foundations which file a notice of inconsistency under Michigan law.

MINNESOTA — except for private foundations that have been held by a court of competent jurisdiction not to be affected by such State statute.

MISSISSIPPI — except where otherwise provided by a court of competent jurisdiction.

MISSOURI — except for private foundations that have been held by a court of competent jurisdiction not to be affected by such State statute.

MONTANA — except in the case of trusts where otherwise provided by court decree entered after March 28, 1974, and except in the case of a corporation which has an express provision to the contrary in its articles of incorporation.

NEBRASKA — except for such trusts which effectively elect to be excluded from the applicable sections of Nebraska law, for such corporations which have governing instruments expressly providing to the contrary, and except as a court of competent jurisdiction has otherwise determined in any given case.

NEVADA — no exceptions.

NEW HAMPSHIRE — except where it is otherwise provided by a court of competent jurisdiction.

NEW JERSEY — except for such private foundations which expressly provide in their governing instruments that the applicable sections of New Jersey law do not apply to them.

NEW YORK — except where such law conflicts with any mandatory direction of an instrument by which assets were transferred prior to June 1, 1971, and such conflicting direction has not been removed legally.

NORTH CAROLINA — except for such private foundations which expressly provide in their governing instruments that the applicable sections of North Carolina law do not apply to them and except for trusts that have their governing instruments reformed by a decree of the Superior Court of North Carolina.

NORTH DAKOTA — with respect to trusts that are private foundations except where otherwise provided by a court of competent jurisdiction.

OHIO — except in the case of trusts where it is provided otherwise by a court of competent jurisdiction and except in the case of corporations in existence on September 17, 1971, which expressly adopt contrary provisions in their governing instruments after September 17, 1971.

OKLAHOMA — except for such private foundations which file a proper election not to be subject to such law.

OREGON — no exceptions.

PENNSYLVANIA — except where otherwise provided by a court of competent jurisdiction.

RHODE ISLAND — except where otherwise provided by a court of competent jurisdiction.

SOUTH CAROLINA — except for private foundations which expressly provide in their governing instruments that the applicable sections of South Carolina law do not apply to them.

SOUTH DAKOTA — except where otherwise provided by a court of competent jurisdiction.

TENNESSEE — except where otherwise provided by a court of competent jurisdiction.

TEXAS — except for such private foundations which file a proper election not to be subject to such law.

UTAH — with respect to trusts that are private foundations except where otherwise provided by a court of competent jurisdiction.

VERMONT — except where otherwise provided by a court of competent jurisdiction.

VIRGINIA — except for private foundations whose governing instruments contain express provisions to the contrary or which have filed a proper election not to be subject to such law.

WASHINGTON — except for such private foundations which expressly provide in their governing instruments that the applicable sections of Washington law do not apply to them.

WEST VIRGINIA — with respect to trusts that are private foundations except for such trusts which provide in their governing instruments that the applicable sections of West Virginia law do not apply to them.

WISCONSIN — except as may otherwise be provided by decree of a court of competent jurisdiction.

WYOMING — except where otherwise provided by a court of competent jurisdiction.

## Appendix C: Glossary of Terms

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| <b>Adjusted net income (for Schedule D)</b> | <p>Adjusted net income includes: gross income from any unrelated trade or business; gross income from functionally related businesses; interest payments received on loans; amounts received or accrued as repayments of amounts taken as qualifying distributions for any tax year; amounts received or accrued from the sale or other disposition of property to the extent acquisition of the property was treated as a qualifying distribution for any tax year; any amounts set aside for a specific project to the extent the full set aside was not necessary for the project; interest on government obligations normally excluded under section 103 of the Code; net short-term capital gains on sale or other disposition of property; and income received from an estate if the estate is considered terminated for income tax purposes because of a prolonged administration period.</p> <p>It does not include: gifts, grants, and contributions received; long-term capital gains or losses; net section 1231 gains; capital gain dividends; the excess of fair market value over adjusted basis of property distributed to the U.S. or a possession or political subdivision, a state or its political subdivision, a charitable trust or corporation for public purposes, or income received from an estate during the administration period.</p> <p>In computing adjusted net income, deduct the following: ordinary and necessary expenses paid or incurred for the production or collection of gross income, or for the management, conservation, or collection of gross income (includes operating expenses such as compensation of officers, employee wages and salaries, interest, rent, and taxes); straight-line depreciation and depletion (not percentage depletion); and expenses and interest paid or incurred to carry tax-exempt obligations. Do not deduct net short-term capital losses for the year in which they occur (these losses cannot be carried back or carried over to earlier or later tax years); the excess of expenses for property used for exempt purposes over the income received from the property; charitable contributions made by you; net operating losses; and special deductions for corporations.</p> |
| <b>Advance ruling</b>                       | <p>A written determination by us on your public charity status that treats you as a publicly supported organization during a 5-year period beginning, generally, from the date of your formation. At the end of the 5-year period, you will qualify for a definitive ruling (defined below) if you were publicly supported based on the support you received during the 5-year period.</p>  |
| <b>Affiliated</b>                           | <p>Created by, controlled by, or closely related to a governmental unit, including a State, a possession of the United States, or any political subdivision of a State or a possession of the United States, or the United States, or the District of Columbia.</p>   |
| <b>Arm's length</b>                         | <p>A transaction between parties having adverse (or opposing) interests; where none of the participants are in a position to exercise substantial influence over the transaction because of business or family relationship(s) with more than one of the parties.</p>   |
| <b>Authorized representative</b>            | <p>By submitting Form 2848, an attorney or certified public accountant who is permitted to represent you before us regarding your application for tax-exempt status.</p>  |
| <b>Bingo</b>                                | <p>A game of chance played with cards that are generally printed with 5 rows of 5 squares each, on which participants place markers to form a pre-selected pattern to win the game. Bingo is gambling.</p>  |

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| <b>Business relationships</b>             | Employment and contractual relationships, and common ownership of a business where any officers, directors, or trustees, individually or together, possess more than a 35% ownership interest in common. Ownership means voting power in a corporation, profits interest in a partnership, or beneficial interest in a trust.   |
| <b>Bylaws</b>                             | The internal rules and regulations of an organization.  |
| <b>Certification of filing</b>            | Articles of incorporation for your organization showing evidence that on a specific date they were filed with and approved by an appropriate state authority.   |
| <b>Charitable risk pool</b>               | An organization described in section 501(n), which is organized and operated to pool insurable risks (other than medical malpractice) of its section 501(c)(3) members.   |
| <b>Close connection</b>                   | A relationship between organizations that may include: control of one organization by another through common governance or through authority to approve budgets or expenditures; coordination of operations as to facilities, programs, employees, or other activities; or common persons exercising substantial influence over all of the organizations.   |
| <b>Common control</b>                     | You and one or more other organizations have (1) a majority of your governing boards or officers appointed or elected by the same organization(s), or (2) a majority of your governing boards or officers consist of the same individuals. Common control also occurs when you and one or more commonly controlled organizations have a majority ownership interest in a corporation, partnership, or trust. Ownership means voting power in a corporation, profits interest in a partnership, or beneficial interest in a trust.   |
| <b>Community</b>                          | The local or regional geographic area to be served by an organization.  |
| <b>Compensation</b>                       | All forms of income from working, including salary or wages; deferred compensation; retirement benefits, whether in the form of a qualified or non-qualified employee plan (for example: pensions or annuities); fringe benefits (for example: personal vehicle, meals, lodging, personal and family educational benefits, low interest loans, payment of personal travel, entertainment, or other expenses, athletic or country club membership, and personal use of your property); and bonuses.  |
| <b>Conflict of interest policy</b>        | A conflict of interest arises when a person in a position of authority over an organization, such as a director, officer, or manager, may benefit personally from a decision he or she could make. A conflict of interest policy consists of a set of procedures to follow to avoid the possibility that those in positions of authority over an organization may receive an inappropriate benefit.   |
| <b>Controlled by disqualified persons</b> | As a section 509(a)(3) supporting organization, you may not be controlled directly or indirectly by disqualified persons. You are controlled if disqualified persons can exercise 50% or more of the total voting power of your governing body. You are also controlled if disqualified persons have authority to affect significant decisions, such as power over your investment decisions, or power over your charitable disbursement decisions. You are also controlled if disqualified persons can exercise veto power. Although control is generally demonstrated where disqualified persons have the authority over your governing body to require you to take an action or refrain from taking an action, indirect control by disqualified persons will also disqualify you as a supporting organization. |



**Cooperative hospital service organization**

An organization described in section 501(e) is organized and operated on a cooperative basis to provide its section 501(c)(3) hospital members one or more of the following activities: data processing, purchasing (including purchasing insurance on a group basis), warehousing, billing and collection (including purchasing patron accounts receivable on a recourse basis), food, clinical, industrial engineering, laboratory, printing, communications, record center, and personnel (including selecting, testing, training, and educating personnel) services.

**Cooperative service organization of operating educational organizations**

An organization described in section 501(f) is organized and operated to provide investment services to its members. Those members must be organizations described in section 170(b)(1)(A)(ii) or (iv), and either tax exempt under section 501(a) or whose income is excluded from taxation under section 115(a).

**Corporation**

An entity organized under a Federal or state statute, or a statute of a federally recognized Indian tribal or Alaskan native government.

**Definitive ruling**

A written determination by us on your public charity status that classifies you as a publicly supported organization if you have completed your first tax year, consisting of at least 8 full months, and you meet one of the public support tests. A definitive ruling may also be issued at the end of your 5-year advance ruling period if you were issued an advance ruling and you meet one of the public support tests.

**Develop**

Develop means the planning, financing, construction, or provision of similar services involved in the acquisition of real property, such as land or a building.

**Disqualified person**

Any individual or organization that is:

- a. A substantial contributor to you (see *substantial contributor*).
- b. An officer, director, trustee, or any other individual who has similar powers or responsibilities.
- c. An individual who owns more than 20% of the total combined voting power of a corporation that is a substantial contributor to you.
- d. An individual who owns more than 20% of the profits interest of a partnership that is a substantial contributor to you.
- e. An individual who owns more than 20% of the beneficial interest of a trust or estate that is a substantial contributor to you.
- f. A member of the family of any individual described in a, b, c, d, or e above;
- g. A corporation in which any individuals described in a, b, c, d, e, or f above hold more than 35% of the total combined voting power;
- h. A trust or estate in which any individuals described in a, b, c, d, e, or f above hold more than 35% of the beneficial interests; and
- i. A partnership in which any individuals described a, b, c, d, e, or f above hold more than 35% of the profits interest.

**Earmark**

Donations or other contributions given to you to assist particular individuals or specific identified groups.

**Economic development**

Organizations formed to combat community deterioration by assisting businesses located in a particular geographic area whose economy is economically depressed or deteriorating. Economic development activities include grants, loans, provision of information and expertise, or creation of industrial parks. Economic development organizations may also be formed to eliminate prejudice and discrimination or lessen the burdens of government through involvement with business development.

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| <b>Elderly housing</b>         | Generally, the primary beneficiaries of the tax-exempt housing are age 62 and older. The elderly are treated as appropriate charitable beneficiaries for certain purposes regardless of socio-economic status because, as a group, they face many barriers to their basic needs as they age. The elderly, as a class, face forms of distress other than financial, such as the need for suitable housing, physical and mental health care, civic, cultural, and recreational activities, and an overall environment conducive to dignity and independence. |
| <b>Expenses</b>                | Financial burdens or outlays; costs (of doing business); business outlays chargeable against revenues. For purposes of this form, expenses mean direct and indirect expenses.  |
| <b>Fair market value</b>       | The price at which property or the right to use property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy, sell, or transfer property or the right to use property, and both having reasonable knowledge of relevant facts.  |
| <b>Family</b>                  | Includes an individual's spouse, ancestors, children, grandchildren, great grandchildren, siblings (whether by whole or half blood), and the spouses of children, grandchildren, great grandchildren, and siblings.  |
| <b>Foreign country</b>         | A country other than the United States, its territories and possessions, and the District of Columbia.   |
| <b>For-profit</b>              | A business entity whose activities are conducted or maintained to make a profit (e.g. revenues greater than expenses).   |
| <b>Foundation manager</b>      | Officers, directors, or trustees, or an individual having powers or responsibilities similar to those of a foundation's officers, directors, or trustees.  |
| <b>Fundraising</b>             | The organized activity of raising funds, whether by volunteers, employees, or paid independent contractors.  |
| <b>Gainfully employed</b>      | Employed or actively looking for work.   |
| <b>Gaming</b>                  | The term gaming includes activities such as Bingo, Beano, lotteries, pull-tabs, pari-mutuel betting, Calcutta wagering, pickle jars, punch boards, tip boards, tip jars, certain video games, 21, raffles, keno, split-the-pot, and other games of chance.   |
| <b>Gross investment income</b> | As defined in section 509, gross investment income means the gross amount of income from interest, dividends, payments with respect to securities loans, rents, and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.   |
| <b>Gross receipts</b>          | For purposes of <i>Part IX-A. Statement of Revenues and Expenses</i> , gross receipts includes monies earned from activities related to your charitable or other section 501(c)(3) activities, such as selling admissions or merchandise, performing services, or furnishing facilities.   |
| <b>Handicapped</b>             | Persons with physical or mental disabilities with special needs for suitable housing, physical and mental health care, civic, cultural, and recreational activities, transportation, and an overall environment conducive to dignity and independence.   |

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| <b>Hospital</b>                      | Hospital or medical care includes the treatment of any physical or mental disability or condition, whether on an inpatient or outpatient basis. A hospital includes: <ul style="list-style-type: none"> <li>a. Hospitals and rehabilitation institutions, outpatient clinics, or community mental health or drug treatment centers if the principal purpose or function is the providing of medical or hospital care or medical education or research.</li> <li>b. Medical research organizations, if the principal purpose or function is the continuous active conduct of medical research in conjunction with a hospital.</li> </ul> |
| <b>Independent contractors</b>       | Persons who are not treated as employees for employment tax purposes.   |
| <b>Influence legislation</b>         | The act of directly contacting or urging the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation. You are also attempting to influence legislation if you advocate the adoption or rejection of legislation.  |
| <b>Intellectual property</b>         | A type of property (distinct from real or personal property) which includes: <ul style="list-style-type: none"> <li>a. Patents (for inventions).</li> <li>b. Copyrights (for literary and artistic works such as novels, poems, plays, films, musical works, drawings, paintings, photographs, sculptures, architectural designs, performances, recordings, film, and radio or television programs).</li> <li>c. Trade names, trade marks, and service marks (for symbols, names, images, and designs).</li> <li>d. Formulas, know-how, and trade secrets.</li> </ul>   |
| <b>Joint ventures</b>                | A legal agreement in which the parties jointly undertake a transaction for mutual profit. Generally, each person contributes assets and shares risks. Like a partnership, joint ventures can involve any type of business transaction and the "persons" involved can be individuals, groups of individuals, companies, or corporations.   |
| <b>Limited liability company</b>     | A limited liability company (LLC) combines attributes of both corporations and partnerships (or, for one-person LLCs, sole proprietorships). The corporation's protection from personal liability for business debts and the pass-through tax structure of partnerships and sole proprietorships.   |
| <b>Low-income housing</b>            | Rental or ownership housing provided to persons based on financial need.  |
| <b>Mailing address</b>               | Address where you wish all correspondence to be sent.   |
| <b>Manage</b>                        | Manage means to direct or administer.   |
| <b>Medical care</b>                  | The treatment of any physical or mental disability or condition, whether on an inpatient or outpatient basis.   |
| <b>Medical research organization</b> | An organization whose principal purpose or function is the continuous active conduct of medical research in conjunction with a hospital.  |
| <b>Net income (for Schedule D)</b>   | See <i>adjusted net income</i> .  |
| <b>Non-fixed payments</b>            | A non-fixed payment means a payment that depends on discretion. For example, a bonus of up to \$100,000 that is based on an evaluation of performance by the governing board is a non-fixed payment because the governing body has discretion over whether the bonus is paid and the amount of the bonus.   |

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| <b>Organizing document</b>          | The organizing document depends on the form of the organization. For a corporation, the document is the articles of incorporation. For a limited liability company (LLC), the document is the articles of organization. For an unincorporated association, the document is the articles of association or constitution. The organizing document of a trust is the trust agreement.  |
| <b>Political</b>                    | You participate in a political campaign if you promote or oppose, through political literature, brochures, pamphlets, hosting or participating in events, etc., the candidacy of an individual for public office. Debates and nonpartisan voter education are not considered political.   |
| <b>Predecessor</b>                  | An organization whose activities or assets were taken over by another organization.   |
| <b>Private foundations</b>          | Organizations that are exempt under section 501(c)(3) are private foundations unless they are: churches, schools, hospitals, governmental units, entities that undertake testing for public safety; organizations that have broad financial support from the general public; or organizations that support one or more other organizations that are themselves classified as public charities.  |
| <b>Private operating foundation</b> | A type of private foundation that lacks general public support, but makes qualifying distributions directly for the active conduct of its educational, charitable, and religious purposes. "Directly for the active conduct" means that the distributions are used by the foundation itself to carry out the programs for which it is organized and operated. Grants made to assist other organizations or individuals are normally considered indirect.  |
| <b>Public charity</b>               | Organizations that are exempt under section 501(c)(3) and are not private foundations because they are: churches, schools, hospitals, governmental units, entities that undertake testing for public safety; organizations that have broad financial support from the general public; or organizations that support one or more other organizations that are themselves classified as public charities. Public charity status is a more favorable tax status than private foundation status.  |
| <b>Reasonable compensation</b>      | Reasonable compensation is the amount that would ordinarily be paid for like services by like organizations under like circumstances as of the date the compensation arrangement is made. Reasonable compensation is important because excessive benefits in the form of compensation to disqualified persons may result in the imposition of excise taxes and jeopardize the organization's tax-exempt status.   |
| <b>Related</b>                      | The family or business relationships between persons.   |
| <b>Relationship</b>                 | A relationship between you and the recipient organization includes the following situations: <ul style="list-style-type: none"> <li>a. You control the organization or it controls you through common officers, directors, or trustees, or through authority to approve budgets or expenditures.</li> <li>b. You and the organization were created at approximately the same time and by the same persons.</li> <li>c. You and the organization operate in a coordinated manner with respect to facilities, programs, employees, or other activities.</li> <li>d. Persons who exercise substantial influence over you also exercise substantial influence over the other organization.</li> </ul> |
| <b>Revenue</b>                      | Revenue means gross revenue amounts.  |

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| <b>Revenue Procedure</b>          | An official statement of a procedure published in the IRS Cumulative Bulletin that either affects the rights or duties of taxpayers or other members of the public under the Internal Revenue Code and related statutes, treaties, and regulations or, although not necessarily affecting the rights and duties of the public, should be a matter of public knowledge.   |
| <b>Revenue Ruling</b>             | An official interpretation by the IRS of the Internal Revenue laws and related statutes, treaties, and regulations, that has been published in the Cumulative Bulletin. Revenue Rulings are issued only by the National Office and are published for the information and guidance of taxpayers, IRS officials, and others concerned.   |
| <b>SS-4</b>                       | Application for Employer Identification Number.  |
| <b>School</b>                     | A school is an educational organization whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. A school may include a: <ul style="list-style-type: none"> <li>a. Primary, secondary, preparatory, or high school.</li> <li>b. College or university.</li> <li>c. Trade or technical school.</li> <li>d. Nursery or preschool.</li> <li>e. School that you operate as an activity, such as school that is operated as an activity of a museum, historical society, or church.</li> </ul> |
| <b>Similarly situated</b>         | Similarly situated organizations means tax-exempt or taxable organizations of a comparable size, purpose, and resources.   |
| <b>Substantial contributor</b>    | Any individual or organization that gave more than \$5,000 to you from the date you were formed or other date that your exemption would be effective, to the end of the year in which the contributions were received. This total amount contributed must also be more than 2% of all the contributions you received. A creator of a trust is treated as a substantial contributor regardless of the amount contributed.   |
| <b>Successor</b>                  | An organization that took over: <ul style="list-style-type: none"> <li>a. More than a negligible amount of the activities that were previously conducted by another organization;</li> <li>b. Twenty-five percent or more of the fair market value of the net assets of another organization; or</li> <li>c. Was established upon the conversion of an organization from for-profit to non-profit status.</li> </ul>   |
| <b>Trust</b>                      | A trust is an entity that may be formed by a trust agreement or declaration of trust. A trust may also be formed through a will.   |
| <b>Unincorporated association</b> | An unincorporated association formed under state law must have at least two members who have signed a written document for a specifically defined purpose.   |
| <b>Unusual grants</b>             | Substantial contributions and bequests from disinterested persons that by their size adversely affect classification as a public charity. They are: <ul style="list-style-type: none"> <li>a. Unusual;</li> <li>b. Unexpected; and</li> <li>c. Received from an unrelated party.</li> </ul>  |

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|---|-------|--|--------|-----------------------------------|-------|---------------------------------|---|
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| Substitute articles of<br>incorporation ..... | 7     | Non-charitable interests .....                     | 7      | <hr/>                             |       | Where to file .....             | 4 |
| Successor .....                               | 9, 22 | Will .....   | 7      | <hr/>                             |       | Private delivery services ..... | 4 |
| Supporting organization .....                 | 19    | <hr/>  |        | <b>V</b>                          |       |                                 |   |
| <hr/>   |       | <b>U</b>   |        | Virgin Island organizations ..... | 6     |                                 |   |
| <b>T</b>                                      |       | Unincorporated association .....                   | 7      | <hr/>                             |       |                                 |   |
| Tax-exempt status:                            |       | United States territories and<br>possessions ..... | 6      | <b>W</b>                          |       |                                 |   |
| Form 1023 .....                               | 3     | Unusual grants .....                               | 13, 16 | What to file:                     |       |                                 |   |
|   |       |  |        | Required schedules .....          | 3     |                                 |   |

**Application for Recognition of Exemption  
Under Section 501(c)(3) of the Internal Revenue Code**

*Note: If exempt status is approved, this application will be open for public inspection.*

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

|   |  |  |   |
|---|--|--|---|
| <b>1</b> Full name of organization (exactly as it appears in your <b>organizing document</b> )  |  | <b>2</b> c/o Name (if applicable)                                      |   |
| <b>3</b> <b>Mailing address</b> (Number and street) (see instructions)  |  | Room/Suite   | <b>4</b> Employer Identification Number (EIN) |
| City or town, state or country, and ZIP + 4   |  | <b>5</b> Month the annual accounting period ends (01 - 12)             |   |
| <b>6</b> Primary contact (officer, director, trustee, or <b>authorized representative</b> )   |  | <b>b</b> Phone:  |   |
| <b>a</b> Name:  |  | <b>c</b> Fax: (optional)   |   |
| <b>7</b> Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative.  |  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |   |
| <b>8</b> Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. |  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |   |
| <b>9a</b> Organization's website:   |  |  |   |
| <b>b</b> Organization's email: (optional)   |  |  |   |
| <b>10</b> Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ.  |  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |   |
| <b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)  |  | / /  |   |
| <b>12</b> Were you formed under the laws of a <b>foreign country</b> ?<br>If "Yes," state the country.  |  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |   |



**Part II Organizational Structure**

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1** Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing **certification of filing** with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification.  **Yes**  **No**

---

- 2** Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application.  **Yes**  **No**

---

- 3** Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments.  **Yes**  **No**

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- 4a** Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments.  **Yes**  **No**
- b** Have you been funded? If "No," explain how you are formed without anything of value placed in trust.  **Yes**  **No**

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- 5** Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected.  **Yes**  **No**

**Part III Required Provisions in Your Organizing Document**

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1** Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): \_\_\_\_\_

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- 2a** Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.
- 2b** If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. \_\_\_\_\_
- 2c** See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state: \_\_\_\_\_

**Part IV Narrative Description of Your Activities**

Using an attachment, describe your *past*, *present*, and *planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors**

**1a** List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

| Name | Title | Mailing address | Compensation amount (annual actual or estimated) |
|------|-------|-----------------|--|
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

**b** List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

| Name | Title | Mailing address | Compensation amount (annual actual or estimated) |
|------|-------|-----------------|--|
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |

**c** List the names, names of businesses, and mailing addresses of your five highest compensated **independent contractors** that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

| Name | Title | Mailing address | Compensation amount (annual actual or estimated) |
|------|-------|-----------------|--|
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |
|      |       |                 |  |

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

**2a** Are any of your officers, directors, or trustees **related** to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship.  **Yes**  **No**

**b** Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees.  **Yes**  **No**

**c** Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship.  **Yes**  **No**

**3a** For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

**b** Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement.  **Yes**  **No**

**4** In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

**a** Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy?  **Yes**  **No**

**b** Do you or will you approve compensation arrangements in advance of paying compensation?  **Yes**  **No**

**c** Do you or will you document in writing the date and terms of approved compensation arrangements?  **Yes**  **No**

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors** (Continued)

- d** Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?  Yes  No
- e** Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- f** Do you or will you record in writing both the information on which you relied to base your decision and its source?  Yes  No
- g** If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is **reasonable** for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.
- 
- 5a** Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.  Yes  No
- b** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- c** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?
- Note:** A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.
- 
- 6a** Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- b** Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- 
- 7a** Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine that you pay no more than **fair market value**. Attach copies of any written contracts or other agreements relating to such purchases.  Yes  No
- b** Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.  Yes  No
- 
- 8a** Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.  Yes  No
- b** Describe any written or oral arrangements that you made or intend to make.
- c** Identify with whom you have or will have such arrangements.
- d** Explain how the terms are or will be negotiated at arm's length.
- e** Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- f** Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.
- 
- 9a** Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.  Yes  No

## Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

- b Describe any written or oral arrangements you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
- f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

## Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past*, *present*, and *planned* activities. (See instructions.)

- 1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals.  Yes  No
- b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.  Yes  No
- 2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.  Yes  No
- 3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.  Yes  No

## Part VII Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

- 1 Are you a **successor** to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.  Yes  No
- 2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.  Yes  No

## Part VIII Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past*, *present*, and *planned* activities. (See instructions.)

- 1 Do you support or oppose candidates in **political campaigns** in any way? If "Yes," explain.  Yes  No
- 2a Do you attempt to **influence legislation**? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.  Yes  No
- b Have you made or are you making an **election** to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities.  Yes  No
- 3a Do you or will you operate bingo or **gaming** activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. **Revenue and expenses** should be provided for the time periods specified in Part IX, Financial Data.  Yes  No
- b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements.  Yes  No
- c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

**Part VIII Your Specific Activities (Continued)**

**4a** Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.)  **Yes**  **No**

- |   |  |
|---|--|
| <input type="checkbox"/> mail solicitations                         | <input type="checkbox"/> phone solicitations                                   |
| <input type="checkbox"/> email solicitations                        | <input type="checkbox"/> accept donations on your website                      |
| <input type="checkbox"/> personal solicitations                     | <input type="checkbox"/> receive donations from another organization's website |
| <input type="checkbox"/> vehicle, boat, plane, or similar donations | <input type="checkbox"/> government grant solicitations                        |
| <input type="checkbox"/> foundation grant solicitations             | <input type="checkbox"/> Other   |

Attach a description of each fundraising program.

**b** Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements.  **Yes**  **No**

**c** Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements.  **Yes**  **No**

**d** List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.

**e** Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors.  **Yes**  **No**

**5** Are you **affiliated** with a governmental unit? If "Yes," explain.  **Yes**  **No**

**6a** Do you or will you engage in **economic development**? If "Yes," describe your program.  **Yes**  **No**

**b** Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

**7a** Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees.  **Yes**  **No**

**b** Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees.  **Yes**  **No**

**c** If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

**8** Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate.  **Yes**  **No**

**9a** Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10.  **Yes**  **No**

**b** Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**

**c** Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**

**d** Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**

**10** Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.  **Yes**  **No**

**Part VIII Your Specific Activities (Continued)**

- 11** Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.  Yes  No
- 
- 12a** Do you or will you operate in a **foreign country or countries**? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.  Yes  No
- b** Name the foreign countries and regions within the countries in which you operate.
- c** Describe your operations in each country and region in which you operate.
- d** Describe how your operations in each country and region further your exempt purposes.
- 
- 13a** Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.  Yes  No
- b** Describe how your grants, loans, or other distributions to organizations further your exempt purposes.
- c** Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.  Yes  No
- d** Identify each recipient organization and any **relationship** between you and the recipient organization.
- e** Describe the records you keep with respect to the grants, loans, or other distributions you make.
- f** Describe your selection process, including whether you do any of the following:
- (i)** Do you require an application form? If "Yes," attach a copy of the form.  Yes  No
- (ii)** Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.  Yes  No
- g** Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.
- 
- 14a** Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.  Yes  No
- b** Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.
- c** Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.  Yes  No
- d** Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.  Yes  No
- e** Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.  Yes  No
- f** Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.  Yes  No

**Part VIII Your Specific Activities (Continued)**

- 15 Do you have a **close connection** with any organizations? If "Yes," explain.  **Yes**  **No**
- 16 Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.  **Yes**  **No**
- 17 Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.  **Yes**  **No**
- 18 Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.  **Yes**  **No**
- 19 Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.  **Yes**  **No**
- 20 Is your main function to provide **hospital or medical care**? If "Yes," complete Schedule C.  **Yes**  **No**
- 21 Do you or will you provide **low-income housing** or housing for the **elderly or handicapped**? If "Yes," complete Schedule F.  **Yes**  **No**
- 22 Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H.  **Yes**  **No**

**Note: Private foundations** may use Schedule H to request advance approval of individual grant procedures.

**Part IX Financial Data**

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

**A. Statement of Revenues and Expenses**

|                 | Type of revenue or expense  | 3 prior tax years or 2 succeeding tax years |                           |                           |                           | (e) Provide Total for (a) through (d) |
|-----------------|---|---|---------------------------|---------------------------|---------------------------|---------------------------------------|
|                 |   | (a) From.....<br>To .....                   | (b) From.....<br>To ..... | (c) From.....<br>To ..... | (d) From.....<br>To ..... |                                       |
| <b>Revenues</b> | <b>1</b> Gifts, grants, and contributions received (do not include unusual grants)  |   |                           |                           |                           |                                       |
|                 | <b>2</b> Membership fees received   |   |                           |                           |                           |                                       |
|                 | <b>3</b> Gross investment income  |   |                           |                           |                           |                                       |
|                 | <b>4</b> Net unrelated business income  |   |                           |                           |                           |                                       |
|                 | <b>5</b> Taxes levied for your benefit  |   |                           |                           |                           |                                       |
|                 | <b>6</b> Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)             |   |                           |                           |                           |                                       |
|                 | <b>7</b> Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)  |   |                           |                           |                           |                                       |
|                 | <b>8</b> Total of lines 1 through 7   |   |                           |                           |                           |                                       |
|                 | <b>9</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list) |   |                           |                           |                           |                                       |
|                 | <b>10</b> Total of lines 8 and 9  |   |                           |                           |                           |                                       |
|                 | <b>11</b> Net gain or loss on sale of capital assets (attach schedule and see instructions)   |   |                           |                           |                           |                                       |
|                 | <b>12</b> Unusual grants  |   |                           |                           |                           |                                       |
|                 | <b>13</b> Total Revenue<br>Add lines 10 through 12  |   |                           |                           |                           |                                       |
| <b>Expenses</b> | <b>14</b> Fundraising expenses  |   |                           |                           |                           |                                       |
|                 | <b>15</b> Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)  |   |                           |                           |                           |                                       |
|                 | <b>16</b> Disbursements to or for the benefit of members (attach an itemized list)  |   |                           |                           |                           |                                       |
|                 | <b>17</b> Compensation of officers, directors, and trustees   |   |                           |                           |                           |                                       |
|                 | <b>18</b> Other salaries and wages  |   |                           |                           |                           |                                       |
|                 | <b>19</b> Interest expense  |   |                           |                           |                           |                                       |
|                 | <b>20</b> Occupancy (rent, utilities, etc.)   |   |                           |                           |                           |                                       |
|                 | <b>21</b> Depreciation and depletion  |   |                           |                           |                           |                                       |
|                 | <b>22</b> Professional fees   |   |                           |                           |                           |                                       |
|                 | <b>23</b> Any expense not otherwise classified, such as program services (attach itemized list)   |   |                           |                           |                           |                                       |
|                 | <b>24</b> Total Expenses<br>Add lines 14 through 23   |   |                           |                           |                           |                                       |



**Part IX Financial Data (Continued)**

**B. Balance Sheet (for your most recently completed tax year)**

|                                    |   | Year End:  |
|------------------------------------|---|--|
|                                    |   | (Whole dollars)  |
| <b>Assets</b>                      |   |  |
| 1                                  | Cash . . . . .  | 1  |
| 2                                  | Accounts receivable, net . . . . .  | 2  |
| 3                                  | Inventories . . . . .   | 3  |
| 4                                  | Bonds and notes receivable (attach an itemized list) . . . . .  | 4  |
| 5                                  | Corporate stocks (attach an itemized list) . . . . .  | 5  |
| 6                                  | Loans receivable (attach an itemized list) . . . . .  | 6  |
| 7                                  | Other investments (attach an itemized list) . . . . .   | 7  |
| 8                                  | Depreciable and depletable assets (attach an itemized list) . . . . .   | 8  |
| 9                                  | Land . . . . .  | 9  |
| 10                                 | Other assets (attach an itemized list) . . . . .  | 10   |
| 11                                 | Total Assets (add lines 1 through 10) . . . . .   | 11   |
| <b>Liabilities</b>                 |   |  |
| 12                                 | Accounts payable . . . . .  | 12   |
| 13                                 | Contributions, gifts, grants, etc. payable . . . . .  | 13   |
| 14                                 | Mortgages and notes payable (attach an itemized list) . . . . .   | 14   |
| 15                                 | Other liabilities (attach an itemized list) . . . . .   | 15   |
| 16                                 | Total Liabilities (add lines 12 through 15) . . . . .   | 16   |
| <b>Fund Balances or Net Assets</b> |   |  |
| 17                                 | Total fund balances or net assets . . . . .   | 17   |
| 18                                 | Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17) . . . . .   | 18   |
| 19                                 | Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**Part X Public Charity Status**

Part X is designed to classify you as an organization that is either a **private foundation** or a **public charity**. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a **private operating foundation**. (See instructions.)

**1a** Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed.  Yes  No  
If you are unsure, see the instructions.

**b** As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2.

**2** Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI.  Yes  No

**3** Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4.  Yes  No

**4** Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation?  Yes  No

**5** If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

**a** 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.

**b** 509(a)(1) and 170(b)(1)(A)(ii)—a **school**. Complete and attach Schedule B.

**c** 509(a)(1) and 170(b)(1)(A)(iii)—a **hospital**, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.

**d** 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.

**Part X Public Charity Status (Continued)**

- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.
- h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross **investment income** and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).
- i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

**6** If you checked box g, h, or i in question 5 above, you must request either an **advance** or a **definitive ruling** by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

- a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at [www.irs.gov](http://www.irs.gov) or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

**Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code**

For Organization

-----  
(Signature of Officer, Director, Trustee, or other authorized official)

-----  
(Type or print name of signer)

-----  
(Date)

-----  
(Type or print title or authority of signer)

For IRS Use Only

-----  
IRS Director, Exempt Organizations

-----  
(Date)

- b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).
- (i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. \_\_\_\_\_
- (b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.
- (ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each **disqualified person**. If the answer is "None," check this box.
- (b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," check this box.

**7** Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual.  **Yes**  **No**

**Part XI User Fee Information**

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed \$10,000 annually over a 4-year period, you must submit payment of \$750. If your gross receipts have not exceeded or will not exceed \$10,000 annually over a 4-year period, the required user fee payment is \$300. See instructions for Part XI, for a definition of **gross receipts** over a 4-year period. Your check or money order must be made payable to the United States Treasury. *User fees are subject to change. Check our website at [www.irs.gov](http://www.irs.gov) and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.*

- 1 Have your annual gross receipts averaged or are they expected to average not more than \$10,000?  Yes  No  
 If "Yes," check the box on line 2 and enclose a user fee payment of \$300 (Subject to change—see above).  
 If "No," check the box on line 3 and enclose a user fee payment of \$750 (Subject to change—see above).
- 2 Check the box if you have enclosed the reduced user fee payment of \$300 (Subject to change).
- 3 Check the box if you have enclosed the user fee payment of \$750 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

**Please Sign Here**



.....  
(Signature of Officer, Director, Trustee, or other authorized official)

.....  
(Type or print name of signer)

.....  
(Date)

.....  
(Type or print title or authority of signer)

**Reminder:** Send the completed Form 1023 Checklist with your filled-in-application.

**Schedule A. Churches**

- 1a** Do you have a written creed, statement of faith, or summary of beliefs? If "Yes," attach copies of relevant documents.  Yes  No
- b** Do you have a form of worship? If "Yes," describe your form of worship.  Yes  No
- 2a** Do you have a formal code of doctrine and discipline? If "Yes," describe your code of doctrine and discipline.  Yes  No
- b** Do you have a distinct religious history? If "Yes," describe your religious history.  Yes  No
- c** Do you have a literature of your own? If "Yes," describe your literature.  Yes  No
- 3** Describe the organization's religious hierarchy or ecclesiastical government.
- 4a** Do you have regularly scheduled religious services? If "Yes," describe the nature of the services and provide representative copies of relevant literature such as church bulletins.  Yes  No
- b** What is the average attendance at your regularly scheduled religious services? \_\_\_\_\_
- 5a** Do you have an established place of worship? If "Yes," refer to the instructions for the information required.  Yes  No
- b** Do you own the property where you have an established place of worship?  Yes  No
- 6** Do you have an established congregation or other regular membership group? If "No," refer to the instructions.  Yes  No
- 7** How many members do you have? \_\_\_\_\_
- 8a** Do you have a process by which an individual becomes a member? If "Yes," describe the process and complete lines 8b-8d, below.  Yes  No
- b** If you have members, do your members have voting rights, rights to participate in religious functions, or other rights? If "Yes," describe the rights your members have.  Yes  No
- c** May your members be associated with another denomination or church?  Yes  No
- d** Are all of your members part of the same family?  Yes  No
- 9** Do you conduct baptisms, weddings, funerals, etc.?  Yes  No
- 10** Do you have a school for the religious instruction of the young?  Yes  No
- 11a** Do you have a minister or religious leader? If "Yes," describe this person's role and explain whether the minister or religious leader was ordained, commissioned, or licensed after a prescribed course of study.  Yes  No
- b** Do you have schools for the preparation of your ordained ministers or religious leaders?  Yes  No
- 12** Is your minister or religious leader also one of your officers, directors, or trustees?  Yes  No
- 13** Do you ordain, commission, or license ministers or religious leaders? If "Yes," describe the requirements for ordination, commission, or licensure.  Yes  No
- 14** Are you part of a group of churches with similar beliefs and structures? If "Yes," explain. Include the name of the group of churches.  Yes  No
- 15** Do you issue church charters? If "Yes," describe the requirements for issuing a charter.  Yes  No
- 16** Did you pay a fee for a church charter? If "Yes," attach a copy of the charter.  Yes  No
- 17** Do you have other information you believe should be considered regarding your status as a church? If "Yes," explain.  Yes  No

**Schedule B. Schools, Colleges, and Universities**

If you operate a school as an activity, complete Schedule B

**Section I Operational Information**

- 1a** Do you normally have a regularly scheduled curriculum, a regular faculty of qualified teachers, a regularly enrolled student body, and facilities where your educational activities are regularly carried on? If "No," do not complete the remainder of Schedule B.  Yes  No
- b** Is the primary function of your school the presentation of formal instruction? If "Yes," describe your school in terms of whether it is an elementary, secondary, college, technical, or other type of school. If "No," do not complete the remainder of Schedule B.  Yes  No
- 2a** Are you a public school because you are operated by a state or subdivision of a state? If "Yes," explain how you are operated by a state or subdivision of a state. Do not complete the remainder of Schedule B.  Yes  No
- b** Are you a public school because you are operated wholly or predominantly from government funds or property? If "Yes," explain how you are operated wholly or predominantly from government funds or property. Submit a copy of your funding agreement regarding government funding. Do not complete the remainder of Schedule B.  Yes  No
- 3** In what public school district, county, and state are you located?

- 4** Were you formed or substantially expanded at the time of public school desegregation in the above school district or county?  Yes  No
- 5** Has a state or federal administrative agency or judicial body ever determined that you are racially discriminatory? If "Yes," explain.  Yes  No
- 6** Has your right to receive financial aid or assistance from a governmental agency ever been revoked or suspended? If "Yes," explain.  Yes  No
- 7** Do you or will you contract with another organization to develop, build, market, or finance your facilities? If "Yes," explain how that entity is selected, explain how the terms of any contracts or other agreements are negotiated at arm's length, and explain how you determine that you will pay no more than fair market value for services.  Yes  No

**Note.** Make sure your answer is consistent with the information provided in Part VIII, line 7a.

- 8** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services.  Yes  No

**Note.** Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.**Section II Establishment of Racially Nondiscriminatory Policy**Information required by **Revenue Procedure 75-50.**

- 1** Have you adopted a racially nondiscriminatory policy as to students in your organizing document, bylaws, or by resolution of your governing body? If "Yes," state where the policy can be found or supply a copy of the policy. If "No," you must adopt a nondiscriminatory policy as to students before submitting this application. See Publication 557.  Yes  No
- 2** Do your brochures, application forms, advertisements, and catalogues dealing with student admissions, programs, and scholarships contain a statement of your racially nondiscriminatory policy?  Yes  No
- a** If "Yes," attach a representative sample of each document.
- b** If "No," by checking the box to the right you agree that all future printed materials, including website content, will contain the required nondiscriminatory policy statement.
- 3** Have you published a notice of your nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the community? (See the instructions for specific requirements.) If "No," explain.  Yes  No
- 4** Does or will the organization (or any department or division within it) discriminate in any way on the basis of race with respect to admissions; use of facilities or exercise of student privileges; faculty or administrative staff; or scholarship or loan programs? If "Yes," for any of the above, explain fully.  Yes  No

**Schedule B. Schools, Colleges, and Universities** *(Continued)*

**5** Complete the table below to show the racial composition for the current academic year and projected for the next academic year, of: (a) the student body, (b) the faculty, and (c) the administrative staff. Provide actual numbers rather than percentages for each racial category.

If you are not operational, submit an estimate based on the best information available (such as the racial composition of the community served).

| Racial Category | (a) Student Body |           | (b) Faculty  |           | (c) Administrative Staff |           |
|-----------------|------------------|-----------|--------------|-----------|--------------------------|-----------|
|                 | Current Year     | Next Year | Current Year | Next Year | Current Year             | Next Year |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
|                 |                  |           |              |           |                          |           |
| <b>Total</b>    |                  |           |              |           |                          |           |

**6** In the table below, provide the number and amount of loans and scholarships awarded to students enrolled by racial categories.

| Racial Category | Number of Loans |           | Amount of Loans |           | Number of Scholarships |           | Amount of Scholarships |           |
|-----------------|-----------------|-----------|-----------------|-----------|------------------------|-----------|------------------------|-----------|
|                 | Current Year    | Next Year | Current Year    | Next Year | Current Year           | Next Year | Current Year           | Next Year |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
|                 |                 |           |                 |           |                        |           |                        |           |
| <b>Total</b>    |                 |           |                 |           |                        |           |                        |           |

**7a** Attach a list of your incorporators, founders, board members, and donors of land or buildings, whether individuals or organizations.

**b** Do any of these individuals or organizations have an objective to maintain segregated public or private school education? If "Yes," explain.  Yes  No

**8** Will you maintain records according to the non-discrimination provisions contained in Revenue Procedure 75-50? If "No," explain. (See instructions.)  Yes  No

**Schedule C. Hospitals and Medical Research Organizations**

Check the box if you are a **hospital**. See the instructions for a definition of the term "hospital," which includes an organization whose principal purpose or function is providing **hospital** or **medical care**. Complete Section I below.

Check the box if you are a **medical research organization** operated in conjunction with a hospital. See the instructions for a definition of the term "medical research organization," which refers to an organization whose principal purpose or function is medical research and which is directly engaged in the continuous active conduct of medical research in conjunction with a hospital. Complete Section II.

**Section I Hospitals**

- 1a** Are all the doctors in the community eligible for staff privileges? If "No," give the reasons why and explain how the medical staff is selected.  **Yes**  **No**
- 2a** Do you or will you provide medical services to all individuals in your community who can pay for themselves or have private health insurance? If "No," explain.  **Yes**  **No**
- b** Do you or will you provide medical services to all individuals in your community who participate in Medicare? If "No," explain.  **Yes**  **No**
- c** Do you or will you provide medical services to all individuals in your community who participate in Medicaid? If "No," explain.  **Yes**  **No**
- 3a** Do you or will you require persons covered by Medicare or Medicaid to pay a deposit before receiving services? If "Yes," explain.  **Yes**  **No**
- b** Does the same deposit requirement, if any, apply to all other patients? If "No," explain.  **Yes**  **No**
- 4a** Do you or will you maintain a full-time emergency room? If "No," explain why you do not maintain a full-time emergency room. Also, describe any emergency services that you provide.  **Yes**  **No**
- b** Do you have a policy on providing emergency services to persons without apparent means to pay? If "Yes," provide a copy of the policy.  **Yes**  **No**
- c** Do you have any arrangements with police, fire, and voluntary ambulance services for the delivery or admission of emergency cases? If "Yes," describe the arrangements, including whether they are written or oral agreements. If written, submit copies of all such agreements.  **Yes**  **No**
- 5a** Do you provide for a portion of your services and facilities to be used for charity patients? If "Yes," answer 5b through 5e.  **Yes**  **No**
- b** Explain your policy regarding charity cases, including how you distinguish between charity care and bad debts. Submit a copy of your written policy.
- c** Provide data on your past experience in admitting charity patients, including amounts you expend for treating charity care patients and types of services you provide to charity care patients.
- d** Describe any arrangements you have with federal, state, or local governments or government agencies for paying for the cost of treating charity care patients. Submit copies of any written agreements.
- e** Do you provide services on a sliding fee schedule depending on financial ability to pay? If "Yes," submit your sliding fee schedule.  **Yes**  **No**
- 6a** Do you or will you carry on a formal program of medical training or medical research? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliations with other hospitals or medical care providers with which you carry on the medical training or research programs.  **Yes**  **No**
- b** Do you or will you carry on a formal program of community education? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliation with other hospitals or medical care providers with which you offer community education programs.  **Yes**  **No**
- 7** Do you or will you provide office space to physicians carrying on their own medical practices? If "Yes," describe the criteria for who may use the space, explain the means used to determine that you are paid at least fair market value, and submit representative lease agreements.  **Yes**  **No**
- 8** Is your board of directors comprised of a majority of individuals who are representative of the community you serve? Include a list of each board member's name and business, financial, or professional relationship with the hospital. Also, identify each board member who is representative of the community and describe how that individual is a community representative.  **Yes**  **No**
- 9** Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all agreements.  **Yes**  **No**

**Note.** Make sure your answer is consistent with the information provided in Part VIII, line 8.

**Schedule C. Hospitals and Medical Research Organizations (Continued)****Section I Hospitals (Continued)**

- 10** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services.  Yes  No
- Note.** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.
- 
- 11** Do you or will you offer recruitment incentives to physicians? If "Yes," describe your recruitment incentives and attach copies of all written recruitment incentive policies.  Yes  No
- 
- 12** Do you or will you lease equipment, assets, or office space from physicians who have a financial or professional relationship with you? If "Yes," explain how you establish a fair market value for the lease.  Yes  No
- 
- 13** Have you purchased medical practices, ambulatory surgery centers, or other business assets from physicians or other persons with whom you have a business relationship, aside from the purchase? If "Yes," submit a copy of each purchase and sales contract and describe how you arrived at fair market value, including copies of appraisals.  Yes  No
- 
- 14** Have you adopted a **conflict of interest policy** consistent with the sample health care organization conflict of interest policy in Appendix A of the instructions? If "Yes," submit a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," explain how you will avoid any conflicts of interest in your business dealings.  Yes  No

**Section II Medical Research Organizations**

- 1** Name the hospitals with which you have a relationship and describe the relationship. Attach copies of written agreements with each hospital that demonstrate continuing relationships between you and the hospital(s).
- 
- 2** Attach a schedule describing your present and proposed activities for the direct conduct of medical research; describe the nature of the activities, and the amount of money that has been or will be spent in carrying them out.
- 
- 3** Attach a schedule of assets showing their fair market value and the portion of your assets directly devoted to medical research.



**Schedule D. Section 509(a)(3) Supporting Organizations**

**Section I Identifying Information About the Supported Organization(s)**

**1** State the names, addresses, and EINs of the supported organizations. If additional space is needed, attach a separate sheet.

| Name | Address | EIN |
|------|---------|-----|
|      | -----   | -   |
|      | -----   | -   |

**2** Are all supported organizations listed in line 1 public charities under section 509(a)(1) or (2)? If "Yes," go to Section II. If "No," go to line 3.  Yes  No

**3** Do the supported organizations have tax-exempt status under section 501(c)(4), 501(c)(5), or 501(c)(6)?  Yes  No

If "Yes," for each 501(c)(4), (5), or (6) organization supported, provide the following financial information:

- Part IX-A. Statement of Revenues and Expenses, lines 1-13 and
- Part X, lines 6b(ii)(a), 6b(ii)(b), and 7.

If "No," attach a statement describing how each organization you support is a public charity under section 509(a)(1) or (2).

**Section II Relationship with Supported Organization(s)—Three Tests**

To be classified as a supporting organization, an organization must meet one of three relationship tests:

- Test 1: "Operated, supervised, or controlled by" one or more publicly supported organizations, or
- Test 2: "Supervised or controlled in connection with" one or more publicly supported organizations, or
- Test 3: "Operated in connection with" one or more publicly supported organizations.

**1** Information to establish the "operated, supervised, or controlled by" relationship (Test 1)  
Is a majority of your governing board or officers elected or appointed by the supported organization(s)? If "Yes," describe the process by which your governing board is appointed and elected; go to Section III. If "No," continue to line 2.  Yes  No

**2** Information to establish the "supervised or controlled in connection with" relationship (Test 2)  
Does a majority of your governing board consist of individuals who also serve on the governing board of the supported organization(s)? If "Yes," describe the process by which your governing board is appointed and elected; go to Section III. If "No," go to line 3.  Yes  No

**3** Information to establish the "operated in connection with" responsiveness test (Test 3)  
Are you a trust from which the named supported organization(s) can enforce and compel an accounting under state law? If "Yes," explain whether you advised the supported organization(s) in writing of these rights and provide a copy of the written communication documenting this; go to Section II, line 5. If "No," go to line 4a.  Yes  No

- 4** Information to establish the alternative "operated in connection with" responsiveness test (Test 3)
- a** Do the officers, directors, trustees, or members of the supported organization(s) elect or appoint one or more of your officers, directors, or trustees? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4b.  Yes  No
  - b** Do one or more members of the governing body of the supported organization(s) also serve as your officers, directors, or trustees or hold other important offices with respect to you? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4c.  Yes  No
  - c** Do your officers, directors, or trustees maintain a close and continuous working relationship with the officers, directors, or trustees of the supported organization(s)? If "Yes," explain and provide documentation.  Yes  No
  - d** Do the supported organization(s) have a significant voice in your investment policies, in the making and timing of grants, and in otherwise directing the use of your income or assets? If "Yes," explain and provide documentation.  Yes  No
  - e** Describe and provide copies of written communications documenting how you made the supported organization(s) aware of your supporting activities.

**Schedule D. Section 509(a)(3) Supporting Organizations (Continued)****Section II Relationship with Supported Organization(s)—Three Tests (Continued)**

- 5** Information to establish the "operated in connection with" integral part test (Test 3)  
Do you conduct activities that would otherwise be carried out by the supported organization(s)? If "Yes," explain and go to Section III. If "No," continue to line 6a.  Yes  No
- 6** Information to establish the alternative "operated in connection with" integral part test (Test 3)
- a** Do you distribute at least 85% of your annual **net income** to the supported organization(s)? If "Yes," go to line 6b. (See instructions.)  Yes  No  
If "No," state the percentage of your income that you distribute to each supported organization. Also explain how you ensure that the supported organization(s) are attentive to your operations.
- b** How much do you contribute annually to each supported organization? Attach a schedule.
- c** What is the total annual revenue of each supported organization? If you need additional space, attach a list.
- d** Do you or the supported organization(s)  **earmark**  your funds for support of a particular program or activity? If "Yes," explain.  Yes  No
- 7a** Does your organizing document specify the supported organization(s) by name? If "Yes," state the article and paragraph number and go to Section III. If "No," answer line 7b.  Yes  No
- b** Attach a statement describing whether there has been an historic and continuing relationship between you and the supported organization(s).

**Section III Organizational Test**

- 1a** If you met relationship Test 1 or Test 2 in Section II, your organizing document must specify the supported organization(s) by name, or by naming a similar purpose or charitable class of beneficiaries. If your organizing document complies with this requirement, answer "Yes." If your organizing document does not comply with this requirement, answer "No," and see the instructions.  Yes  No
- b** If you met relationship Test 3 in Section II, your organizing document must generally specify the supported organization(s) by name. If your organizing document complies with this requirement, answer "Yes," and go to Section IV. If your organizing document does not comply with this requirement, answer "No," and see the instructions.  Yes  No

**Section IV Disqualified Person Test**

You do not qualify as a supporting organization if you are **controlled** directly or indirectly by one or more **disqualified persons** (as defined in section 4946) other than **foundation managers** or one or more organizations that you support. Foundation managers who are also disqualified persons for another reason are disqualified persons with respect to you.

- 1a** Do any persons who are disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons and the foundation managers they appoint, and (3) explain how control is vested over your operations (including assets and activities) by persons other than disqualified persons.  Yes  No
- b** Do any persons who have a family or business relationship with any disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which individuals with a family or business relationship with disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons, the individuals with a family or business relationship with disqualified persons, and the foundation managers appointed, and (3) explain how control is vested over your operations (including assets and activities) in individuals other than disqualified persons.  Yes  No
- c** Do any persons who are disqualified persons, (except individuals who are disqualified persons only because they are foundation managers), have any influence regarding your operations, including your assets or activities? If "Yes," (1) provide the names of these disqualified persons, (2) explain how influence is exerted over your operations (including assets and activities), and (3) explain how control is vested over your operations (including assets and activities) by individuals other than disqualified persons.  Yes  No

**Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation**

Schedule E is intended to determine whether you are eligible for tax exemption under section 501(c)(3) from the postmark date of your application or from your date of incorporation or formation, whichever is earlier. If you are not eligible for tax exemption under section 501(c)(3) from your date of incorporation or formation, Schedule E is also intended to determine whether you are eligible for tax exemption under section 501(c)(4) for the period between your date of incorporation or formation and the postmark date of your application.

- |  |                                     |                                    |
|--|-------------------------------------|------------------------------------|
| <b>1</b> Are you a church, association of churches, or integrated auxiliary of a church? If "Yes," complete Schedule A and stop here. Do not complete the remainder of Schedule E.   | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <hr/>  |                                     |                                    |
| <b>2a</b> Are you a public charity with annual <b>gross receipts</b> that are normally \$5,000 or less? If "Yes," stop here. Answer "No" if you are a private foundation, regardless of your gross receipts.   | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>b</b> If your gross receipts were normally more than \$5,000, are you filing this application within 90 days from the end of the tax year in which your gross receipts were normally more than \$5,000? If "Yes," stop here.  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <hr/>  |                                     |                                    |
| <b>3a</b> Were you included as a subordinate in a group exemption application or letter? If "No," go to line 4.  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>b</b> If you were included as a subordinate in a group exemption letter, are you filing this application within 27 months from the date you were notified by the organization holding the group exemption letter or the Internal Revenue Service that you cease to be covered by the group exemption letter? If "Yes," stop here.   | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>c</b> If you were included as a subordinate in a timely filed group exemption request that was denied, are you filing this application within 27 months from the postmark date of the Internal Revenue Service final adverse ruling letter? If "Yes," stop here.  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <hr/>  |                                     |                                    |
| <b>4</b> Were you created on or before October 9, 1969? If "Yes," stop here. Do not complete the remainder of this schedule.   | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <hr/>  |                                     |                                    |
| <b>5</b> If you answered "No" to lines 1 through 4, we cannot recognize you as tax exempt from your date of formation unless you qualify for an extension of time to apply for exemption. Do you wish to request an extension of time to apply to be recognized as exempt from the date you were formed? If "Yes," attach a statement explaining why you did not file this application within the 27-month period. Do not answer lines 6, 7, or 8. If "No," go to line 6a. | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <hr/>  |                                     |                                    |
| <b>6a</b> If you answered "No" to line 5, you can only be exempt under section 501(c)(3) from the postmark date of this application. Therefore, do you want us to treat this application as a request for tax exemption from the postmark date? If "Yes," you are eligible for an advance ruling. Complete Part X, line 6a. If "No," you will be treated as a private foundation.  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>Note.</b> Be sure your ruling eligibility agrees with your answer to Part X, line 6.  |                                     |                                    |
| <b>b</b> Do you anticipate significant changes in your sources of support in the future? If "Yes," complete line 7 below.  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |

**Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation (Continued)**

- 7** Complete this item only if you answered "Yes" to line 6b. Include projected revenue for the first two full years following the current tax year.

| Type of Revenue  | Projected revenue for 2 years following current tax year |                      |           |
|--|--|----------------------|-----------|
|  | (a) From .....<br>To                                     | (b) From .....<br>To | (c) Total |
| <b>1</b> Gifts, grants, and contributions received (do not include unusual grants)   |  |                      |           |
| <b>2</b> Membership fees received  |  |                      |           |
| <b>3</b> Gross investment income   |  |                      |           |
| <b>4</b> Net unrelated business income   |  |                      |           |
| <b>5</b> Taxes levied for your benefit   |  |                      |           |
| <b>6</b> Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)              |  |                      |           |
| <b>7</b> Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)   |  |                      |           |
| <b>8</b> Total of lines 1 through 7  |  |                      |           |
| <b>9</b> Gross receipts from admissions, merchandise sold, or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list) |  |                      |           |
| <b>10</b> Total of lines 8 and 9   |  |                      |           |
| <b>11</b> Net gain or loss on sale of capital assets (attach an itemized list)   |  |                      |           |
| <b>12</b> Unusual grants   |  |                      |           |
| <b>13</b> Total revenue. Add lines 10 through 12   |  |                      |           |

- 8** According to your answers, you are only eligible for tax exemption under section 501(c)(3) from the postmark date of your application. However, you may be eligible for tax exemption under section 501(c)(4) from your date of formation to the postmark date of the Form 1023. Tax exemption under section 501(c)(4) allows exemption from federal income tax, but generally not deductibility of contributions under Code section 170. Check the box at right if you want us to treat this as a request for exemption under 501(c)(4) from your date of formation to the postmark date. ▶

Attach a completed Page 1 of Form 1024, Application for Recognition of Exemption Under Section 501(a), to this application.

**Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing****Section I General Information About Your Housing**

1 Describe the type of housing you provide.

2 Provide copies of any application forms you use for admission.

3 Explain how the public is made aware of your facility.

4a Provide a description of each facility.

b What is the total number of residents each facility can accommodate?

c What is your current number of residents in each facility?

d Describe each facility in terms of whether residents rent or purchase housing from you.

5 Attach a sample copy of your residency or homeownership contract or agreement.

6 Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all joint venture agreements.  Yes  No

**Note.** Make sure your answer is consistent with the information provided in Part VIII, line 8.

7 Do you or will you contract with another organization to develop, build, market, or finance your housing? If "Yes," explain how that entity is selected, explain how the terms of any contract(s) are negotiated at arm's length, and explain how you determine you will pay no more than fair market value for services.  Yes  No

**Note.** Make sure your answer is consistent with the information provided in Part VIII, line 7a.

8 Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services.  Yes  No

**Note.** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.

9 Do you participate in any government housing programs? If "Yes," describe these programs.  Yes  No

10a Do you own the facility? If "No," describe any enforceable rights you possess to purchase the facility in the future; go to line 10c. If "Yes," answer line 10b.  Yes  No

b How did you acquire the facility? For example, did you develop it yourself, purchase a project, etc. Attach all contracts, transfer agreements, or other documents connected with the acquisition of the facility.

c Do you lease the facility or the land on which it is located? If "Yes," describe the parties to the lease(s) and provide copies of all leases.  Yes  No

**Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing (Continued)****Section II Homes for the Elderly or Handicapped**

- 1a** Do you provide housing for the elderly? If "Yes," describe who qualifies for your housing in terms of age, infirmity, or other criteria and explain how you select persons for your housing.  Yes  No
- b** Do you provide housing for the handicapped? If "Yes," describe who qualifies for your housing in terms of disability, income levels, or other criteria and explain how you select persons for your housing.  Yes  No
- 
- 2a** Do you charge an entrance or founder's fee? If "Yes," describe what this charge covers, whether it is a one-time fee, how the fee is determined, whether it is payable in a lump sum or on an installment basis, whether it is refundable, and the circumstances, if any, under which it may be waived.  Yes  No
- b** Do you charge periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined.  Yes  No
- c** Is your housing affordable to a significant segment of the elderly or handicapped persons in the community? Identify your **community**. Also, if "Yes," explain how you determine your housing is affordable.  Yes  No
- 
- 3a** Do you have an established policy concerning residents who become unable to pay their regular charges? If "Yes," describe your established policy.  Yes  No
- b** Do you have any arrangements with government welfare agencies or others to absorb all or part of the cost of maintaining residents who become unable to pay their regular charges? If "Yes," describe these arrangements.  Yes  No
- 
- 4** Do you have arrangements for the healthcare needs of your residents? If "Yes," describe these arrangements.  Yes  No
- 
- 5** Are your facilities designed to meet the physical, emotional, recreational, social, religious, and/or other similar needs of the elderly or handicapped? If "Yes," describe these design features.  Yes  No

**Section III Low-Income Housing**

- 1** Do you provide low-income housing? If "Yes," describe who qualifies for your housing in terms of income levels or other criteria, and describe how you select persons for your housing.  Yes  No
- 
- 2** In addition to rent or mortgage payments, do residents pay periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined.  Yes  No
- 
- 3a** Is your housing affordable to low income residents? If "Yes," describe how your housing is made affordable to low-income residents.  Yes  No
- Note.** Revenue Procedure 96-32, 1996-1 C.B. 717, provides guidelines for providing low-income housing that will be treated as charitable. (At least 75% of the units are occupied by low-income tenants or 40% are occupied by tenants earning not more than 120% of the very low-income levels for the area.)
- b** Do you impose any restrictions to make sure that your housing remains affordable to low-income residents? If "Yes," describe these restrictions.  Yes  No
- 
- 4** Do you provide social services to residents? If "Yes," describe these services.  Yes  No

**Schedule G. Successors to Other Organizations**

**1a** Are you a **successor to a for-profit organization**? If "Yes," explain the relationship with the predecessor organization that resulted in your creation and complete line 1b.  **Yes**     **No**

**b** Explain why you took over the activities or assets of a for-profit organization or converted from for-profit to nonprofit status.

**2a** Are you a successor to an organization other than a for-profit organization? Answer "Yes" if you have taken or will take over the activities of another organization; or you have taken or will take over 25% or more of the fair market value of the net assets of another organization. If "Yes," explain the relationship with the other organization that resulted in your creation.  **Yes**     **No**

**b** Provide the tax status of the predecessor organization.

**c** Did you or did an organization to which you are a successor previously apply for tax exemption under section 501(c)(3) or any other section of the Code? If "Yes," explain how the application was resolved.  **Yes**     **No**

**d** Was your prior tax exemption or the tax exemption of an organization to which you are a successor revoked or suspended? If "Yes," explain. Include a description of the corrections you made to re-establish tax exemption.  **Yes**     **No**

**e** Explain why you took over the activities or assets of another organization.

**3** Provide the name, last address, and EIN of the predecessor organization and describe its activities.

**Name:** \_\_\_\_\_ **EIN:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**4** List the owners, partners, principal stockholders, officers, and governing board members of the predecessor organization. Attach a separate sheet if additional space is needed.

| Name | Address | Share/Interest (if a for-profit) |
|------|---------|----------------------------------|
|      |         |                                  |
|      |         |                                  |
|      |         |                                  |
|      |         |                                  |
|      |         |                                  |
|      |         |                                  |

**5** Do or will any of the persons listed in line 4, maintain a working relationship with you? If "Yes," describe the relationship in detail and include copies of any agreements with any of these persons or with any for-profit organizations in which these persons own more than a 35% interest.  **Yes**     **No**

**6a** Were any assets transferred, whether by gift or sale, from the predecessor organization to you? If "Yes," provide a list of assets, indicate the value of each asset, explain how the value was determined, and attach an appraisal, if available. For each asset listed, also explain if the transfer was by gift, sale, or combination thereof.  **Yes**     **No**

**b** Were any restrictions placed on the use or sale of the assets? If "Yes," explain the restrictions.  **Yes**     **No**

**c** Provide a copy of the agreement(s) of sale or transfer.

**7** Were any debts or liabilities transferred from the predecessor for-profit organization to you? If "Yes," provide a list of the debts or liabilities that were transferred to you, indicating the amount of each, how the amount was determined, and the name of the person to whom the debt or liability is owed.  **Yes**     **No**

**8** Will you lease or rent any property or equipment previously owned or used by the predecessor for-profit organization, or from persons listed in line 4, or from for-profit organizations in which these persons own more than a 35% interest? If "Yes," submit a copy of the lease or rental agreement(s). Indicate how the lease or rental value of the property or equipment was determined.  **Yes**     **No**

**9** Will you lease or rent property or equipment to persons listed in line 4, or to for-profit organizations in which these persons own more than a 35% interest? If "Yes," attach a list of the property or equipment, provide a copy of the lease or rental agreement(s), and indicate how the lease or rental value of the property or equipment was determined.  **Yes**     **No**

**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures**

**Section I** *Names of individual recipients are not required to be listed in Schedule H.*

**Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.**

- 1a Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc.
- b Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award.
- c If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).
- d Specify how your program is publicized.
- e Provide copies of any solicitation or announcement materials.
- f Provide a sample copy of the application used.
- 2 Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to you? If "No," refer to the instructions.  Yes  No
- 3 Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.)
- 4a Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.)
- b Describe how you determine the number of grants that will be made annually.
- c Describe how you determine the amount of each of your grants.
- d Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.)
- 5 Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated.
- 6 Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members?
- 7 Are relatives of members of the selection committee, or of your officers, directors, or **substantial contributors** eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections?  Yes  No
- Note.** If you are a private foundation, you are not permitted to provide educational grants to **disqualified persons**. Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

**Section II** **Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.**

- 1a If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures?  Yes  No  N/A
- b For which section(s) do you wish to be considered?
- 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution
  - 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product
- 2 Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring?  Yes  No
- 3 Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2?  Yes  No



**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures**  
(Continued)

**Section II Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section. (Continued)**

- 4a** Do you or will you award scholarships, fellowships, and educational loans to attend an educational institution based on the status of an individual being an *employee of a particular employer*? If "Yes," complete lines 4b through 4f.  Yes  No
- b** Will you comply with the seven conditions and either the percentage tests or facts and circumstances test for scholarships, fellowships, and educational loans to attend an educational institution as set forth in Revenue Procedures 76-47, 1976-2 C.B. 670, and 80-39, 1980-2 C.B. 772, which apply to inducement, selection committee, eligibility requirements, objective basis of selection, employment, course of study, and other objectives? (See lines 4c, 4d, and 4e, regarding the percentage tests.)  Yes  No
- c** Do you or will you provide scholarships, fellowships, or educational loans to attend an educational institution to employees of a particular employer?  Yes  No  N/A  
If "Yes," will you award grants to 10% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39?  Yes  No
- d** Do you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer?  Yes  No  N/A  
If "Yes," will you award grants to 25% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? If "No," go to line 4e.  Yes  No
- e** If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer, will you award grants to 10% or fewer of the number of employees' children who can be shown to be eligible for grants (whether or not they submitted an application) in that year, as provided by Revenue Procedures 76-47 and 80-39?  Yes  No  N/A  
If "Yes," describe how you will determine who can be shown to be eligible for grants without submitting an application, such as by obtaining written statements or other information about the expectations of employees' children to attend an educational institution. If "No," go to line 4f.
- Note.** Statistical or sampling techniques are not acceptable. See Revenue Procedure 85-51, 1985-2 C.B. 717, for additional information.
- f** If you provide scholarships, fellowships, or educational loans to attend an educational institution to *children of employees of a particular employer* without regard to either the 25% limitation described in line 4d, or the 10% limitation described in line 4e, will you award grants based on facts and circumstances that demonstrate that the grants will not be considered compensation for past, present, or future services or otherwise provide a significant benefit to the particular employer? If "Yes," describe the facts and circumstances that you believe will demonstrate that the grants are neither compensatory nor a significant benefit to the particular employer. In your explanation, describe why you cannot satisfy either the 25% test described in line 4d or the 10% test described in line 4e.  Yes  No

# Form 1023 Checklist

(Revised June 2006)

## Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

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**Note.** Retain a copy of the completed Form 1023 in your permanent records. Refer to the General Instructions regarding Public Inspection of approved applications.

**Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.**

- Assemble the application and materials in this order:
- Form 1023 Checklist
  - Form 2848, *Power of Attorney and Declaration of Representative* (if filing)
  - Form 8821, *Tax Information Authorization* (if filing)
  - Expedite request (if requesting)
  - Application (Form 1023 and Schedules A through H, as required)
  - Articles of organization
  - Amendments to articles of organization in chronological order
  - Bylaws or other rules of operation and amendments
  - Documentation of nondiscriminatory policy for schools, as required by Schedule B
  - Form 5768, *Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation* (if filing)
  - All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.
- User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.
- Employer Identification Number (EIN)
- Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.
- You must provide specific details about your past, present, and planned activities.
  - Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
  - Describe your purposes and proposed activities in specific easily understood terms.
  - Financial information should correspond with proposed activities.
- Schedules. Submit only those schedules that apply to you and check either "Yes" or "No" below.
- |            |                |            |                |
|------------|----------------|------------|----------------|
| Schedule A | Yes ___ No ___ | Schedule E | Yes ___ No ___ |
| Schedule B | Yes ___ No ___ | Schedule F | Yes ___ No ___ |
| Schedule C | Yes ___ No ___ | Schedule G | Yes ___ No ___ |
| Schedule D | Yes ___ No ___ | Schedule H | Yes ___ No ___ |

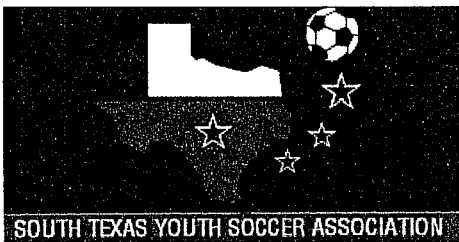
- An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.
  - Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) \_\_\_\_\_
  - Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law \_\_\_\_\_
- Signature of an officer, director, trustee, or other official who is authorized to sign the application.
  - Signature at Part XI of Form 1023.
- Your name on the application must be the same as your legal name as it appears in your articles of organization.

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service  
P.O. Box 192  
Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service  
201 West Rivercenter Blvd.  
Attn: Extracting Stop 312  
Covington, KY 41011



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## 501c3 Filing Information

The following information is gathered to assist member leagues and clubs in making application to the Federal Government for the purpose of obtaining a 501(c)(3) non-profit, tax exempt status by the Internal Revenue Service.

### A. Federal Tax Status

1. STYSA has been granted Section 501(c)(3) non-profit, tax exempt status by the Internal Revenue Service. Contributions and gifts to USYSA are tax deductible to the extent applicable under current law. Like all others granted such status, STYSA must file an annual information return with the IRS. Each state and local association with §501(c)(3) status must also file a return. Failure to file a return can lead to reclassification of the group as a private foundation. This can lead to severe tax problems for the organization as well as subject it to fines.
2. STYSA must file wage reporting documents just as any business might. Failure to collect and pay social security and income tax withholding would subject the organization to penalties and interest. Failure to properly handle wage taxes can lead to personal liability for the organization's directors, officers and administrators for payments due IRS.
3. STYSA must also report payments to individuals contracting work with the association if payments exceed \$600.00 per year. This includes persons paid for working at state camps.
4. The STYSA §501(c)(3) exemption is not an umbrella for other soccer associations. Each must apply for its own exemption.
5. Frequently, local soccer organizations apply for §501(c)(4) status. This generally happens when the attorney or accountant handling the application does not realize §501(c)(3) is available. A §501(c)(4) organization does not pay income tax, but donations to it are not deductible. Also a §501(c)(4) organization will fail to qualify for other tax and postal privileges that are available for §501(c)(3) groups.
6. To assist member leagues, the following are sample responses to the questions on the §501(c)(3) application. These responses were prepared by the General Counsel of USYSA.

### B. Non-Profit Status

1. STYSA has a non-profit mailing permit issued by the U.S. Postmaster in Georgetown, Manor and Dallas, Texas. Approval of permits is at the discretion of the local postmaster. A permit is issued only for the location of that postmaster; therefore STYSA can presently mail by bulk rate from Georgetown, Manor, and Dallas, Texas.
2. Each local association must make its own application for a non-profit rate permit. The association must already have its §501(c)(3) exemption before applying for the non-profit rate. The USYSA General Counsel strongly recommends that the application form and supporting documents be personally delivered to the local permit supervisor.
3. The non-profit rate is good only for bulk mailings of at least 200 pieces of mail. Special and somewhat complex rules apply to bulk mailings. The post office periodically offers a free seminar in preparing bulk mail. Check with your postmaster for times and dates.
4. A state or local organization may be required to collect sales tax on sales of items to its constituent members. Check with your own attorney or tax authority on requirements and procedures before embarking on a merchandise or publications sales program.

### B. State Tax Status and Sales Tax

1. Associations in states which do have state or local income taxes must follow the reporting requirements of those taxing authorities.
2. STYSA is exempt from payment of sales tax in Texas. Special exemptions for events can be obtained on a case by case basis in some states. Exemption can be granted in some states based on STYSA's tax status. The STYSA sales tax exemption cannot be used by any other soccer body. STYSA is required to collect

2007 Winter  
GBM & Expo  
Feb. 9th - 11th  
South Padre Island



sales tax on merchandise sales made in Texas.

3. STYSA is exempt from Texas Sales Tax by using a form for that purpose when making purchases.

4. A league may be able to obtain its own sales tax exemption. The organization must already have a §501(c)(3) exemption from the IRS before it can apply to the state. A sales tax exemption is only good in the state that granted it.

### C. Social Security

Employees of USYS, STYSA and local associations are subject to withholding for social security taxes in the same manner as employees of profit businesses. The employer must make certain someone (administrator, office manager, treasurer or some other officer) is responsible for insuring the proper calculation of withholding and timely deposit of the tax funds.

### D. Employment Security and other Taxes

STYSA will comply with all legal requirements for Employment security and other taxes.

### E. Benefits

#### 403 b Annuities

STYSA will comply with a laws relating to tax deferred annuities under the law as 403 b annuities. Those annuities, which are by contract, will be automatic each year. The board will address other annuities in annual Corporate Resolutions.

#### Health Insurance

Please note that the STYSA Personnel Manual also governs this area.

### Assistance for Leagues

#### Proposed Language for §501(c)(3) .I. Exemption Application

The following are suggestions for responses to the questions on Internal Revenue Service Form 1023,

Application for Recognition of Exemption Under Section §501(c)(3) of the Internal Revenue Code. Be sure the application is reviewed by your attorney or a certified public accountant before filing. Let that person also be your representative talking with IRS should any questions arise from your application.

References in this document are to the parts and questions contained on Form 1023. Since the format of the form changes from time to time, please make certain that you match the answer to the correct question.

#### Part 1 Identification

1. Full name of organization. In this blank put the name of your soccer association as it appears on your Corporate Charter, if you are incorporated. If you are not incorporated, fill in your name as it appears in your constitution. Do not abbreviate words which are spelled out in your charter or constitution.

2. Employer identification number. In this blank insert the employer identification number which has been assigned to you by the Internal Revenue Service. If you do not already have an employer identification number you must file an application to IRS for the number. You need not wait to receive the number before submitting your Form 1023. If you do not have a number, follow the instructions and complete and attach a Form SS-4, and in the block for question 2 type "Form SS-4 Attached".

3. A & B. Insert the address of the organization where you wish to receive the response from IRS. Or insert the principal business address of your association. A question to the right of block 3A asks if you are applying under Section 501(e) or 501(f). Do not check either block.

4. Insert the name and telephone number, including area code, of the person the IRS Examining

Agent should contact if there are any questions about the application. This name should be your reviewing attorney or CPA who has completed the application who will be most familiar with what it says.

5. Month the annual accounting period ends. Your first fiscal year probably begins on the first of a month. In block 5 insert the name of the previous month.

6. Insert your date of incorporation as it appears on the charter. Or insert the date that your constitution approved if you are not incorporated.

7. The activity codes submitted with the USYSA application for exemption were 300, 149, and 349. Check the instruction sheet for your Form 1023 to see if these codes are also the most suitable for your organization.

8. A & B. Chances are your organization has never filed income tax returns, in which case, check the 'no' block. Otherwise the questions are self-explanatory.

#### Part 2

If you are incorporated put an X in the block before the word "corporation". If you are not incorporated put an X in the box in front of the word "other". Many applications for exemption run into trouble because the entity submitting the application fails to attach the required copies of the Articles of Incorporation and Bylaws or copies of the Constitution and Bylaws. These documents are required by Part 2 of the application. Please be certain to include them in your application, or it will be delayed in approval. The copies of the Articles of Incorporation should include a copy of the charter signed by your State's Secretary of State and showing State Seal. It is not necessary to obtain a certified copy of the charter from your Secretary of State. A copy of your original charter will do. The copy of the Bylaws must contain a statement and signature from your organization's Secretary saying that the preceding is a true and accurate copy of the bylaws of your corporation.

### Part 3 Activities and Operational Information

Question 1 Here are suggestions for a response to Question 1 concerning the sources of financial support in order of magnitude:

1. Membership fees from youth players at \$ per player per year.
2. Contributions, grants and sponsorship from corporations and other business organizations.
3. Membership fees from affiliated youth soccer associations.
4. Licensing agreements with businesses. You may also wish to add a sentence as follows:

"There is no mass solicitation for financial support or other regularly used format for solicitation of sponsorship."

FROM THIS POINT ON, THE PART NUMBER, QUESTION NUMBER AND THE SUGGESTED RESPONSE, APPEAR WITHOUT A REPETITION OF THE QUESTION ITSELF

### Part 3

#### Question 2

The organization does not have a program for fund raising. The corporation is generally approached by other organizations and businesses which wish to participate in the program or through personal contact by officers, directors, and members of the organization with potential sponsors and contributors.

#### Question 3

Be certain to modify this response to suit your situation. STYSA has operated for the past several years as a state association member of the United States Youth Soccer Association. Or as a local league member of the STYSA. The United States Youth Soccer Association, in turn, is the youth division of the United States Soccer Federation. The STYSA was incorporated in Texas on February 3, 1988 as a separate corporation from the United States Youth Soccer Association, Inc. and United States Soccer Federation, Inc. Although it maintains an affiliation with the United States Youth Soccer Association and United States Soccer Federation (the national governing body of soccer in the United States), STYSA will perform its operations separate, and apart from, the United States Youth Soccer Association and United States Soccer Federation. This includes a separate maintenance of any employees and assets. Both the United States Youth Soccer Association, Inc. and United States Soccer Federation have been granted 501(c)(3) status by the Internal Revenue Service. [If you are a local association, include reference here to the state association's tax status] The organization promotes uniformity in the rules of play and the organization of the sport of soccer in the state of Texas.

It provides directional and instructional materials for the training and selection of players who ultimately represent the United States in amateur international and national soccer matches including the World Youth Cup. It participates in an annual workshop meeting sponsored by the United States Youth Soccer Association, Inc. for the training of your soccer administrators, coaches, referees, and other interested parties. It participates in modifications to the International Rules for the support of soccer which are applicable to youth players in the United States. It reviews and approves travel by youth amateur soccer teams from its state to other states and other countries to play affiliated youth amateur teams in its state. It provides registration forms and membership cards and player passes for the registering of players and for identification. It provides formats for operating procedures, bylaws, charters, design of fields, and other instructional materials. It supervises a state [or local] tournament for the identification of state [local] champion teams who participate in regional and national tournaments. It selects players from its state to participate in regional and national training camps for those players identified as superior players who may ultimately represent the United States in national or international amateur youth soccer matches. Actual organization and provision of facilities for these tournaments and camps are made by local organizations, colleges, or other entities who bid for the privilege of hosting.

#### Question 4

##### A and B

On the form, I suggest, you state "see attached list" and on a separate blank sheet of paper headed Part 3 Question 4 (a) and (b) you should list the names and addresses of each of your officers and directors. You do not need to list specialized knowledge for each individual person. Instead use the following statement: "Each of the above have been elected to hold their office on the basis of their

previous experience and training as youth soccer coaches, referees, or administrators. Their duties are typical of organization officers and are stated in more detail in the bylaws of the organization which are attached to this application."

C through F

Your answer to all of these questions should be no. If you have any doubt concerning the response to any of Question 4's subparts, you should talk with your local lawyer or you may call the USYSA General Counsel.

Question 5

Mark both boxes "yes" and beneath put "see attached explanation". On a separate page titled

Part 3, Question 5 insert the following paragraphs:

The organization has a special relationship with the United States Soccer Federation (the national governing body of soccer in the United States) and the players of the United States and corresponds with the youth division of the United States Soccer Federation [and the state association]. As such our organization has voting rights within the [state association] United States Youth Soccer Association, Inc. and the United States Soccer Federation. Certain officers and directors of our organization may be committee chairmen or may hold other positions in the United States Soccer Federation and the United States Youth Soccer Association, Inc. [and the state association], through its affiliation with the United States Youth Soccer Association, Inc. and the United States Soccer Federation, our organization is affiliated with Federation Internationale de Football Association (FIFA), which is the international governing body of soccer. The rules of play of the game are set by FIFA, but the rules are modified by the United States Youth Soccer Association, Inc. and our organization with regard to the play of the game in our state by players under the age of nineteen years. The United States Youth Soccer Association, Inc. exercises a measure of control over its member state youth soccer associations in that the constitution and bylaws of each member state association must be approved by the United States Youth Soccer Association, Inc. Also, member individuals and organizations have a right to appeal any complaint or grievance which they may have at the local and state level with the United States Youth Soccer Association, Inc. at various levels of appeal set out in the bylaws. These rights of appeal are required as a result of United States Soccer Federation's membership in the United States Olympic Committee.

Question 6

Check no.

Question 7

A. "Office equipment, registration cards, registration materials, and pamphlets promoting the aspects of the sport of soccer."

B. None

Question 8

A. See response to Question 3.

B. Check yes and insert the following:

Charges are based on the anticipated operating expenses of the organization to provide the services it provides. The present fee for each member is \$ per year. The present fee for an affiliated local association is \$ per year.

Question 9

Check no.

Question 10

A. Check yes and insert the following which will probably need to be attached as a separate page: "A player who registers to play soccer with a local soccer program participating as a part of the state youth soccer association pays a \$ membership fee. A local association which has applied for membership and whose charter, constitution, bylaws, and rules of play (as may be applicable) have been approved by the Executive Committee of our organization can be admitted to membership, and the present fee is \$ per year.

B. Our organization periodically has provided pamphlets to affiliated local soccer programs for the promotion of the sport, but there are no present or proposed efforts to attract members to the organization.

C. Check the no box and add: "Services of the organization in providing for direct assistance in operating local soccer programs or those applying for affiliation. Printed materials concerning the coaching, refereeing, playing, or administration of the sport are not limited to members and are available on request to anyone. Opportunity to tryout for regional and national youth teams or to represent the United States in international competition is not limited to members of the organization, but is limited to citizens of the United States."

Question 11

Check no.

Question 12

Check no.

Question 13

Check yes.

Part 4

Question 1

Check no.

Question 2B

Check the box preceding 107(B)(1)(A)(vi).

Part 5

In this part you are called upon to provide financial data for the previous operating period, or if you have recently incorporated insert your estimates for the next operating period. The answer to these questions in part 5 will have to be provided by your treasurer. Feel free to make any reference to "an attached budget" for any detailed schedules.

Part 6

Check the block yes.

No. 7 "Is the organization formed to promote amateur sports competition?"

Schedule G should then be completed by putting an X in the box for yes and "See attached sheet for answers to these questions.". The answer to question 2 should be "see attachment". The answer to question 3 should be no. In your attachment to Schedule G you should state language similar to the following: "The organization does not directly provide facilities or equipment for the use of amateur athletes engaged in national or international sports competition, but it does provide the organizational framework for putting together teams, arranging for space to train and compete, and arranging for third parties to contribute money or material or supplies for such activities. The organization oversees applications by teams within its state [area] to travel to other states and to foreign countries to play in competition, and it reviews and approves the applications to host teams from other states and other countries to play within its own state [area]. The organization participates in the programs of the

United States Youth Soccer Association, Inc. The organization participates in the selection process for players to be trained and reviewed by the national youth coaches. The organization provides direct instruction and written materials for the training of youth coaches and referees and for the development of the sport for all ages of children interested in the sport of soccer, both boys and girls.

Part 7

It is not necessary to complete part 7 since your application is not for a definitive ruling. If your attorney or someone other than an officer of the corporation is going to represent you in dealing with the IRS or is named as the person to contact on the first page of the application, you will need to complete a Form 2848 Power of Attorney. If your representative is not a lawyer, you will need to insert the number indicating the type of individual or relationship the individual has to your organization. It is highly recommended that you obtain the services of a local counsel or a local accountant to review your application and act for you in its dealings with the Internal Revenue Service.

**South Texas Youth Soccer Association**  
15209 HWY 290 East  
Manor, TX 78653  
Office Phone: (512) 272-4553  
Fax (512) 272-5167  
Contact us at [Hey Webmaster!](#)

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Our site is best viewed with a minimum monitor resolution of 1024 x 768



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## What are bylaws?

The corporate bylaws are a document created when setting up a corporation which governs how the corporation is going to be maintained and operated (bylaws are similar to a partnership agreement or an LLC operating agreement). As a result, the bylaws are considerably more detailed than the articles of incorporation. The bylaws should address what powers the shareholders, directors and officers have. They should also address how the corporation handles meetings - when and where annual meetings are held, how special meetings can be held, what notice is necessary before holding a meeting, what qualifies as a quorum, how voting and elections are handled, etc. Bylaws typically cover some other related issues, as well, such as who has the power and right to audit the corporate books and records, how the corporate fiscal year is defined and how the bylaws themselves can be updated and amended. You can obtain boilerplate forms and samples of corporate bylaws from many places, including in incorporation kits.

Once you have prepared your corporate bylaws, you do not need to file them, like you do with articles of incorporation. Instead, they should simply be maintained in your corporate records. However, you do need to formally adopt the bylaws. In some states, the incorporator has the power to do this, other states require the first board of directors to formally adopt them, and the remaining states leave both options open to a new corporation .

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**BYLAWS**

**OF THE**

**UNITED STATES YOUTH SOCCER**  
**ASSOCIATION, INC.**

**September 1, 2000**

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**BYLAWS  
OF THE  
UNITED STATES YOUTH SOCCER ASSOCIATION, INC.**

**(September 1, 2000)**

**PART I—GENERAL**

**Bylaw 101. NAME**

This organization shall be incorporated as the “United States Youth Soccer Association, Inc.”.

**Bylaw 102. PURPOSES AND STATUS**

**Section 1.** The purposes of USYSA are as stated in the charter of USYSA.

**Section 2.** USYSA is established as a nonprofit and educational organization.

**Bylaw 103. FEDERATION MEMBERSHIP**

USYSA is a National Association member of the Federation.

**Bylaw 104. LAWS OF THE GAME**

The “Laws of the Game” as authorized by FIFA, and modified for youth play, apply to youth soccer games.

**Bylaw 105. EQUAL OPPORTUNITY**

**Section 1.** USYSA shall provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in youth soccer competitions.

**Section 2.** Individuals serving on the Board of Directors or any Council or committee of USYSA shall be selected without regard to that individual's race, color, religion, national origin, or sex.

**Section 3.** USYSA may not have eligibility criteria relating to amateur status more restrictive than those of the Federation.

**Bylaw 106. SEASONAL AND FISCAL YEARS**

The seasonal year and fiscal year of USYSA each begin on September 1 of one calendar year and end on August 31 of the following calendar year.

## **Bylaw 107. USE OF NAME AND LOGO AND COLORS**

**Section 1.** No one may use the name or initials of USYSA, any of its trade names including US YOUTH SOCCER and USYSA, or any of its logos except as provided under these bylaws or except with the express written consent of USYSA.

**Section 2.** The colors of USYSA are red, white, and blue.

## **Bylaw 108. ROBERT'S RULES OF ORDER AND QUORUM**

**Section 1.** Except as otherwise provided in these bylaws, all meetings shall be conducted in accordance with the latest authorized edition of Robert's Rules of Order.

**Section 2.** A quorum at any meeting shall be a majority of the total number of eligible votes of all members.

## **Bylaw 109. DEFINITIONS**

Except as otherwise provided, these definitions apply to these bylaws and all policies of USYSA:

(1) **"Affiliate"** means a youth sports organization that conducts soccer programs in at least 5 states of the United States.

(2) **"Amateur Sports Act"** means the Ted Stevens Olympic and Amateur Sports Act (chapter 2205 of title 36, United States Code).

(3) **"Associate"** means an organization formed to advance a particular aspect of youth soccer, but not responsible for recruiting, training, fielding, and funding of players.

(4) **"Board of Directors"** means the Board of Directors of USYSA established under Bylaw 411.

(5) **"Federation"** means the United States Soccer Federation, Inc.

(6) **"FIFA"** means the Federation Internationale de Football Association of which the Federation is the national association member for the United States.

(7) **"Individual Member"** means an individual who is a member as provided under Bylaw 231.

(8) **"National Council"** means the National Council of USYSA as provided under Bylaw 311.

(9) **"Organization Member"** means an organization that is classified as such a member of USYSA as provided by Bylaw 202.

(10) **"region"** means one of those regions established under Bylaw 322.

(11) **"Regional Council"** means a council referred to in Bylaw 323.

(12) **"State Association"** means the administrative body within a territory determined by the National Council to carry out USYSA's programs for youth players.

(13) **"Sustaining Member"** means an individual or organization that is a member as provided under Bylaw 232.

(14) **"team"** means a group of soccer players playing on the same side in soccer games.

(15) **"USYSA"** means the United States Youth Soccer Association, Inc.

(16) “USOC” means the United States Olympic Committee that is the corporation established under the Amateur Sports Act to oversee all amateur athletic activity in the United States.

(17) “youth player” means an individual who has not reached 19 years of age prior to August 1 immediately before the start of any seasonal year. A player who reaches 19 years of age during a seasonal year is allowed to complete that seasonal year. A player who reaches 19 years of age during August of one seasonal year shall be allowed to complete all of the next seasonal year.

## **PART II—MEMBERSHIP**

### **Subpart A—General**

#### **Bylaw 201. ELIGIBILITY**

The membership of USYSA is open to all soccer organizations and all soccer players, coaches, trainers, managers, administrators, and officials without discrimination on the basis of race, color, religion, age, sex, or national origin.

#### **Bylaw 202. MEMBERSHIP CATEGORIES**

USYSA has the following categories of membership:

(1) Organization Members composed of the following classifications of members:

- (A) Affiliate.
- (B) Associate.
- (C) State Association.

(2) Individual Member as provided under Bylaw 231.

(3) Sustaining Member as provided under Bylaw 232.

#### **Bylaw 203. PROHIBITION ON TRANSFERRING AND ASSIGNING MEMBERSHIP**

Membership in USYSA is not transferable or assignable. Membership terminates when USYSA dissolves, the Organization Member dissolves, or the Individual or Sustaining Member dies or dissolves, or as provided under these bylaws.

### **Subpart B—Organization Members**

#### **Bylaw 211. ADMISSION TO MEMBERSHIP**

**Section 1.** An organization desiring to become an Organization Member of USYSA must submit a written application for membership to the Board of Directors. The applicant shall specify the classification of Organization Member being applied for. The applicant shall include with the application copies of its charter or articles of incorporation, bylaws, rules, regulations, any rules of play, and other governing documents appropriate to understanding the



structure and activities of the organization. The Board shall prescribe the number of copies of each document to be submitted.

**Section 2.** The Board of Directors shall immediately submit the application and accompanying documents to the Bylaws and Policies Committee for review and report. The Bylaws and Policies Committee may reject the application until the application and accompanying documents are changed to comply with requirements of USYSA and the Federation. On completion of the Bylaws and Policies Committee's review of the application, the Committee shall submit a report to the Board of Directors with its recommendations. The application shall be submitted to the National Council for its consideration at its next meeting after submission of the report to the Board of Directors.

**Section 3.** A State Association shall be the highest level administrative body for soccer for youth players in a single state of the United States. There shall be only one State Association in each state of the United States, except that in the states of California, New York, Ohio, Pennsylvania, and Texas there may be 2 State Associations, each responsible for a designated geographical portion of the state and each of which shall serve as the highest level administrative body for soccer for youth players within its geographical portion of the state.

**Section 4. (a)** The Board of Directors may grant to, deny, or withdraw provisional membership from, an applicant applying for Organization Membership until the next meeting of the National Council. The application shall be submitted to the National Council at its next meeting.

(b) An applicant granted provisional membership as an Organization Member has all the rights and responsibilities of that classification of Organization Member granted except that the provisional member may not vote.

(c) Provisional membership is terminated at the end of the National Council meeting at which the applicant's membership is considered unless the National Council further extends the period of provisional membership or the applicant's application for membership is approved by the National Council.

## **Bylaw 212. TERMS OF MEMBERSHIP**

**Section 1.** The term of membership of an Organization Member is for one seasonal year. However, if an organization is admitted as an Organization Member and the membership is effective before the beginning of the next seasonal year, the initial term of membership for that Member is for the balance of the seasonal year. Membership automatically renews each seasonal year as long as the Member remains in good standing with USYSA.

**Section 2.** With the consent of the Board of Directors, an Organization Member may change its organizational structure without losing its membership in USYSA. However, if the change in the organizational structure is of such a nature that it would change a Member from one classification of Organization Member to another classification of Organization Member, the Member must apply for that new classification of Organization Member of USYSA as a new member of USYSA.

## **Bylaw 213. GENERAL RESPONSIBILITIES**

**Section 1.** Each Organization Member must do the following:

(1) to the extent consistent with applicable law, comply with the bylaws of USYSA and the Federation as they apply to the classification of Member to which the Organization Member belongs;

(2) to the extent consistent with applicable law, comply with policies and requirements of USYSA with respect to USYSA's internal operations and the administration of USYSA programs;

(3) submit to USYSA any amendment to its charter or articles of incorporation, bylaws, rules, and regulations not later than 90 days after adoption of that amendment;

(4) pay fees due USYSA by the deadline the fees are required to be paid; and

(5) comply with the Amateur Sports Act, to the extent applicable.

**Section 2.** Each Organization Member shall retain its own autonomy except as otherwise provided in these bylaws.

## **Bylaw 214. STATE ASSOCIATION RESPONSIBILITIES**

**Section 1.** In addition to other requirements of these bylaws, each State Association shall—

(1) annually register with USYSA its players, coaches, and administrators;

(2) provide USYSA at least once each seasonal year the names and addresses of its players, coaches, and administrators;

(3) require that each of its members register with USYSA every individual player, coach, team, and administrator that is sponsored, financed, coached, organized, or administered by that member;

(4) provide and coordinate opportunities for every player under its jurisdiction to play soccer at the developmental, intermediate, and advanced levels; and

(5) comply with requirements pertaining to regional, interstate, national, and international competition and other competitions approved or sponsored by USYSA and as required by the Federation.

**Section 2.** USYSA and each State Association are responsible for establishing and monitoring a risk management program within its jurisdiction. At a minimum, the program must include—

(1) use of an employment/volunteer disclosure statement for all volunteers, employees, coaches, and program administrators who are involved with any approved or sponsored program of USYSA or the State Association or member of the State Association; and

(2) identification of a Risk Management Coordinator and an alternate for the organization.

## **Subpart C—Individual and Sustaining Members**

### **Bylaw 231. INDIVIDUAL MEMBERS**

An individual who is a player, coach, referee, or administrator is an Individual Member of USYSA—

- (1) through that individual's membership or association with an Organization Member;
- (2) as an elected officer or member of the Board of Directors;
- (3) if the individual occupies an unpaid administrative position established under Bylaw 323; or
- (4) as a committee member of USYSA.

### **Bylaw 232. SUSTAINING MEMBERS**

An individual or organization may be a Sustaining Member of USYSA for one year on completing a Sustaining Member application form, paying a yearly membership fee to USYSA, and complying with requirements established by the Board of Directors.

## **Subpart D—Fees**

### **Bylaw 241. FEES**

**Section 1.** Each Organization Member shall pay to USYSA annual fees recommended by the Board of Directors and approved by the National Council.

**Section 2. (a)** There shall be no fees for an Individual Member.

**(b)** Sustaining Member fees shall be determined by the Board of Directors.

## **Subpart E—Suspensions, Fines, Terminations, and Reinstatement**

### **Bylaw 251. SUSPENSIONS, FINES, AND TERMINATIONS**

**Section 1.** An Organization Member or Sustaining Member failing to pay any fees due USYSA shall be provided written notice of the delinquency. If those fees are not paid within 30 days after the date of the notice of delinquency, the delinquent Member shall be suspended from membership in USYSA. Unless otherwise provided by the Board of Directors, the membership of the Member shall be terminated automatically if the Member has failed to pay those fees for a period of 90 days after the date specified in the notice of delinquency. The Member shall be notified in writing of the suspension and the date on which membership will be terminated if the fees remain unpaid.

**Section 2. (a)** The membership of an Organization Member may be terminated by the National Council for cause by a two-thirds majority vote of the National Council.

(b) If the membership of an organization that is a State Association is terminated either by resignation from USYSA or under subsection (a) of this section, USYSA shall immediately undertake actions to replace that organization with another organization having the same jurisdiction as the organization whose membership is terminated. That replacement organization may include an organization established and temporarily operated by USYSA.

**Section 3.** (a) The Board of Directors may suspend, fine, or suspend and fine any member of USYSA, and terminate the membership of a Sustaining Member, if the Board determines that—

(1) the conduct of the member is adverse to the best interests of soccer or USYSA; or

(2) the member has not complied with the requirements of its membership in USYSA.

(b) The Board of Directors may act under subsection (a) of this section only after a hearing, reasonable notice to the member of the time and place of the hearing, and providing the member with a reasonable opportunity to present evidence in support of the member's position.

**Section 4.** A suspension or other disciplinary action imposed by USYSA in accordance with these bylaws shall be recognized by all members of USYSA on notification by USYSA. Suspensions and other disciplinary actions imposed by members of USYSA shall be recognized by USYSA and all other USYSA members on proper notification to USYSA.

## **Bylaw 252. SUSPENSION BECAUSE OF LITIGATION**

**Section 1.** Any person participating in a USYSA program, or in a program of a State Association or a program of a member of a State Association, who becomes a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players, shall be suspended from all soccer-related activities. Suspensions under this bylaw shall be determined by the appropriate State Association or the Board of Directors. Matters detrimental to the welfare of youth players shall include crimes of moral turpitude and felonies. The person has a right to appeal the suspension only over whether the matter which is the substance of the accusation, if true, is detrimental to the welfare of youth players.

**Section 2.** On completion of the litigation, the suspended person may inform the body suspending the person under section 1 of this bylaw that the litigation has been completed and request that the suspension be terminated and the person reinstated. The suspending body may grant the request of the person or, if the decision of the litigation was adverse to the person, may continue the suspension for a period specified by the suspending body, fine the person, terminate all membership of that person with the suspending body and its members, or any combination of those authorized penalties.

## **Bylaw 253. RESIGNATIONS**

Any member may resign from USYSA by submitting a written resignation to USYSA. The resignation need not be accepted by USYSA to be effective. A member's resignation does

not relieve the member of any obligation to pay any fees that had been accrued and were unpaid before the effective date of the resignation.

#### **Bylaw 254. REINSTATEMENT**

A suspended member of USYSA may submit a written request for reinstatement. The Board of Directors may reinstate the membership of a suspended member on reasonable terms that the Board considers appropriate.

### **PART III—ORGANIZATION**

#### **Subpart A—Voting**

#### **Bylaw 301. ORGANIZATION MEMBERS**

**Section 1.** (a) Each State Association is entitled to vote at National Council meetings, Federation National Council meetings, and that State Association's Regional Council meetings. Except as provided by subsection (c) of this section, a State Association shall have the following number of votes:

- (1) 100–1,000 players – 1 vote.
- (2) 1,001–5,000 players – 2 votes.
- (3) 5,001–25,000 players – 3 votes.
- (4) 25,001–50,000 players – 4 votes.
- (5) 50,001–100,000 players – 5 votes.
- (6) 100,001 players and over – 6 votes.

(b)(1) At each National Council meeting, the number of votes of a State Association is determined by the number of players registered by the State Association with USYSA for the immediate, prior seasonal year or the current seasonal year, whichever is greater. The determination of the number of votes for the current seasonal year shall be as of 30 days before the beginning of the National Council meeting or, if a mail vote, by 30 days before the material on the mail vote is sent out.

(2) At National Council meetings, a State Association may have delegates at each of those meetings equal to the number of votes it is allowed to cast at the meeting and an alternate to each delegate. All votes of the State Association may be cast by any of the delegates present at the time of the vote even if not all of its representatives are present.

(c) Subsections (a) and (b) of this section apply to—

- (1) the election of Regional Directors and Regional Deputy Directors; and
- (2) all other voting at meetings of a Regional Council unless otherwise provided by the Regional Council.

**Section 2.** Each Affiliate and Associate is entitled to one vote only at National Council meetings.

**Section 3.** An Organization Member having a vote at a meeting of the National Council may have its votes cast by proxy. The proxy must be in writing, signed by the chief executive officer of the Organization Member, specify the date on which the proxy was executed, and specify the meeting for which the proxy is effective.

**Section 4.** Except as otherwise provided in these bylaws for officers or members of the Board of Directors, Individual and Sustaining Members are not entitled to vote at any meeting.

### **Bylaw 302. OFFICERS AND BOARD OF DIRECTORS**

**Section 1.** The individual who is chairing a meeting of the National Council or a Regional Council may vote only when the vote is by ballot or, in all other cases, to affect the result of the vote.

**Section 2.** Each member of the Board of Directors and each Regional Deputy Director, except the individual chairing the meeting, is entitled to one vote each at National Council meetings.

**Section 3.** The Regional Director (if not chairing the meeting) and Regional Deputy Directors are entitled to one vote each at their Regional Council meetings.

### **Bylaw 303. VOTING BY MAIL**

The Board of Directors may authorize the members of the National Council to vote by mail on any matter that the membership of the National Council may vote on.

### **Bylaw 304. LIMITATION**

An individual may vote at any meeting of USYSA in only one capacity.

## **Subpart B—National Council**

### **Bylaw 311. COMPOSITION AND GENERAL AUTHORITY**

**Section 1.** USYSA has a National Council that is composed of representatives of Organization Members, the Board of Directors, and Regional Deputy Directors.

**Section 2.** The National Council has the following authority:

- (1) exclusive authority to amend the charter and bylaws of USYSA;
- (2) adoption of the budget of USYSA;
- (3) the election of all officers, except officers of the regions;
- (4) the election of Commissioners to the Federation's Youth Council Administrative Commission and Board of Directors;
- (5) approval of fees;

- (6) approval of applicants to be Organization Members and termination of memberships of Organization Members;
- (7) adoption and amendment of policies and amendment of policies adopted by the Board of Directors;
- (8) approval of changes in the boundaries of State Associations; and
- (9) ratification of actions of the Board of Directors.

### **Bylaw 312. ANNUAL GENERAL MEETINGS**

**Section 1.** The National Council shall hold an annual general meeting each seasonal year.

**Section 2.** USYSA shall provide to each Organization Member, the Board of Directors, and the Regional Deputy Directors—

- (1) at least 90 days before the date of the meeting, notice of the annual meeting, giving the date, time, and location of the meeting; and
- (2) at least 30 days before the date of the meeting, a proposed agenda with copies of reports of officers and any items proposed to be considered at the meeting.

**Section 3.** The order of business at the annual general meeting shall be as follows:

- (1) roll call.
- (2) credentials.
- (3) minutes of meetings of the National Council.
- (4) approval of actions of the Board of Directors.
- (5) communications.
- (6) reports.
- (7) unfinished business.
- (8) amendments to the charter, bylaws, and policies.
- (9) elections.
- (10) new business.
- (11) adjournment.

**Section 4.** Any business item (other than proposed amendments to the charter or bylaws of USYSA) to be presented at an annual general meeting must be submitted in writing to USYSA at least 60 days before the meeting.

### **Bylaw 313. SPECIAL MEETINGS**

**Section 1.** (a) A special meeting of the National Council may be called at any time on request of—

- (1) the President of USYSA;
- (2) a majority of the Board of Directors; or
- (3) at least 15 Organization Members of USYSA.

(b) The request shall state the business items to be considered at the special meeting. No other items may be considered at the meeting.

**Section 2.** Notice of a special meeting shall be provided to each Organization Member, the Board of Directors, and the Regional Deputy Directors within 14 days of the call. The meeting must be held within 60 days of the call.

#### **Bylaw 314. PLACE OF MEETING**

The Board of Directors may designate any place within the United States as the place of meeting for a meeting of the National Council.

### **Subpart C—Regions**

#### **Bylaw 321. GENERAL REQUIREMENTS**

**Section 1.** USYSA has the following 4 administrative, geographic regions: Region I, Region II, Region III, and Region IV.

**Section 2.** Each State Association shall be a member of the region within whose geographic boundaries it is located.

#### **Bylaw 322. COMPOSITION OF REGIONS**

**Section 1.** Region I is composed of the following State Associations:

- (1) Connecticut Junior Soccer Association
- (2) Delaware Youth Soccer Association
- (3) Eastern New York Youth Soccer Association
- (4) Eastern Pennsylvania Youth Soccer Association
- (5) United Soccer Federation of Maine
- (6) Maryland State Youth Soccer Association
- (7) Massachusetts Youth Soccer Association
- (8) New Hampshire Soccer Association
- (9) New Jersey State Youth Soccer Association
- (10) New York State West Youth Soccer Association
- (11) Pennsylvania West Soccer Association
- (12) Soccer Rhode Island
- (13) Vermont Youth Soccer Association
- (14) Virginia Youth Soccer Association, Inc.
- (15) West Virginia Soccer Association

**Section 2.** Region II is composed of the following State Associations:

- (1) Illinois Youth Soccer Association
- (2) Indiana Youth Soccer Association
- (3) Iowa State Youth Soccer Association
- (4) Kansas State Youth Soccer Association
- (5) Kentucky Youth Soccer Association
- (6) Michigan State Youth Soccer Association
- (7) Minnesota Youth Soccer Association
- (8) Missouri Youth Soccer Association



- (9) Nebraska State Soccer Association
- (10) North Dakota Soccer Association
- (11) Ohio South Youth Soccer Association
- (12) Ohio Youth Soccer Association—North
- (13) South Dakota Youth Soccer Association
- (14) Wisconsin Youth Soccer Association

**Section 3.** Region III is composed of the following State Associations:

- (1) Alabama Youth Soccer Association
- (2) Arkansas State Soccer Association
- (3) Florida Youth Soccer Association
- (4) Georgia Youth Soccer Association
- (5) Louisiana Soccer Association
- (6) Mississippi Youth Soccer Association
- (7) North Carolina Youth Soccer Association
- (8) North Texas State Soccer Association
- (9) Oklahoma Soccer Association
- (10) South Carolina Youth Soccer Association
- (11) South Texas Youth Soccer Association
- (12) Tennessee State Soccer Association

**Section 4.** Region IV is composed of the following State Associations:

- (1) Alaska State Youth Soccer Association
- (2) Arizona Youth Soccer Association
- (3) California Youth Soccer Association, Inc. [northern California]
- (4) California Youth Soccer Association—South
- (5) Colorado State Youth Soccer Association
- (6) Hawaii Youth Soccer Association
- (7) Idaho Youth Soccer Association
- (8) Montana Youth Soccer Association
- (9) New Mexico Youth Soccer Association
- (10) Oregon Youth Soccer Association
- (11) Utah Youth Soccer Association
- (12) Washington State Youth Soccer Association
- (13) Wyoming Youth Soccer Association
- (14) United States Youth Soccer of Nevada

**Bylaw 323. REGIONAL COUNCILS**

**Section 1.** (a) Each region shall have a Regional Council composed of the Regional Director, 2 Regional Deputy Directors, representatives from each State Association within the region, and, if the Regional Council chooses to have administrative positions as provided by subsection (b) of this section, those positions.

(b) If a Regional Council chooses to have administrative positions, the Regional Council shall determine at the time of establishing the position if the position is to have a vote at Regional Council meetings.

**Section 2.** The regions may be realigned or new regions established by a two-thirds vote of the National Council with the consent of—

- (1) a majority of the State Associations forming a new region or being transferred to a different region; and
- (2) the majority vote of all State Associations in a region or regions from which the State Associations are being transferred.

**Section 3.** Each Regional Council must do the following:

- (1) comply with all bylaws, policies, and requirements of USYSA;
- (2) ensure that each member of the State Associations within the region register every soccer player that is sponsored, financed, coached, or administered by the member with USYSA;
- (3) ensure that each State Association of the region and the members and administrators of each of those State Associations comply with the bylaws, policies, and requirements of USYSA;
- (4) within 30 days after any meeting or action approved without a meeting, submit to USYSA any changes to its rules or policies and report on other actions taken; and
- (5) administer National Championships at the regional level, a regional olympic development program, and may administer any league established by the Regional Council.

**Section 4.** Each Regional Council shall administer other programs instituted by USYSA or the Regional Council.

#### **Bylaw 324. REGIONAL COUNCIL MEETINGS**

**Section 1.** (a) Each region shall hold at least 2 regular Regional Council meetings each seasonal year. Notices of the regular meetings shall be provided to the State Associations of the region at least 90 days in advance of the date of the meeting.

(b) The Regional Director shall provide to each Regional Deputy Director, administrative position (if any), and each State Association of the region—

- (1) at least 90 days before the date of a regular meeting, notice of the regular meeting, giving the date, time, and location of the meeting; and
- (2) at least 30 days before the date of the meeting, a proposed agenda with copies of any items proposed to be considered at the meeting.

(c) Any business item to be presented at a regular meeting must be submitted in writing to the Regional Director at least 60 days before the date of the meeting.

**Section 2.** (a) A special meeting of a Regional Council may be called at any time on request of—

- (1) the Regional Director of the region; or
- (2) at least 5 State Associations of the region.

(b) The request for a special meeting shall state the business items to be considered at the special meeting. No other items may be considered at the meeting.

(c) Notice of a special meeting shall be provided to each Regional Deputy Director, administrative position (if any), and State Associations of the region within 14 days of the call. The meeting must be held within 60 days of the call.

**Section 3.** The Regional Council may designate any place as the place of meeting for a Regional Council meeting.

## **PART IV—OFFICERS, BOARD OF DIRECTORS, AND FEDERATION POSITIONS**

### **Subpart A—Officers**

#### **Bylaw 401. OFFICERS**

**Section 1.** The officers of USYSA are the President, Vice President, Secretary, Treasurer, and the Regional Directors.

**Section 2.** The officers of a region are its Regional Director and its 2 Regional Deputy Directors.

#### **Bylaw 402. ELECTIONS**

**Section 1.** (a) The President and Secretary of USYSA are elected for terms of 2 years at annual general meetings of USYSA held in even-numbered years. The Vice President and Treasurer of USYSA are elected for terms of 2 years at annual general meetings of USYSA held in odd-numbered years.

(b) An individual may not be elected to the office of President for more than 3 full terms, except that an individual who was elected to fill a vacancy of an unexpired term of more than one year may not be elected as President for more than 2 full terms.

**Section 2.** Each Regional Director and Regional Deputy Director is elected for a term of 2 years. Each Regional Council elects its own Regional Director and Regional Deputy Directors at Regional Council meetings held during the annual general meetings of the National Council as follows:

(1) Regional Directors of Regions I and III and one Regional Deputy Director from each of the 4 regions: in odd-numbered years.

(2) Regional Directors of Regions II and IV and one Regional Deputy Director from each of the 4 regions: in even-numbered years.

**Section 3.** An officer referred to in this bylaw commences the officer's term of office after the adjournment of the meeting at which the officer was elected or appointed, or, if filling a vacancy before the expiration of a term of office, immediately after elected to fill the vacancy.

## **Bylaw 403. RESPONSIBILITIES OF NATIONAL AND REGIONAL OFFICERS**

### **Section 1. The President of USYSA—**

- (1) is the chief executive officer of USYSA;
- (2) shall administer the affairs of USYSA with the concurrence of the Board of Directors;
- (3) shall serve as chairman of all meetings of the National Council and Board of Directors;
- (4) shall establish USYSA committees and make committee appointments as provided by Bylaws 501 and 502;
- (5) may execute instruments for USYSA that the Board of Directors authorizes to be executed; and
- (6) shall perform other responsibilities assigned by the Board of Directors.

### **Section 2. The Vice President of USYSA shall—**

- (1) assist the President of USYSA;
- (2) assume the responsibilities of the President when the President is absent, cannot act, or refuses to act; and
- (3) perform other responsibilities assigned by the Board of Directors or the President.

### **Section 3. The Secretary of USYSA shall—**

- (1) give proper notice of all USYSA meetings;
- (2) ensure that minutes of meetings of the National Council and the Board of Directors are taken and published;
- (3) ensure the proper custody of the records and seal of USYSA;
- (4) be responsible for seeing that the corporate seal is affixed to all documents as authorized;
- (5) ensure that a record is kept of the name and address and other information of each Member, Director, officer, and employee of USYSA; and
- (6) perform other responsibilities assigned by the Board of Directors or the President.

### **Section 4. The Treasurer of USYSA shall—**

- (1) direct the keeping of full and accurate accounts of receipts and disbursements of USYSA, with the accounts being maintained at the national office of USYSA to the extent approved by the Treasurer in accordance with the financial policies of USYSA;
- (2) oversee the preparation of financial statements on a monthly basis and send them to all State Associations after the end of the reporting period, with additional statements being prepared as directed by the Board of Directors;
- (3) in accordance with the financial policies of USYSA, secure an independent audit of the financial accounts and transactions of USYSA, including all accounts and transactions of the regions;
- (4) assist the Board of Directors in reviewing a proposed annual budget for USYSA;
- (5) prepare papers regarding the tax exempt status of USYSA;

(6) provide that all accounts be paid by check and, for a check of less than \$1,000, the check have one manual signature and one machine signature, and, for a check of \$1,000 or more, the check have 2 manual signatures; and

(7) perform other responsibilities assigned by the Board of Directors or the President.

**Section 5.** Each Regional Director—

(1) shall direct the business of the region;

(2) shall preside at Regional Council meetings;

(3) may execute deeds, mortgages, bonds, contracts, and other instruments for USYSA that the Board of Directors authorizes the Regional Director to execute;

(4) shall prepare, or cause to be prepared, annually a proposed regional budget for funds generated and maintained within the region and present the budget to the Regional Council for approval;

(5) shall prepare and submit a budget for the use of funds from USYSA to the Regional Council for its review;

(6) within 30 days after the end of each month, shall file a monthly report with the Treasurer of USYSA consisting of a schedule of receipts and disbursements by the region during the month, copies of all bank statements during the month for each bank account of the region, and a schedule of contracts executed by the Regional Director during the month; and

(7) within 90 days after the end of each fiscal year, shall file a year-end financial report with the Treasurer of USYSA consisting of a financial statement and balance sheet for the region.

**Section 6.** In addition to the responsibilities specified in sections 1–5 of this bylaw, each officer of USYSA shall provide an annual report 30 days prior to the annual general meeting of the National Council.

**Section 7.** If the Regional Director for a region is absent or is unable or refuses to act (but the office is not vacant), the Regional Deputy Director whose term of office ends during the year in which the Regional Director is absent or unable or refuses to act will perform the responsibilities of the Regional Director during the Director's absence or inability or refusal to act. Each Regional Deputy Director shall also perform responsibilities assigned by the Regional Council and the Regional Director.

**Bylaw 404. REMOVAL**

Any officer referred to in Bylaw 401 or the Immediate Past President when serving as a member of the Board of Directors may be removed from office by a two-thirds vote of the members entitled to vote for that office.

**Bylaw 405. VACANCIES**

**Section 1.** If the office of President of USYSA becomes vacant for any reason, the Vice President shall become the President of USYSA for the balance of the term.

**Section 2.** If the office of Vice President, Secretary, or Treasurer of USYSA becomes vacant for any reason, or if an at large Commissioner position referred to in Bylaw 421 becomes vacant for any reason, the remaining members of the Board of Directors shall elect an individual to the office or position to fill the vacancy until the next National Council meeting. However, if a vacancy is caused by an election during a National Council meeting, the election to fill the vacancy for the balance of the term shall occur during that same National Council meeting.

**Section 3. (a)** If the office of Regional Director or Regional Deputy Director of a region becomes vacant, the Regional Council of the region shall elect an individual to fill the vacancy for the balance of the term.

**(b)** If the office of Regional Director becomes vacant, the Regional Deputy Director whose term ends during the year the vacancy occurs will act as the Regional Director until the Regional Council acts to fill the vacancy.

### **Bylaw 406. RESTRICTIONS**

No officer referred to in Bylaw 401 may—

- (1) receive compensation (except for reimbursement for expenses) for services as an officer;
- (2) hold office with any Organization Member of USYSA or the Federation; or
- (3) be a paid employee of, or receive compensation (except reimbursement for expenses) from, USYSA, any Organization Member of USYSA, or the Federation.

## **Subpart B—Board of Directors**

### **Bylaw 411. COMPOSITION AND GENERAL AUTHORITY**

**Section 1. (a)** USYSA has a Board of Directors. The Board is composed of the President, Immediate Past President (as provided by section 3 of this bylaw), Vice President, Secretary, Treasurer, the 4 Regional Directors, and the at large Commissioners elected by the National Council to fill the positions allocated to USYSA by the Federation to serve on the Youth Council Administrative Commission and the Federation Board of Directors.

**(b)** Each member of the Board of Directors has one vote, except that the individual presiding at a Board meeting may vote only when the vote is by ballot or, in all other cases, to affect the result of the vote.

**Section 2.** Except as otherwise provided in these bylaws, the Board of Directors shall—

- (1) manage the affairs of USYSA;
- (2) enforce the bylaws, rules, policies, and procedures of USYSA;
- (3) submit to the National Council at each annual meeting—
  - (A) a complete report on the activities of USYSA since the last annual meeting;
  - (B) a proposed budget for the next fiscal year; and
  - (C) a complete financial report; and

(4) have a report prepared and distributed after the end of each quarter to Organization Members on—

- (A) activities of USYSA during the quarter;
- (B) its present compliance with the adopted budget; and
- (C) any changes made to the adopted budget during the quarter.

**Section 3.** The Immediate Past President of USYSA shall serve a 2-year term on the Board of Directors on the expiration of the individual's term as President. An individual removed as President or Immediate Past President under Bylaw 404 is not a member of the Board of Directors, and the position of Immediate Past President remains vacant on the Board.

#### **Bylaw 412. MEETINGS**

**Section 1.** The Board of Directors shall hold at least 2 regular meetings each seasonal year. The Board shall establish the time, place, and location of the meetings. Written notice of a regular meeting must be given at least 30 days before the date of the meeting.

**Section 2. (a)** The Board of Directors may hold special meetings called at the request of the President of USYSA or by a majority of the Board of Directors. The request shall state the business items to be considered at the special meeting. No other items may be considered.

(b) Notice of a special meeting shall be provided to all members of the Board of Directors not less than 7 nor more than 20 days before the date of the meeting.

**Section 3.** Proxies are not permitted at meetings of the Board of Directors.

### **Subpart C—Federation Commissioner Positions**

#### **Bylaw 421. PROCEDURES FOR FILLING COMMISSIONER POSITIONS**

**Section 1.** This bylaw applies in selecting individuals to fill the number of positions allocated to USYSA out of the 8 non-athlete Commissioner positions on the Federation's Youth Council Administrative Commission (who are also automatically members of the Federation's Board of Directors) to serve 2-year terms.

**Section 2.** Individuals to be Commissioners for the positions allocated to USYSA are selected as follows:

(1) the President of USYSA, ex officio, with terms expiring in even-numbered years.

(2) the 4 Regional Directors, ex officio, with the terms of the Region I and Region III Directors expiring in odd-numbered years, and the terms of the Region II and Region IV Directors expiring in even-numbered years.

(3) the Vice President of USYSA, ex officio, with terms expiring in odd-numbered years.

(4) 2 at large individuals elected by the National Council at its annual general meetings, with one individual being elected at meetings in odd-numbered years, and the other individual being elected at meetings in even-numbered years.

**Section 3.** If the allocation of positions to USYSA is less than 8 positions, the following procedures apply:

(1) If the allocation for a year is for 7 positions, then the position of the individual elected at large whose term expires in that year is not filled, and the term of office of that individual as Commissioner is terminated.

(2) If the allocation is for 6 positions, then the positions of the individuals elected at large are not filled, and the terms of office of those individuals as Commissioners are terminated.

(3) If the allocation is for 5 positions, then the positions of the individuals elected at large and the Vice President are not filled, and the terms of office of those individuals as Commissioners are terminated.

## **PART V—COMMITTEES**

### **Bylaw 501. STANDING COMMITTEES**

**Section 1.** USYSA has the following standing committees:

- (1) a Boys Olympic Development Committee.
- (2) a Budget Committee.
- (3) a Bylaws and Policies Committee.
- (4) a Coaching Committee.
- (5) a Database Marketing Committee.
- (6) a Girls Olympic Development Committee.
- (7) a Mediation and Disputes Resolution Committee.
- (8) a National Championships Committee.
- (9) a National ODP Championships Committee.
- (10) a Recreation Committee.
- (11) a Referee Committee.
- (12) a Registrars Committee.
- (13) a Risk Management Committee.
- (14) a Soccer Start Committee.
- (15) a TOPSoccer Committee.

**Section 2.** Except as otherwise provided in these bylaws, the Board of Directors shall prescribe the responsibilities of each standing committee.

**Section 3. (a)** The members of each standing committee shall be a chairman and one member from each region.

(b) The President of USYSA shall appoint the chairman of each standing committee with the approval of the Board of Directors. Each Regional Director shall appoint one member to each standing committee.

(c) Members of the standing committees shall be appointed annually. A committee member continues to serve until a successor has been appointed.



## **Bylaw 502. SPECIAL COMMITTEES**

Subject to the approval of the Board of Directors, the President of USYSA may establish special committees, appoint the members and chairman of each of those committees, and prescribe the responsibilities of each.

## **Bylaw 503. RESTRICTION**

No member of a committee may receive compensation (except reimbursement for expenses) for services performed as a committee member.

## **PART VI—ADMINISTRATIVE**

### **Bylaw 601. FISCAL YEAR BUDGET**

The Budget Committee shall prepare a proposed budget for USYSA for the next fiscal year. The Committee shall submit its proposed budget to the Board of Directors for approval. After the Board has approved a proposed budget, it shall be distributed and considered as provided by Bylaws 311 and 312.

### **Bylaw 602. ACCOUNTS, BOOKS, AND RECORDS**

**Section 1.** USYSA shall maintain adequate and correct accounts, books, and records of its business and properties. All of those accounts, books, and records shall be kept at the national office of USYSA.

**Section 2.** All accounts, books, and records of USYSA are open for inspection by members of the Board of Directors and members of USYSA in the manner provided for in the Tennessee Nonprofit Corporation Act. A State Association is entitled to review contracts made by USYSA.

### **Bylaw 603. INDEMNIFICATION**

**Section 1.** USYSA shall indemnify each of its present or former directors, officers, employees, or official representatives, or any person who is or was serving another entity in any capacity at the request of USYSA, against all expenses actually and reasonably incurred by the person (including judgments, costs, and counsel fees) in connection with the defense of any pending or threatened litigation to which that person is, or is threatened to be made, a party because that person is or was serving in such a capacity. This right of indemnification may also apply to expenses of litigation which is compromised or settled, including amounts paid in settlement, if USYSA approves the settlement as provided in section 2 of this bylaw. Such a person shall be indemnified if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of USYSA. The termination of any litigation by judgment, order, settlement, conviction, or plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith or in a manner the person reasonably believed to be in or not opposed to the best interests of USYSA.

**Section 2.** Any amount payable as indemnification under this bylaw may be paid by USYSA on a determination by the Board of Directors, not including those members who have incurred expenses in connection with the litigation for which indemnification is sought, that the person in question met the standard of conduct provided for under section 1 of this bylaw. If no such disinterested Board members are available, the required determination shall be made by a majority vote of the National Council.

**Section 3.** Any expenses incurred by a qualified person in connection with the defense of any litigation may be paid by USYSA in advance of a final disposition of the litigation on receipt of a written commitment by that person to repay the amount advanced if it is determined under section 2 of this bylaw that that person is not entitled to indemnification under this bylaw.

**Section 4.** The Board of Directors may authorize the purchase of insurance on behalf of any person that may potentially be indemnified under this bylaw. That insurance may include indemnification for those persons for expenses of a kind not subject to indemnification under this bylaw.

## **PART VII—GRIEVANCES, DISPUTES, AND APPEALS**

### **Bylaw 701. GENERAL REQUIREMENTS**

**Section 1.** Each Organization Member shall have grievances, disputes, and appeals provisions in its bylaws, rules, or other document that clearly states the procedures under which adjudication of appeals and other disciplinary matters shall occur.

**Section 2.** If an Organization Member does not have those procedures required by section 1 of this bylaw, the following procedures apply:

(1) All parties are entitled to a hearing with proper notification.

(2) Once a grievance, dispute, or appeal has been properly filed, the chairman of the appropriate entity of the Organization Member shall notify all involved parties within 5 days of receipt of the grievance, dispute, or appeal, the nature of the grievance, dispute, or appeal, the names of all parties, a copy of the grievance, dispute, or appeal, and the date, time, and place of the hearing.

(3) The conduct of the hearing shall be as determined by the rules of the Organization Member.

(4) A written record (called the official record) shall be kept of the proceedings.

(5) A written notification of the decision shall be sent to all involved parties within 7 days of the hearing. This notice shall be sent by certified mail.

(6) All hearings shall be scheduled to be held within 30 days.

### **Bylaw 702. RESOLUTION OF DISPUTES**

**Section 1.** A dispute between or among Organization Members shall be resolved by a special commission of the Board of Directors as follows:

(1) Any Organization Member involved in a dispute between or among Organization Members shall submit a written petition to the Board of Directors for the resolution of the dispute.

(2) Within 30 days of receiving the petition, the President of USYSA, in consultation with the Board of Directors, shall appoint a special commission composed of 3 or 5 members.

(3) Each special commission may prescribe appropriate procedures for resolving the dispute, except that a hearing shall be conducted within 90 days of receipt of the petition, and a written decision or resolution shall be issued within 120 days of receipt of the petition.

(4) The decision of the special commission is final and binding on all parties.

(5) The President may require the disputing parties to participate in mediation before the appointment of the special commission, in which case the deadlines provided in paragraph (3) are extended by not more than 30 days.

**Section 2.** With respect to all other disputes, USYSA—

(1) favors the resolution of disputes through mediation whenever possible;

(2) shall provide for the prompt resolution of disputes; and

(3) shall prescribe policies to carry out this section.

### **Bylaw 703. APPEALS**

**Section 1.** Except as otherwise provided by Federation Bylaw 705 or other Federation bylaw or policy, appeals of USYSA matters shall be as follows:

(1) For matters involving the Olympic Development Program—

(A) a matter that may be appealed from a level below the national level may be appealed to the Boys Olympic Development Committee, the Girls Olympic Development Committee, or the National ODP Championships Committee, as the case may be, and then to the Board of Directors; and

(B) a matter decided by the Boys Olympic Development Committee, the Girls Olympic Development Committee, or the National ODP Championships Committee may be appealed to the Board of Directors.

(2) For matters involving the National Championships—

(A) a matter that may be appealed from a level below the national level may be appealed to the National Championships Committee and then to the Board of Directors; and

(B) a matter decided by the National Championships Committee may be appealed to the Board of Directors.

(3) For all other matters, the matter may be appealed to the Board of Directors.

**Section 2.** The Board of Directors shall prescribe a policy to carry out this bylaw, including the amount of the appeals fee.

### **Bylaw 704. EXHAUSTION OF REMEDIES**

**Section 1.** No Member of USYSA, official, league, club, team, player, coach, administrator or referee may invoke the aid of the courts of the United States or of a state without first exhausting all available remedies within the appropriate soccer organizations, and as provided within USYSA.

**Section 2.** For a violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to USYSA for all expenses incurred by USYSA and its officers and members of the Board of Directors in defending each court action, including the following:

- (1) court costs;
- (2) attorney's fees;
- (3) reasonable compensation for time spent by USYSA officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances;
- (4) travel expenses; and
- (5) expenses for holding special National Council meetings necessitated by court action.

## **PART VIII—AMENDMENTS TO CHARTER AND BYLAWS**

### **Bylaw 801. PROPOSING AMENDMENTS**

Any proposed amendment to the charter or bylaws of USYSA may be made by—

- (1) an Organization Member;
- (2) the Board of Directors;
- (3) a member of the Board of Directors;
- (4) a region; or
- (5) a committee of USYSA.

### **Bylaw 802. ADVANCE NOTICE**

**Section 1.** Any proposed amendment to the charter or bylaws of USYSA must be submitted in writing to the Bylaws and Policies Committee at least 120 days in advance of a National Council meeting at which the amendment is to be considered.

**Section 2.** Each proposed amendment received in compliance with section 1 of this bylaw shall be sent in writing by USYSA to each Organization Member, the Board of Directors, and Regional Deputy Directors at least 30 days in advance of the National Council meeting.

### **Bylaw 803. VOTING REQUIREMENTS**

Any amendment to the charter or bylaws of USYSA require a two-thirds vote of the National Council, except an amendment to change the name of a State Association listed in Bylaw 322 only requires a majority vote.

### **Bylaw 804. PRIORITY**

In the event of a conflict between the charter and bylaws of USYSA and the articles of incorporation, bylaws, policies, and requirements of the Federation, the articles, bylaws, policies, and requirements of the Federation govern.

**Bylaw 805. EFFECTIVE DATE**

Unless otherwise provided, any amendment to the charter or bylaws of USYSA is effective on that September 1 that occurs immediately after the amendment is adopted.

**CHARTER & BY-LAWS**  
**of the**  
**PICKERINGTON YOUTH ATHLETIC ASSOCIATION, INC.**

**A non-profit community sports association  
organized to promote the benefits of  
recreational sports activities  
for youth residing in the  
Pickerington Local School District**

## CHARTER

### **ARTICLE I - NAME**

The name of the corporation shall be the Pickerington Youth Athletic Association, Incorporated (PYAA).

### **ARTICLE II - PURPOSES**

The purposes for which the Pickerington Youth Athletic Association is organized and for which its affairs shall be conducted are:

- 1.) To function as a civic association not operated for profit but operated exclusively to provide recreation and other related non-profitable activities. No part of the earnings of said corporation shall inure to the benefit of any member thereof and;
- 2.) To conduct an organized sports program (under the supervision of qualified personnel) and other recreational programs and activities so that such programs are not in conflict or competition with one another and;
- 3.) To exercise the option to acquire, preserve, dispose of franchises or commitments to other youth athletic associations, foundations or organizations and;
- 4.) To serve the youth of the Pickerington Local School District (\* see exception below) and to cooperate with other community agencies, both public and private, in meeting the recreational needs of the youth residing in the Pickerington Local School District and;
- 5.) To raise money and other assets by public solicitation projects and other activities as authorized by the members of the corporation, and receive same in order to carry out the purposes of the corporation; to act as the governing body for all finances of the association and its member sports; and to coordinate fund raising projects within the association and among its member sports and;
- 6.) To provide proper equipment and training thereby allowing all youth to participate in the sports program with the maximum safeguards, never compromising on the issue of safety and;
- 7.) For such purposes as may be authorized by the members of the corporation that are not inconsistent with the stated purposes noted above.

\* Exception: Youth residing outside of PLSD may participate in an "Achiever League" only, if such a League is offered by any of the member sports.

### **ARTICLE III - GOALS AND OBJECTIVES**

It is the intention of the organization to provide management and direction to the various member sports so that each will:

- 1.) Promote physical fitness among its participants;
- 2.) Teach the basic fundamentals of good play to its players;

- 3.) Encourage each youth to develop his/her athletic talents and play to the best of his/her ability for the benefit of the individual and the team.
- 4.) Teach and support the values of team play, fairness and sportsmanship to its participating youth;
- 5.) Provide coaches and assistants of good moral character who will act as examples of these values to each youth in the program;

#### **ARTICLE IV - ASSOCIATION MEMBERSHIP**

Association membership shall be granted to any adult interested in promoting the purposes, goals and objectives of the Pickerington Youth Athletic Association who lives in the Pickerington Local School District or who has a child who resides in the district. An adult living outside PLSD may be a member if approved by the individual sport board.

Membership confers the right to be engaged in the activities of the Association including participation in the organized activities of the member sports and the parent organization in areas owned by the association or at activities organized by a member sport or the Association, regardless of their location.

Any person whose behavior violates the purposes, goals and objectives of the corporation or who hinders or prevents the teaching of these doctrines to others within the *association may* be removed from membership by a majority vote of a member sport or by the Association at a regularly scheduled meeting. This individual shall have the right to appeal the decision at the next scheduled meeting. If the decision is upheld at the second meeting, the removal becomes final. If not upheld, the individual will be reinstated. If the individual is judged by a member sport, the decision of that sport applies to its activities. If the individual is judged by the Association, the decision of that body applies to all member sports.

#### **ARTICLE V - POWERS AND DUTIES**

The Association shall conduct the affairs of the corporation subject to the provisions of the articles of incorporation, the Charter and By-Laws, and subsequent resolutions passed by the membership. It is also the function of the Association to act on the approval of all coaches. In addition, the Association will review and approve the By-Laws of each new sport and any revisions of existing By-Laws for the member sports prior to the start of their season. The Association will decide, by majority vote, on any problems brought to the Association that are in violation of the Association's Charter and By-Laws, or is inconsistent with the goals and objectives of the PYAA.

#### **ARTICLE VI - MEETINGS**

Regular Association meetings will be held monthly. The President of each member organization shall attend the regular monthly meeting. An Annual meeting for the Association shall be held at the regularly scheduled meeting in December. The Association may call a special membership meeting on any subject. Advance notice of the time and place will be provided. Failure of any Association member to receive such notice shall not invalidate or effect action taken at said meeting.



**ARTICLE VII - VOTING BODY**

The voting body shall consist of the Position Officers of the Association and the President or his/her designate of each member sport organization.

Position Officers

Commissioner  
Athletic Director  
Secretary  
Treasurer  
Complex Development Director  
Concession Director  
Finance Director  
Internet Coordinator  
Office Manager  
Public Relations Director

Sport Presidents

Junior League Baseball, Softball  
Pony League/Babe Ruth League Baseball  
Basketball  
Cheerleading  
Football  
Golf  
Lacrosse  
Swimming  
Tennis  
Volleyball  
Bowling

A majority vote of the members at any meeting is needed for any decision of the voting body.

**ARTICLE VIII – DUTIES OF THE POSITION OFFICERS OF THE ASSOCIATION**

All position officers shall be elected at the December meeting of the Association. All terms shall commence on January 1 of the year following the election to office. Those eligible to vote in the election are the current Position Officers, Sport Presidents and any person holding membership in the organization who has attended a majority of the regularly scheduled meetings of the Association in the last 12 months.

**A.) COMMISSIONER**

The Commissioner shall preside at all Association meetings and shall appoint such committees as he/she feels may be necessary. The Commissioner shall report to the membership of the Association at the monthly meeting on the affairs of the Association and shall bring matters to the attention of the Association to insure the proper functioning of the corporation. The Commissioner shall supervise all the officers and employees of the corporation, execute on behalf of the corporation all deeds, contracts and other legal instruments, and can countersign all checks. The Commissioner shall obtain all field and building use agreements with Pickerington Local Schools and any local private or public entity.

**B.) ATHLETIC DIRECTOR**

The Athletic Director shall ascend to the office of Commissioner in the event of the death, removal, resignation or disability of the Commissioner. The Athletic Director shall act as Commissioner in the temporary absence of the Commissioner and shall perform such other duties as assigned by the Commissioner. The Athletic Director shall assign field use in the event multiple sports cannot agree upon a schedule. The Athletic Director shall be responsible to see that all buildings, fields, fences, parking lots, roads, equipment, etc. are properly maintained and cared for. This includes but is not limited to: ordering field marking paint and lime, arrange for temporary toilets, pumping of holding tanks, winterizing the concession stand and turning the water back on in the spring of each year, etc. The Athletic Director is also authorized to countersign checks.

### **C.) SECRETARY**

The Secretary shall keep accurate minutes of all Association meetings, submit them to the Association for its approval, and distribute copies to the member organizations. The Secretary shall maintain an Association membership book, showing the names and addresses of each Association member. The Secretary shall be responsible for maintaining all files of the Association and records of the corporation, and shall certify all official actions of the Association as required in the course of the corporation's business. Minutes of the Annual meeting shall be taken by the Secretary. The Secretary is also authorized to countersign checks. In the event of the death, removal, resignation or disability of the Treasurer, the Secretary shall be permitted to assume the additional duties and responsibilities of the Treasurer until a suitable replacement is installed in that position.

### **D.) TREASURER**

The Treasurer shall be bonded for an amount determined by the Association at the beginning of each year, and shall be custodian of all monies, assets, bank accounts and securities of the corporation. The Treasurer shall sign all checks, faithfully account for all funds received and expended by the corporation, and shall maintain adequate accounting records of the corporation. The Treasurer will be responsible for a monthly report to the Association, as well as an annual recap report which is to be submitted the first calendar quarter of each year.

### **E.) FINANCE DIRECTOR**

The Finance Director will be responsible to coordinate all fund-raising activities needed to support the athletic programs of the PYAA. The Finance Director shall be in charge of any Executive Board fund raising events. In addition, the Finance Director shall be responsible for trying to obtain public or private funds and corporate sponsors. The Finance Director will work closely with the Treasurer to see that all transactions are properly recorded.

### **F.) CONCESSIONS DIRECTOR**

The Concessions Director shall monitor and direct the operations of concessions at all sporting events and/or fund-raising events sponsored by the PYAA and its member organizations. The Concessions Director will work with the President or a designee of each sport in order to provide continuity in the operation of concessions for each sport. The Concessions Director will be responsible for obtaining required permits, procuring or purchasing supplies, directing the member sports in the operation of the concession stand and working with the Treasurer to provide accurate accounting of the "Concession Business".

### **G.) PLANNING AND DEVELOPMENT DIRECTOR**

The Planning and Development Director shall be responsible for creating and/or updating new and existing facility plans, obtaining the required permits (water, electrical, building, etc.), obtaining estimates for projects and bringing to the Association these bids with recommendations. The Planning and Development Director will be in charge of implementing the approved plans and supervising the project until completed. The Planning and Development Director will serve as the chairperson of the PYAA Land Commission.

### **H.) PUBLIC RELATIONS DIRECTOR**

1.) Coordinate all announcements concerning sport registrations, the sport seasons, fund raising announcements, and other news of the organization with area news publications and information outlets (e.g., the Pickerington Area Chamber of Commerce), or to develop

distribution sources and methods through which news of the Association can be communicated with citizens of the school district.

- 2.) Approve any items that are to be released to the public from the organization. These items would include registration forms, medical release forms and other types of forms used by the member sports.
- 3.) Promote the PYAA in the most positive manner using any free publicity form that is available, and any other method that is approved by the board.
- 4.) Be responsible for organizing a newsletter to be distributed to the members of the organization following a schedule approved by the board. Items contained in the newsletter should include:
  - A.) Dates of sport registrations with places, times and contact personnel.
  - B.) Articles on current activities of the organization such as current sport activities, new developments at the complex, or other information that may be of community interest.
  - C.) Meeting announcements for all of the sports and the PYAA Board with dates, locations and times.
  - D.) Informative articles about the different sports with perhaps an update from each sport president.
  - E.) Can be used to announce needs for assistance or recruit board members and coaches.
- 5.) Would be responsible for maintaining the mailing list of the newsletter with additions and corrections as may be needed.
- 6.) Would act as a historian to record the activities of the current year and see that a summary is placed in the organization's records.

#### **I.) INTERNET COORDINATOR**

- 1.) Manage the PYAA official web site to enhance communications with the community.
- 2.) Answer or forward e-mails to the appropriate person or sport that are sent to PYAA.
- 3.) Monitor web site for bandwidth problems, bad links, and inappropriate postings and implement any policies that the Association has established for its web site.
- 4.) Post information from PYAA sports representatives such as newsletters, registration forms, schedules, etc.
- 5.) Make recommendations to the Association for any needed improvements to the web site and/or server.
- 6.) Reports monthly at the PYAA Association meeting.

#### **J.) OFFICE MANAGER**

The Office Manager is responsible for the operation of the administrative headquarters of the Association. Under this mandate, the Office Manager will arrange for regular hours of public access for the purpose of information distribution. The areas of responsibility will include:

- 1.) maintaining adequate supplies of association promotional material
- 2.) administering a sport calendar listing sport activities at the headquarters
- 3.) acting as a source of current and historical information concerning the organization
- 4.) safekeeping educational and training material for association use
- 5.) providing storage facilities for member sport's equipment and supplies

The manager will be asked to maintain databases of information in a secure manner that can be made available to responsible parties. The Office Manager will also be responsible for the maintenance of the office facility, including the acquisition, repair and replacement of those items necessary for the operation of the association's business.

These duties and responsibilities are to be administered with the help and cooperation of other position officers of the association and officers of the member sport organizations.

#### **K.) DIRECTOR OF EDUCATION**

This position would be responsible for the education and training of players, parents and coaches in the goals and objectives of the association, elements of sportsmanship, and techniques and procedures that can be used to advance the education of players and promote team play.

The Director of Education could use methods that would promote the above goals among the different segments of the community. The methods that could be employed may include:

- 1.) Meetings with interested parents about the goals and objectives of the association. The intent of this meeting would be to communicate the goals and objectives of the PYAA, outline the sport offerings in the association, announce the standards expected with each sport, and solicit parent volunteers to assist in those endeavors.
- 2.) Player meetings where the goals and objectives of the PYAA are outlined while special training opportunities are made available to the participants with guest instructors and/or notable speakers.
- 3.) Coaching certification program where coaches would be expected to attend a training/education class once every three years. This class experience would focus on communicating the goals and objectives of the PYAA, outline standards of conduct required of all coaching candidates, offer tips and techniques universally applicable to all sports, and provide basic instruction on first aid procedures and guidance on emergency procedures.

The above is not intended to be all-inclusive but is intended to provide an indication of the range of responsibilities for the position.

The Director of Education would be a sitting member of the Executive Board of the Association. The person would have all the rights and responsibilities of such membership and would be expected to report to the board monthly concerning the activities being undertaken.

The Director of Education would serve a one-year term with his/her tenure continued by annual election.

#### **ARTICLE IX - ATTENDANCE REQUIREMENT FOR ASSOCIATION MEMBERS**

- 1.) It is mandatory that all Position Officers and Sport Presidents attend a minimum of eight (8) meetings in a calendar year.
- 2.) No Position Officers or Sport Presidents may miss three (3) consecutive meetings at any time.

3.) If their absence is necessary, all sports Presidents are required to have a member of the respective elected board in attendance at the monthly PYAA meeting to give a report on their respective sport.

4.) If a violation of 1.) or 2.) occurs, the Commissioner or Athletic Director is required to notify the person in violation, with a minimum fourteen (14) days notice that a special meeting will be held with a majority of the voting body of the Association members in attendance, (not including the Commissioner and the person in violation) to consider and vote on removal of said person from the position held in PYAA. The affected person will not be permitted to vote, but will be permitted to fully explain the circumstances involving his or her absences. A majority vote of the voting body of the Association members in attendance is required to remove the person in violation from the position, with the Commissioner voting only in the event of a tie vote.

#### **ARTICLE X - REMOVAL OF ASSOCIATION MEMBERS**

Position Officers and/or Presidents of member organizations who fail to perform their duties may be removed from office or their position by a two-thirds majority vote of the voting body of the Association.

#### **ARTICLE XI - VACANCIES IN THE ASSOCIATION**

Vacancies in the Association shall be filled by the Commissioner with the approval by majority vote of the voting body of the Association.

#### **ARTICLE XII - REQUIREMENTS FOR ACCEPTING NEW SPORT PROGRAMS**

To become a member sport organization, a plan outlining the financing and operation of the program shall be submitted to the PYAA Association for approval. A majority vote is required by the voting body of the Association to accept a new program.

#### **ARTICLE XIII - CHARTER AND BY-LAWS OF MEMBER SPORTS**

Each member sport of the PYAA as well as the PYAA Association shall be required to function under an approved Charter and By-Laws. The original Charter and By-Laws and any revision shall be required to be read at three (3) properly publicized scheduled monthly meetings of that sport. Once approved at the three (3) scheduled monthly meetings, the Charter and By-Laws and any subsequent revisions shall be submitted to the PYAA Association for review and approval. Approval shall be by majority vote of the voting body.

#### **ARTICLE XIV - AMENDMENTS TO THE CHARTER**

Amendments may be offered by any member of the Association at any monthly meeting or special meeting by submitting a copy of the proposed amendment to the Secretary who shall notify each Association member and the President of each member organization of the amendment prior to such meeting. Failure of any member to receive delivery of such copy shall not invalidate the action of the membership according to the amendment. All proposed amendments shall be read at three consecutive monthly meetings before final action, taken at

the third meeting. Amendments must receive the favorable vote of a majority of the voting body. Such amendments shall go into effect immediately.

## **ARTICLE XV - DISSOLUTION**

In the event of dissolution of the corporation, all monies, assets and records shall be dispersed in the following sequence:

- 1.) To be equally distributed to the remaining member organizations.
- 2.) Given to other non-profit recreation organizations as selected by two-thirds vote of the voting body of the Association.
- 3.) Governmental bodies or charities selected by two-thirds vote of the voting body of the Association.

## **BY-LAWS**

### **SECTION 1 - BEHAVIOR AND ATTITUDE**

I.) If a coach does not fulfill the duties of the position, (such as being at each game or assigned practice, or if for any other reason the coach does not fulfill the duties of a coach), then a warning will be issued by the sport president. If the situation continues, an executive meeting will be held and the coach will be called in for a final warning. A vote may be called by the sport board to dismiss or retain the coach. If no vote is called for and the coach is retained but the situation continues, the coach will be automatically dismissed.

II.) Anytime a coach hits or inflicts bodily harm on any person on the playing field, the area where a contest is held, or a practice, the coach will automatically and permanently be dismissed from that sport and from any other sport under the jurisdiction of the PYAA.

Anytime a player hits or inflicts bodily harm on any other person on the playing field, the area where a contest is held, or a practice, the player will automatically be suspended from that sport until a meeting of that sport is held to investigate circumstances of the incident. Pending the outcome of that investigation, the penalties may range from a one-game suspension to permanent dismissal from the sport, as determined by the sport board.

Anytime a spectator, visitor or observer hits or inflicts bodily harm on any other person on the playing field, the area where a contest is held, or a practice, that person will immediately be removed from that sport venue and the person will be reported to the Association. A report is to be filed immediately with the appropriate governmental safety officials. A hearing will later be conducted by the PYAA Executive Board to review the incident. If circumstances merit such actions, all PYAA membership privileges can be permanently revoked by the Executive Board. Lesser penalties may be imposed at the discretion of the Board.

III.) When a coach continues unbecoming verbal abuse throughout the contest towards players, officials, umpires or referees, the coach can receive a reprimand at the sport's discretion. If the coach ignores the reprimand and continues to verbally abuse others in a future contest, an executive meeting will be called and the coach will be called in for a final warning. A vote may be called for by that committee to dismiss or retain the coach.

## SECTION 2 - ASSOCIATION FINANCE

It is the responsibility of each sport to submit a financial budget for approval prior to the start of their sport season. Funds will not be disbursed from the Association treasury without an approved budget. In addition, funds will not be disbursed when a sport is over budget unless specifically approved by the Association. A sport may exceed any specific item in the approved budget by no more than 5% as long as the total budget is not exceeded without prior PYAA Executive Board approval.

Each sport shall be responsible for determining the collection of the registration fees for its respective sport. The registration fees will be turned over to the Association treasurer for the disbursement of funds to support the sports expenses within their approved budget.

Each sport is required to allocate a part of its registration fee an amount per participant to be placed into the General Fund to help maintain the Pickerington Youth Sports Complex and additional facilities utilized by PYAA. This amount will be determined and voted upon annually in December. No sport will be further required to have a fund raiser. Should a sport decide to hold a fund raiser to fund a special project, 90% of those funds will be retained by the sport and the balance will revert to the Association (after expenses).

Money may be carried over to the next year should the goal not be met. Fund raisers must be discussed and approved with the Finance Director and then brought to the Executive Board for approval.

Unused funds will be retained by the sport in an account administered by the Treasurer on the sport's behalf.

All monies realized through fundraising projects sponsored by the Executive Board, and where sport participation is requested, will be assigned as follows:

1. Fifty percent (50%) will be retained by the Executive Board to be spent as voted by the Board.
2. Fifty percent (50%) shall be rebated to the various sports on a per-player basis to offset a portion of each sport's registration fee. Each December, the Treasurer shall certify the amount per sport based on that year's proceeds and player participation. During the following year, each sport will receive the specified amount at the time its budget is approved. Each sport must demonstrate at the time of budget presentation that the amount received will reduce player fees.
3. Sports that choose not to actively support Executive Board fundraising efforts may, by majority vote at the December meeting starting in 1999, be eliminated from participation in the following year's distribution of funds. The total available amount of rebate will then be distributed among the remaining sports.

The Second Facility Fund (SFF) is created for the purpose of funding the acquisition and development of an additional athletic facility somewhere within the PLSD. The facility is to host the various sports of PYAA as determined by the Board. A supermajority vote of 75% of the voting members is required to release funds from the SFF, although such release is not required to be for the fund's intended purpose.

The SFF is to be funded as follows:

1. 50% of all non-sport PYAA funds that may exist as of the date of enactment of this bylaw.
2. 50% of General Fund surpluses at the end of each calendar year.
3. An assessment applied to all registration fees, the amount to be determined annually by the Board.
4. Other funds as may be voted by the Board.

Application and administration of the provisions of this bylaw is the responsibility of the Treasurer.

#### **ARTICLE XVI - PARTICIPANT REGISTRATION DISCOUNTS**

No registration discounts of any kind, with the exception of multiple sibling family discounts (in the same sport) or hardship discounts can be granted by a sport. Any discount that would be considered must be approved by a majority vote of the respective sport board. Approval for discounts must be approved on an annual basis. Under no circumstances will discounts be permitted to any PYAA Executive Board member, Sports board member, League Director, coach, or any other person unless the same discount is offered to the general public.

#### **ARTICLE XVII - AUDITING COMMITTEE**

The records of the Treasurer shall be audited by a professional auditing company or individual in January or February of every other year starting with the year 2004. A special audit can be performed at any time if the Association deems necessary. This report will be distributed to the entire voting body.

#### **SECTION 3 - EQUIPMENT AND FACILITIES**

The use of PYAA equipment or the use of facilities owned by the PYAA for an activity not sanctioned by the PYAA must be approved by a majority vote of the voting body.

#### **ARTICLE XVIII - LAND COMMISSION**

The Land Commission is to administer the common area of the Pickerington Youth Sports Complex (located at 630 Hill Road N.) in concert with representatives from the Pickerington Area Soccer Association (PASA). They will also coordinate issues and activities of joint interest between PYAA and PASA. The Land Commission will be composed of three members from PASA and three members from PYAA (the Commissioner, Athletic Director, and the Land and Development Director). A 3/4 positive vote by the voting body of the Association is required to replace any of the assigned members on the Land Commission.

The PYAA and the PASA will equally share the expenses involved in the development of the common area and may, upon agreement of both organizations, share other expenses which may be convenient for the organizations in the administration of their individual properties. The shared expenses may include, but are not limited to, the development of the road, parking lots, buildings maintenance, utilities, insurance and park equipment.



#### **SECTION 4 - PROMOTIONAL INCOME**

Field sponsorship, court sponsorship, banner sales and other forms of limited duration advertising are reserved for the benefit of individual sport boards. Each sport may set the conditions and terms for these privileges during its' respective seasons. Income derived from these sales for the period contracted are the property of the sponsoring sport (under conditions governing fund raising activities) and may be used as determined by that sport. Conversely, each sponsoring sport board accepts responsibility for the maintenance and upkeep required of these sales.

Field naming rights, all forms of permanent advertising at facilities owned by the Association, and advertising in Association communication functions shall be reserved for the use of the PYAA Association and shall benefit the entire Association. This income is to be used as determined by the Executive Board. The Executive board assumes responsibility for the maintenance, upkeep and continued support required by these sales.

**HISTORICAL INFORMATION**  
regarding the  
**PICKERINGTON YOUTH ATHLETIC ASSOCIATION, INC.**

**ARTICLES OF INCORPORATION**

On October 6, 1975, members of the Pickerington Little League Football, Inc., voted to amend the Articles of Incorporation as reflected in HISTORY EXHIBIT A to rename the corporation to Pickerington Youth Athletic Association, Inc., (PYAA) and enlarge its purpose.

During the following year, PYAA included the following sports functions or activities consistent with its established purpose: basketball, junior league baseball, Pony League baseball and wrestling. While cheerleading was originally included under, and still operates closely with, the football program, it has been recognized as a separate activity in the PYAA since the late 1980's.

On August 10, 1987, members of PYAA voted to amend the Articles of Incorporation as reflected in HISTORY EXHIBIT B to fulfill the requirements for Internal Revenue Service tax exempt status under section 501(c)(3) of the Internal Revenue Code.

**PICKERINGTON YOUTH SPORTS COMPLEX (PYSC)**

Detailed information on the purchase and early development of the Pickerington Youth Sports Complex is included in HISTORY EXHIBIT C.

In 1986, PYAA signed a ten (10) year agreement to purchase outright twenty (20) acres of land and three (3) additional acres in cooperation with the PYSA as an undivided half interest in six (6) acres of common ground. The access road and main parking area were constructed in gravel in 1988.

The Land Commission (comprised of members of PYAA and PYSA) retained Edsall and Associates (a landscape architect) in February, 1990 to develop a master site plan for the complex. That plan was completed in August, 1990 and was used by DPH Surveying, Inc. as a basis to develop a master grading plan. The Pickerington City Engineer approved the "Master Plan for Storm Water Drainage" (as submitted by DPH) in August, 1991. George Igel and Company, Inc. completed the grading of all remaining playing surfaces at the complex in October, 1991.

**HISTORY EXHIBIT A**  
**Resolution of Shareholders for Amendment**

Resolved that the Articles of Incorporation of Pickerington Little League Football, Inc. shall be, and is hereby amended, so that the Articles shall be amended to:

- 1.) Change the name of the corporation from Pickerington Little League Football, Inc. to Pickerington Youth Athletic Association, Inc. (PYAA).
- 2.) Enlarge the purpose of said corporation to include, in addition to the existing purposes noted in the Articles of Incorporation of Pickerington Little League Football, Inc., the following:
  - a.) To function as a civic league not operated for profit, but operated exclusively to provide recreation and other related non-profitable activities. No part of the earnings of said corporation shall inure to the benefit of any member thereof;
  - b.) To conduct an organized youth sports program (under the supervision of qualified personnel) and other recreational programs and activities so that such programs are not in conflict or competition with one another, and serve the youth of the Pickerington community;
  - c.) To exercise the option to acquire, preserve or dispose of franchises or commitments to other youth athletic leagues, foundations or organizations;
  - d.) To cooperate with other community agencies, both public and private, in meeting the recreational needs of the youth residing in the Pickerington community and to coordinate fund raising projects;
  - e.) To raise money and other assets by public solicitation projects and other activities as authorized by members of the corporation, and receive same in order to carry out the purposes of the corporation, and to act as the governing body for all finances;
  - f.) To provide proper equipment and training to enable the youth to participate in the sports program with the maximum safeguards, never compromising on their safety; and
  - g.) For such purposes as may be authorized by the members of the corporation which are not inconsistent with the specifically enumerated purposes contained herein and the General Corporation Laws of the State of Ohio.

These proceedings are filed with the Secretary of State on November 5, 1975 (ref. Roll E103, Frame 0692 of the Records of Incorporation and Miscellaneous Filings).

**HISTORY EXHIBIT B**  
**Resolution of Shareholders for Amendment**

Resolved that the Articles of Incorporation of the Pickerington Youth Athletic Association, Inc. shall be, and is hereby amended, so that the Articles shall be amended to include the following provisions in addition to the existing provisions:

- 1.) This organization is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code;
- 2.) Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted
  - a.) By a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law); or
  - b.) By a corporation to which contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law);
- 3.) Upon winding up and dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable, educational, religious and/or scientific purposes and which has established its tax exempt status under Section 501 (c)(3) of the Internal Revenue Code.

Certificate 415954 was issued on August 13, 1987, certifying that the Secretary of State had custody of the records and that they are recorded on Roll G224, Frame 1232 of the Records of Incorporation and Miscellaneous Filings.

## HISTORY EXHIBIT C

### Pickerington Youth Sports Complex (PYSC)

In the early 1980's, a group of individuals from the Pickerington Youth Athletic Association, Inc. (PYAA) and Pickerington Youth Soccer Association, Inc. (PYSA) began a search process for the location of a possible youth sports complex. Eventually, they narrowed the search to an area owned by Kenyon College located east of State Route 256 and about a mile south of Refugee Road in Violet Township, Fairfield County, Ohio. On March 8, 1985, PYSA purchased a twenty-five (25) acre parcel of land from Kenyon College. Access to this parcel was granted in the form of a sixty (60) foot wide easement that extends approximately 1500 feet from State Route 256 to this parcel and covers approximately two (2) acres.

One June 18, 1986, PYSA agreed to purchase another parcel of land from Kenyon College consisting of nearly twenty-nine (29) acres that lies immediately west of the first PYSA parcel and contains the entire easement for ingress and egress to the first PYSA parcel of land.

On September 25, 1986, PYAA entered into a land contract agreement with PYSA to purchase twenty-three (23) acres: twenty (20) acres of which was purchased outright while three (3) acres constituted an undivided half interest in six (6) acres of common ground. The other three (3) acres of the common ground plus the remaining acreage in that parcel was retained by PYSA.

Part of the commitment between PYAA and PYSA included the formation of a Land Commission whose purpose is to jointly administer and equally share the expenses for the common area and may, upon mutual agreement, share other expenses which may be convenient for both parties in the administration of their respective areas.

PYAA and PYSA jointly financed the construction of the access road and most of the common parking area (both gravel) in 1988.

In late 1989, the Land Commission began developing a master site plan for the complex. The firm of Edsall and Associates (landscape architects) was retained in early 1990 for this purpose. Boundaries of the PYAA, PYSA and common areas were agreed to on June 12, 1990 and the master site plan was finalized in August, 1990. PYAA and PYSA each own an undivided half interest in the five (5) acres of common ground which includes and to be used for the access road and common parking. The PYSA area (2.831 acres) lies immediately north of the common parking area and immediately west of the first PYSA parcel. PYAA now owns twenty-one (21) acres outright.

In early 1991, the Land Commission retained DPH Surveying, Inc. to develop a master grading plan for the complex. DPH submitted a "Master Plan for Storm Water Drainage" to the City of Pickerington which was approved by the City Engineer on August 21, 1991.

DPH performed the grade surveying and staking while George Igel and Company, Inc. performed the grading consistent with that plan in October, 1991.

## **Texas Charities and Non-Profits**

- [Researching a Charity](#)
- [Charity Registration in Texas](#)
- [Establishing a Charity or Non-Profit in Texas](#)
- [Exemption from Federal Taxes](#)
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- [Chapter 123 Proceedings](#)
- [How to Help Expedite the AG's Review](#)

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The Office of the Attorney General represents the public interest in charity and acts to protect that interest. Texas has more than 50,000 active charitable organizations and countless trust entities over which the Attorney General has oversight authority.

The Charitable Trusts Section of the AG's Consumer Protection Division has many responsibilities which include:

- investigating and initiating legal action against charitable organizations, their directors and/or their professional fundraisers to ensure that charitable donations and assets are lawfully raised and expended;
- reviewing transactions involving the sale or conversion of non-profit, charitable corporations to for-profit entities or status; and
- reviewing all legal proceedings involving charities pursuant to Texas Property Code, §123.002. Chapter 123 provides the Attorney General with standing to intervene in any proceeding involving a charity on behalf of the interest of the general public of this state.

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**RESEARCHING A CHARITY:** Many Texans make generous donations to charities each year by volunteering time or contributing money. The Attorney General's brochure [\*Giving to Charities\*](#) offers information to assist you in evaluating solicitations and choosing wisely when responding to charitable appeals.

Other resources you may want to consult include:

- [The BBB Wise Giving Alliance](#): The Alliance reports on nationally soliciting charitable organizations that are the subject of donor inquiries. These reports

include an evaluation of the subject charity in relation to voluntary BBB charity standards.

- The American Institute of Philanthropy: The AIP is a charity watchdog service whose purpose is to help donors make informed giving decisions.
- Guidestar: A national database of U.S. charitable organizations which gathers and distributes data on more than 850,000 IRS-recognized non-profits.

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**CHARITY REGISTRATION IN TEXAS:** Under Texas law, most charities or non-profit organizations are not required to register with the state. Exceptions exist, however, for organizations which solicit for law enforcement, public safety or veterans causes. Registration with the Office of the Attorney General or the Secretary of State does not imply approval or endorsement of the organization or its solicitor. Registration forms are available on the Secretary of State's Web site.

The **Texas Law Enforcement Telephone Solicitation Act (LETSA)** regulates certain law enforcement related organizations that engage in telephone solicitation in the State of Texas. These organizations are required to file a registration statement with the Office of the Attorney General and pay a \$50 fee. If the organization retains a commercial telephone solicitor, the solicitor must post a \$50,000 surety bond with the Secretary of State. Click here for a PDF version of the LETSA registration forms.

The **Public Safety Solicitation Act** requires certain public safety organizations, public safety publications and their solicitors and/or independent promoters to register, pay a fee and post a bond with the Secretary of State. Forms and FAQs relating to this Act are available on the Secretary of State's Web site.

The **Veterans Solicitation Act** requires certain veterans organizations to file a registration statement with the Secretary of State and pay a fee. If the veterans organization uses a solicitor, the organization must post a surety bond with the Secretary of State. Forms and FAQs relating to this Act are available on the Secretary of State's Web site.

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**ESTABLISHING A CHARITY OR NON-PROFIT ORGANIZATION IN TEXAS:**

A non-profit corporation is created by filing articles of incorporation with the Secretary of State in accordance with the Texas Non-Profit Corporation Act, Articles 1396-3.02 and 1396-3.03. A non-profit corporation may be created for any lawful purposes, which purposes must be fully stated in the articles of incorporation. Not all non-profit corporations are entitled to exemption from state or federal taxes. Forms and FAQs relating to forming a non-profit corporation are available on the Secretary of State's Web site.

**EXEMPTION FROM FEDERAL TAXES IS DETERMINED BY THE IRS:** You should consult the IRS prior to filing the articles of incorporation to determine what provisions should be included in the articles for the corporation to be exempt from federal taxes. IRS Publication 557, titled "*Tax Exempt Status For Your Organization*," describes the rules and procedures for non-profit organizations requesting exemption. The publication can be obtained by calling your local IRS office or on the IRS Web site at [www.irs.gov](http://www.irs.gov). For technical questions relating to exempt organizations, please call (877) 829-5500.

**FILING A COMPLAINT:** The Charitable Trusts Section receives many inquiries and complaints from the general public, news reporters, and other interested parties regarding possible mismanagement or diversion of charitable assets. All complaints about charities are reviewed by the Attorney General's Charitable Trusts section staff. However, due to the limited time and resources available to assist in our varied enforcement efforts and ongoing duties, the Charitable Trusts Section is unable to conduct full investigations of every matter referred to us. **We generally conduct investigations in those cases in which there is reliable evidence of a diversion of assets or gross mismanagement resulting in a significant financial loss or other substantial harm to the public.**

Problems that the Section frequently investigates include:

- illegal use of charitable funds;
- diversion of charitable trust funds from their intended purpose;
- sale of a charity or conversion of a non-profit corporation to "for profit" status at a price that is unfair to the charity;
- excessive amounts paid by a non-profit corporation or charitable trust for salaries, benefits, travel and entertainment; and
- self-dealing transactions either between a director and the non-profit corporation or by trustees.

The Charitable Trusts Section generally does **not** investigate:

- homeowner's associations and other non-profit membership benefit corporations;
- matters involving internal labor disputes, contested elections and disagreements between directors and/or members over policy and procedures;
- claimed violations of religious laws or doctrine by churches or religious corporations.

The Charitable Trusts complaint form is now available online. We ask that you read this section before you file your complaint. If you file a complaint with our office, please understand the following:



**We May Refer You to Another Agency.** Often a state, federal or local agency will have more expertise than our office to handle a particular consumer problem. In such a case, we refer the complaint to the agency best able to help.

**We Cannot Act As Your Private Attorney.** State law prohibits our office from giving individual citizens legal advice or opinions or acting as their private attorney. If you feel that you need legal advice, you will have to turn to another source such as a private attorney, legal aid society or other organization.

**We Can Only File Suit To Protect The Public Interest.** State law prohibits our office from filing a lawsuit whose only purpose is to recover money or property for a single person. In those instances, it is appropriate for the citizen to seek legal advice from a private attorney, legal aid society or other organization.

## **IRS FORM 990-PF FILING**

According to IRS instructions, the IRS Form 990-PF (Return of Private Foundation or Section 4947(a)(1) Nonexempt Charitable Trust Treated as a Private Foundation) provides that foundation managers must furnish a copy of the annual return Form 990-PF (and Form 4720, if applicable) to the attorney general of:

1. Each state required to be listed in Part VII-A, line 8a;
2. The state in which the foundation's principal office is located; and
3. The state in which the foundation was incorporated or created.

A copy of the annual return must be sent to the attorney general at the same time the annual return is filed with the IRS. In Texas, copies of the 990-PF may be sent to the address below. Please note that the IRS rule applies to private foundation returns only. **A public charity filing a 990 is not required to send a copy of its return to the Attorney General's Office.**

Office of the Attorney General  
Charitable Trusts Section  
Consumer Protection Division  
P.O. Box 12548  
Austin, TX 78711-2548

## **CHARITABLE RAFFLES**

The Charitable Raffle Enabling Act, effective January 1, 1990, permits "qualified organizations" to hold up to two raffles per calendar year, with certain specified restrictions. The Attorney General's brochure on charitable raffles offers additional information on this Act.

**We Cannot Act As Your Private Attorney.** State law prohibits our office from giving individual citizens legal advice or opinions or acting as their private attorney. If you feel that you need legal advice, you will have to turn to another source such as a private attorney, legal aid society or other organization.

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## **CHAPTER 123 PROCEEDINGS**

The Texas Property Code, Chapter 123, provides the Attorney General with standing to intervene in any proceeding involving a charitable trust on behalf of the general interest of the public of this state. This chapter also requires notice to the Attorney General by any party initiating such a proceeding. This is accomplished by sending to the Attorney General, by registered or certified mail, a true copy of the petition or other instrument initiating the proceeding involving a charitable trust within 30 days of the filing of such petition or other instrument, but no less than 25 days prior to a hearing in such a proceeding. Notice is **not** required if the proceeding is initiated by an uncontested application that exclusively seeks the admission of a will to probate.

Direct your correspondence to the following address:

Office of the Attorney General  
Charitable Trusts Section  
Consumer Protection Division  
P.O. Box 12548  
Austin, TX 78711-2548

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## **HOW TO HELP EXPEDITE THE ATTORNEY GENERAL'S REVIEW OF CHAPTER 123 PROCEEDINGS**

Once notice to the Attorney General is provided, it is often necessary to obtain additional information to aid in our determination as to whether intervention is warranted. A significant amount of time is expended by our office in obtaining this information. The following is a list of helpful information which, if provided upon submission, may expedite review of your proceeding.

1. Include a cover letter accurately summarizing the relief requested. Tell us why the proceeding has been filed. Include any helpful background information which explains the basis for the requested relief and whether it significantly impacts the interest(s) of charity(ies). Explain why the proceeding may or may not warrant the intervention of the Attorney General.
2. Include all attachments to the pleading which initiates the action.

3. Include any documents which may not be attached to your pleading, but which may help in our review. Examples (not intended to be exhaustive) include:

- (i) the articles of incorporation for non-profit corporate entities;
- (ii) the will (or wills) and any codicils, if the matter involves a charitable bequest or testamentary trust;
- (iii) trust documents, including all amendments;
- (iv) documents relating to the nature and charitable mission of the charitable entities involved, if trust funds are sought to be transferred from one charitable entity to another;
- (v) copies of notice to all specific charitable entities interested in the proceeding;
- (vi) copies of any pleadings filed by charitable entities, including waivers of participation or other evidence of agreement to the relief sought; and
- (vii) copies of all other pleadings pertinent to our review.

4. Include information regarding the value of the estate or trust assets.

5. If the proceeding is a trust reformation, specifically state in your petition for reformation how your request to reform meets the standard contained in Texas Property Code §112.054 authorizing the court to reform, namely:

- (1) the purposes of the trust have been fulfilled or have become illegal or impossible to fulfill; or
- (2) because of circumstances not known to or anticipated by the settlor, compliance with the terms of the trust would defeat or substantially impair the accomplishment of the purposes of the trust.



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## Business Start-Up Information

[Texas Business Portal](#)

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- [Internal Revenue Service](#): Employer identification number

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- [Federal Trademarks Patents](#): U.S. Patent and Trademark Office
- [Copyrights](#): U.S. Copyright Office of the Library of Congress

### Permits and Licenses:

- [Governors Office of Economic Development and Tourism](#) (PDF)

### Security Issues

- [State Securities Board](#)
- [U.S. Securities and Exchange Commission](#)

### State Taxation: Comptroller of Public Accounts

- [Sales Tax](#)
- [Franchise Tax](#)
- [Other Taxes](#)
- [Electronic Reporting of State Taxes](#)

### More Business Start-Up Information

- [Texas Business Advisor](#): Offered by the Texas Comptroller of Public Accounts, the site furnishes useful information and links that will assist new businesses.
- [Business.gov](#): Managed by the U.S. Small Business Administration, this site provides one-stop access to federal government information, services, and transactions.
- [4 Steps to Starting a Business](#): A guide provided by the Texas Department of Economic Development regarding the four steps to starting a business. The on-line Guide to Texas Business Licenses and Permits is available at this site, as well.
- [Texas Workforce Commission](#): Site of the Texas Workforce Commission, which provides information on employment taxes and issues.
- [Starting Your Business](#): Site of the U.S. Small Business Administration which provides useful information on starting a small business.
- [Ask SCORE for Business Advice](#): SCORE is a resource partner with the U.S. Small Business Administration and provides counseling for small businesses.

### Internal Revenue Service

- <http://www.irs.ustreas.gov>: Site provides federal tax forms, instructions, publications, regulations, and electronic filing options.

### Business Law Section – State Bar of Texas

- <http://www.texasbusinesslaw.org>: Site provides legal resource links and other links of interest for the business law practitioner. Additionally, the Business Organizations Code to be effective January 2006 and the Revisor's Report is made available for viewing. The new Code would consist of the various Texas statutes governing the formation and internal affairs of private-sector, for-profit and nonprofit entities, including corporations, partnerships, limited liability companies, real estate investment trusts, and associations.

### Secretary of State/Corporate Filing Offices in Other Jurisdictions

- [International Association of Commercial Administrators](#): Site provides a listing and link to corporate filing offices in other states.

[SOS Home](#) | [Register to Vote](#) | [State of Texas](#) | [Trail](#) | [Texas Homeland Security](#)

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Send comments and questions about the web site to: [webmaster@sos.state.tx.us](mailto:webmaster@sos.state.tx.us)

**Form 202—General Information**  
**(Certificate of Formation – Nonprofit Corporation)**

The attached form is drafted to meet minimal statutory filing requirements pursuant to the relevant code provisions. This form and the information provided are not substitutes for the advice and services of an attorney and tax specialist.

**Commentary**

A nonprofit corporation is governed by titles 1 and 2 of the Texas Business Organizations Code (BOC). Title 1, chapter 3, subchapter A, of the BOC governs the formation of a nonprofit corporation and sets forth the provisions required or permitted to be contained in the certificate of formation. Nonprofit corporations may be incorporated for any lawful purpose. Corporations formed for the purpose of operating a nonprofit institution, including an institution devoted to a charitable, benevolent, religious, patriotic, civic, cultural, missionary, education, scientific, social, fraternal, athletic, or aesthetic purpose, may be formed and governed only as a nonprofit corporation under the BOC and not as a for-profit corporation. In a nonprofit corporation, no part of the income of the corporation may be distributed to a member, director or officer of the corporation.

Please note that this form cannot be used to form a corporation authorized by or under a special state statute, such as a water supply corporation, cemetery corporation or an industrial development corporation.

*Taxes:* Nonprofit corporations are subject to a state franchise tax and federal income taxes unless an exemption from those taxes is granted. Contact the Texas Comptroller of Public Accounts, Tax Assistance Section, Austin, Texas, 78774-0100, (512) 463-4600 or (800) 252-1381 for franchise tax information and eligibility and application for exemption. For information relating to federal income tax filing requirements, exemptions, federal employer identification numbers, tax publications and forms call (800) 829-3676 or visit the Internal Revenue Service web site at [www.irs.gov](http://www.irs.gov). This form does not include any additional statements that the IRS may require as a condition to granting tax-exempt or tax-deductible status.

**Instructions for Form**

- **Article 1—Entity Name and Type:** Provide a corporate name. An organizational designation may be used, but is not required. Under section 5.053 of the BOC, if the name chosen is the same as, deceptively similar to, or similar to the name of any existing domestic or foreign filing entity, or any name reservation or registration filed with the secretary of state, the document cannot be filed. The administrative rules adopted for determining entity name availability (Texas Administrative Code, title 1, part 4, chapter 79, subchapter C) may be viewed at [www.sos.state.tx.us/tac/index.html](http://www.sos.state.tx.us/tac/index.html). If you wish the secretary of state to provide a preliminary determination on name availability, you may call (512) 463-5555, dial 7-1-1 for relay services, or e-mail your name inquiry to [corpinfo@sos.state.tx.us](mailto:corpinfo@sos.state.tx.us). A final determination cannot be made until the document is received and processed by the secretary of state. Do not make financial expenditures or execute documents based on a preliminary clearance. Also note that the preclearance of a name or the issuance of a certificate of formation under a name does not authorize the use of a name in violation of another person's rights to the name.

- **Article 2—Registered Agent and Registered Office:** The registered agent can be either (option A) a domestic entity or a foreign entity that is registered to do business in Texas or (option B) an individual resident of the state. The corporation cannot act as its own registered agent; do not enter the corporate name as the name of the registered agent.

The registered office address must be located at a street address where service of process may be personally served on the entity's registered agent during normal business hours. Although the registered office is not required to be the entity's principal place of business, the registered office may not be solely a mailbox service or telephone answering service (BOC § 5.201).

- **Article 3—Management:** Except as provided by section 22.202 of the BOC, the affairs of a nonprofit corporation are governed by a board of directors. The board of directors may be designated by any name appropriate to the customs, usages, or tenets of the corporation. If managed by a board of directors, three directors are required. A director must be a natural person; there are no residency requirements for directors. Set forth the name of the individual in the format specified. Do not use prefixes (e.g., Mr., Mrs., Ms.). Use the suffix box only for titles of lineage (e.g., Jr., Sr., III) and not for other suffixes or titles (e.g., M.D., Ph.D.).

Please note that a document on file with the secretary of state is a public record that is subject to public access and disclosure. When providing address information for directors, use a business or post office box address rather than a residence address if privacy concerns are an issue.

Management of the affairs of the corporation may be vested in the nonprofit corporation's members if a statement to that effect is included in the certificate.

- **Article 4—Members:** If the corporation will not have members, the certificate of formation must include a statement to that effect.
- **Article 5—Purpose:** A nonprofit corporation may be formed for any lawful purpose or purposes not expressly prohibited under title 1, chapter 2, or title 2, chapter 22, of the BOC. This form provides for the creation of a corporation with a general purpose. Please note that while the BOC allows a general purpose other laws, including the Internal Revenue Code, may require that the certificate of incorporation include more specific purposes as a basis for granting a license or tax - exempt or tax-deductible status. The additional space provided in the "Supplemental Provisions/Information" section may be used to set forth a more specific purpose or purposes.
- **Article 6—Manner of Distribution:** Section 22.304 of the BOC provides that after all liabilities and obligations of the corporation in the process of winding up are paid, satisfied, and discharged in accordance with chapter 11 of the BOC, the property of the corporation shall be applied and distributed as follows:
  - Property held by the corporation on a condition requiring return, transfer, or conveyance because of the winding up or termination shall be returned, transferred, or conveyed in accordance with that requirement; and
  - The remaining property shall be distributed only for tax-exempt purposes to one or more organizations that are exempt under Section 501(c)(3), or described by Section 170(c)(1) or (2) of the Internal Revenue Code as provided in a plan of distribution adopted by the corporation under the BOC unless the certificate of formation provides otherwise.

If the corporation is not applying and distributing its property in accordance with section 22.304, the box in article 6 should be checked and a statement describing the manner of distribution set forth. If the space provided is not sufficient, an addendum may be included.

- **Supplemental Provisions/Information:** Additional space has been provided for additional text to an article within this form or to provide for additional articles to contain optional provisions.

**Duration:** Pursuant to section 3.003 of the BOC, a Texas nonprofit corporation exists perpetually unless provided otherwise in the certificate of formation. If formation of a corporation with a stated period of duration is desired, use the "Supplemental Provisions/Information" section of this form to provide for a limited duration.

- **Organizer:** Only one organizer is required for the formation of a nonprofit corporation. An organizer may be any person having the capacity to contract for the person or for another; that is, a natural person 18 years of age or older, or a corporation or other legal entity. There are no residency requirements for an organizer.
- **Effectiveness of Filing:** A certificate of formation becomes effective when filed by the secretary of state (option A). However, pursuant to sections 4.052 and 4.053 of the BOC the effectiveness of the instrument may be delayed to a date not more than ninety (90) days from the date the instrument is signed (option B). The effectiveness of the instrument also may be delayed on the occurrence of a future event or fact, other than the passage of time (option C). If option C is selected, you must state the manner in which the event or fact will cause the instrument to take effect and the date of the 90<sup>th</sup> day after the date the instrument is signed. In order for the certificate to take effect under option C, the entity must, within ninety (90) days of the filing of the certificate, file with the secretary of state a statement regarding the event or fact pursuant to section 4.055 of the BOC.

On the filing of a document with a delayed effective date or condition, the computer records of the secretary of state will be changed to show the filing of the document, the date of the filing, and the future date on which the document will be effective or evidence that the effectiveness was conditioned on the occurrence of a future event or fact. In addition, at the time of such filing, the status of the entity will be shown as "in existence" on the records of the secretary of state.

- **Execution:** The organizer must sign the certificate of formation, but it does not need to be notarized. However, before signing, please read the statements on this form carefully. *A person commits an offense under section 4.008 of the BOC if the person signs or directs the filing of a filing instrument the person knows is materially false with the intent that the instrument be delivered to the secretary of state for filing. The offense is a Class A misdemeanor unless the person's intent is to harm or defraud another, in which case the offense is a state jail felony.*
- **Payment and Delivery Instructions:** The filing fee for a certificate of formation for a nonprofit corporation is **\$25**. Fees may be paid by personal checks, LegalEase debit cards, MasterCard, Visa, and Discover credit cards. Checks or money orders must be payable through a U.S. bank or financial institution and made payable to the secretary of state. Fees paid by credit card are subject to a statutorily authorized convenience fee of 2.7 percent of the total fees.

Submit the completed form in duplicate along with the filing fee. The form may be mailed to P.O. Box 13697, Austin, Texas, 78711-3697; faxed to (512) 463-5709; or delivered to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701. If a document is transmitted by fax, credit card information must accompany the transmission (Form 807). On filing the document, the

secretary of state will return the appropriate evidence of filing to the submitter together with a file-stamped copy of the document, if a duplicate copy was provided as instructed.

- **Registered Agent/Office:** A corporation is required to maintain a registered agent and a registered office address in Texas. If the registered agent or registered office address changes, it is important to file a statement with the secretary of state to effect a change to the certificate of formation. Failure to maintain a registered agent and registered office may result in the involuntary termination of the corporation.
- **Periodic Reports:** Under section 22.357 of the BOC, the secretary of state may require a nonprofit corporation to file a report not more often than once every four years. The secretary of state will send notice to the corporation at its registered office as to the time the report is due. Failure to file the report when requested to do so by the secretary will result in the involuntary termination of the corporation.
- **Information for Public Inspection:** Records, books and annual reports of the corporation's financial activity are required to be maintained at the registered office or principal office for three years after the close of a fiscal year. The corporation shall make those documents available to the public for inspection and copying during regular business hours and may charge a reasonable fee for preparing a copy of those records. Failure to maintain those records, prepare an annual report or make the record or report available to the public is a Class B misdemeanor. These provisions do not apply to those corporations exempted under section 22.355 of the BOC. Also note that a nonprofit corporation supported in whole or in part by public funds or that spends public funds is considered a governmental body under chapter 552 of the Government Code (Public Information Act) and thus subject to the provisions of that Act regarding access to public information. In addition, a property owner's association may also be subject to the Public Information Act pursuant to section 552.0035 of the Government Code.

Revised 01/06



**Form 202**  
**(Revised 1/06)**

Return in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512/463-5709  
**Filing Fee: \$25**



This space reserved for office use.

**Certificate of Formation**  
**Nonprofit Corporation**

**Article 1 – Entity Name and Type**

The filing entity being formed is a nonprofit corporation. The name of the entity is:

**Article 2 – Registered Agent and Registered Office**

(Select and complete either A or B and complete C)

A. The initial registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

*First Name* *M.I.* *Last Name* *Suffix*

C. The business address of the registered agent and the registered office address is:

*Street Address* *City* *State* *Zip Code*

TX

**Article 3 – Management**

The management of the affairs of the corporation is to be vested in the nonprofit corporation's members.

OR

The management of the affairs of the corporation is vested in the board of directors. The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of members or until their successors are elected and qualified are as follows:

*A minimum of three directors required.*

| Director 1                       |             |                  |                 |                |
|----------------------------------|-------------|------------------|-----------------|----------------|
| <i>First Name</i>                | <i>M.I.</i> | <i>Last Name</i> | <i>Suffix</i>   |                |
|                                  |             |                  |                 |                |
| <i>Street or Mailing Address</i> | <i>City</i> | <i>State</i>     | <i>Zip Code</i> | <i>Country</i> |

|                                  |             |                  |                 |                |
|----------------------------------|-------------|------------------|-----------------|----------------|
| Director 2                       |             |                  |                 |                |
|                                  |             |                  |                 |                |
| <i>First Name</i>                | <i>M.I.</i> | <i>Last Name</i> | <i>Suffix</i>   |                |
|                                  |             |                  |                 |                |
| <i>Street or Mailing Address</i> | <i>City</i> | <i>State</i>     | <i>Zip Code</i> | <i>Country</i> |

|                                  |             |                  |                 |                |
|----------------------------------|-------------|------------------|-----------------|----------------|
| Director 3                       |             |                  |                 |                |
|                                  |             |                  |                 |                |
| <i>First Name</i>                | <i>M.I.</i> | <i>Last Name</i> | <i>Suffix</i>   |                |
|                                  |             |                  |                 |                |
| <i>Street or Mailing Address</i> | <i>City</i> | <i>State</i>     | <i>Zip Code</i> | <i>Country</i> |

**Article 4 – Members**

- The nonprofit corporation shall have members.
- The nonprofit corporation will have no members.

**Article 5 – Purpose**

This nonprofit corporation is formed for any lawful purpose or purposes not expressly prohibited under chapters 2 or 22 of the Texas Business Organizations Code, including any purpose described by section 2.002 of the Code.

**Article 6 – Manner of Distribution**  
(See instructions.)

- The corporation is authorized on its winding up to distribute the nonprofit corporation's assets in a manner other than as provided by section 22.304 of the Code. The manner of distribution is as follows or as set forth in the attached addendum which is incorporated herein by reference:

**Supplemental Provisions/Information**

Text Area: [The attached addendum, if any, is incorporated herein by reference.]

[Empty text area for supplemental provisions]

**Organizer**

The name and address of the organizer:

Name \_\_\_\_\_

Street or Mailing Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

**Effectiveness of Filing** (Select either A, B, or C)

A.  This document becomes effective when the document is filed by the secretary of state.

B.  This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_

C.  This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_

The following event or fact will cause the document to take effect in the manner described below:

\_\_\_\_\_  
\_\_\_\_\_

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of organizer

## Michele Watts

---

**Full Name:** Kendra Kinnison, CPA  
**Last Name:** Kendra Kinnison  
**First Name:** CPA  
**Company:** Ensemble Group

**Business Address:** 418 Peoples St., Suite 205  
Corpus Christi, Texas 78401

**Business:** (361) 884-6396  
**Business Fax:** (361) 879-0658

**E-mail:** [kkinnison@ensemblegroup.net](mailto:kkinnison@ensemblegroup.net)  
**E-mail Display As:** CPA Kendra Kinnison ([kkinnison@ensemblegroup.net](mailto:kkinnison@ensemblegroup.net))

**Web Page:** <http://www.ensemblegroup.net>

http://foundationcenter.org/getstarted/faqs/html/starting\_nonprofit.html



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#### **Welcome**

- New Visitors
- Individual Grantseekers
- Nonprofit Grantseekers
- Grantmakers
- International Visitors
- People with Disabilities
- Children and Youth
- Reporters/Media

#### **Get Answers**

- FAQs
- Ask Us
- Reference Guides
- Topical Resource Lists

#### **Learn About**

- Foundations and Fundraising
- Proposal Writing

- Nonprofit Management
- Tools and Resources

#### **Training Courses**

- Online Training
- Classroom Training

#### **Look Up Organizations**

- Foundation Finder
- 990 Finder

#### **Identify Funding Sources**

- Foundation Directory Online
- Corporate Giving Online
- Foundation Grants to Individuals Online
- Print and CD Funding Directories
- Requests for Proposals
- Associates Program

#### **Related Tools**

- Common Grant Applications
- Prospect Worksheets
- Grants Classifications

#### **Check Statistics**

- Top Funders
- Grantmaker Stats
- Grants Stats

#### **Fundraising and**

#### **Nonprofit Management**

- Foundations and Fundraising
- Proposal Writing
- Nonprofit Management
- Print and CD Funding Directories
- The Foundation Directory Online
- Foundation Grants to Individuals Online

#### **Research Studies**

- National Trends
- Regional Trends
- International Trends
- Special Topic Trends
- Grantmaker Stats
- Grants Stats

#### **Nonprofit Sector**

- PubHub: Foundation-Sponsored Reports
- Catalog of Nonprofit Literature
- Links to Nonprofit Resources
- Grants Classification

#### **Philanthropy News Digest**

#### **Event Calendars**

- Atlanta
- Cleveland
- New York
- San Francisco
- Washington, DC

25th Anniversary

Knowledge to build on

**GET STARTED**

Frequently Asked Questions

- Welcome
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- [Individual](#)

***How do I establish a nonprofit organization?***

SEARCH

SEARCH

### Grantseekers

- Nonprofit Grantseekers
- Grantmakers
- International Visitors
- People With Disabilities
- Children and Youth
- Reporters/Media

### Get Answers

- FAQs
- Ask Us
- Reference Guides
- Topical Resource Lists

### Learn About

- Foundations and Fundraising
- Proposal Writing
- Nonprofit Management
- Tools and Resources

### Training Courses

- Online Training
- Classroom Training

### Library/Learning Centers

- Atlanta
- Cleveland
- New York
- San Francisco
- Washington, DC
- Cooperating Collections

Forming a new nonprofit is a process that involves two distinct stages. Generally, you will need to establish your organization by filing articles of incorporation with the appropriate agency in your state (usually the secretary of state). You will also need to secure federal income tax exemption by filing the appropriate forms with the Internal Revenue Service. Inquire at any Center library or the Cooperating Collection nearest you for the name of a technical assistance group that assists new and emerging nonprofits. Your local bar association may be able to direct you to "pro bono" or reduced-cost legal services as well. See also our FAQ "Where can I find pro-bono legal help for my nonprofit organization?" Please be aware that it usually takes 4 to 6 months to go through the process.

In order to procure and file the appropriate forms required to apply for nonprofit incorporation, you may want to contact your state charity registration office. Be aware that procedures vary from state to state; you should consult with an attorney or an appropriate agency whose staff has experience in this area. For your Federal tax-exempt status application, please refer to the IRS's FAQs About Applying for Tax-Exemption. Publication 557: Tax-Exempt Status for Your Organization, is available for download in PDF format from the IRS site.

### Electronic Resources on How to Start a Nonprofit Organization Include:

- The Foundation Center's Establishing a Nonprofit Organization online tutorial. This tutorial describes 12 tasks that need to be accomplished during the process of establishing a nonprofit organization. Issues include board development, creating bylaws, filing for federal tax exemption, recruiting staff, and developing an overall fundraising plan.
- The Internal Revenue Service's "Tax Information for Charitable Organizations."
- The Internet Nonprofit Center's FAQs for start-up nonprofits.
- The Internet Nonprofit Center's FAQs on where to start when creating a nonprofit.
- "Starting a Nonprofit Organization" from the Nonprofit Manager's Library is another useful resource.

### Full List FAQs

### About Foundations

### Funding

- Electronic
- Foundations
- Corporate
- Government
- Individual

### The Fund Research

- Primary
- Funding
- Definition
- Clarification
- Proposals
- Training

### Nonprofit Management

- Establishing
- Nonprofit
- Accounting
- Research
- Organization
- Nonprofit
- Other N
- Management

### Resources Individual

- BoardSource's (formerly the National Center for Nonprofit Boards) free e-book, "[Starting a Nonprofit Organization.](#)"
- [www.form1023help.com](http://www.form1023help.com) is posted as a public service by Sandy Deja, a tax consultant with over 30 years' experience with IRS Form 1023, and is designed to help new nonprofit organizations complete the Application for Exempt Status Under Section 501(c)(3) of the Internal Revenue Code.

**Print Resources on How to Start a Nonprofit Organization Include:**

- Blazek, Jody. *Tax Planning and Compliance for Tax-Exempt Organizations: Rules, Checklists, Procedures*. 4th ed. Hoboken, NJ: John Wiley & Sons, 2004. Step-by-step guide to forming a nonprofit organization that meets the requirements for a federal tax exemption under 501(c)(3) of the Internal Revenue Code.
- Conners, Tracy Daniel (ed.) *The Nonprofit Handbook: Management*. 3rd ed. New York, NY: John Wiley & Sons, 2001. Comprehensive reference guide to the policies and procedures shared by small and medium-sized nonprofit organizations. Contains drafts of policies and procedures as well as sample plans, forms, records and reports.
- Gose, Ben. "America's Charity Explosion." *Chronicle of Philanthropy* 17 (6 January 2005) p. 6-9. Discusses whether there are too many charities in the sector, providing opinions from various nonprofit leaders. While some suggest newly-created charities provide essential services, others argue that they lead to inefficiencies and greater competition for funding.
- Grobman, Gary M. *The Nonprofit Handbook: Everything You Need to Know to Start Up and Run Your Nonprofit Organization*. 4th ed. Harrisburg, PA: White Hat Communications. 2005. The legal guidebook for establishing nonprofit organizations is divided into two parts, one for practitioners and another shorter section for students of the nonprofit sector. Topics covered in Part 1 include incorporation, bylaws, board of directors, mission and vision statements, tax-exemption, ethics, risk management, personnel issues, fundraising, lobbying,

**Grants**

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- [Students](#)
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**FAQs F**



communications and use of the Internet, and other miscellaneous administrative issues. Part 2 provides general information on the nonprofit sector with chapters covering history and theory. Includes sample bylaws.

- Hopkins, Bruce R. *Starting and Managing a Nonprofit Organization: A Legal Guide*. 4th ed. Hoboken, NJ: John Wiley & Sons, 2004. The book is an exploration of the fundamental laws affecting the operation of nonprofit organizations. Hopkins examines virtually all aspects of starting and operating a nonprofit group, including reporting revenue, tax exemption, regulation of fundraising, compensating the nonprofit employee, lobbying, and successful techniques for using for-profit subsidiaries, partnerships, and planned giving.
- Kirschten, Barbara L. *Nonprofit Corporation Forms Handbook*. 2005 ed. Eagan, MN: West Group, 2005. Covers registration and reporting requirements for IRS-designated tax-exempt organizations and contains sample forms for incorporation and operation of nonprofit organizations in many states.
- Kunreuther, Frances. "To 501(c)(3) or Not to 501(c)(3): Is That the Question?" *Nonprofit Quarterly* 10 (Winter 2003) p. 26-9. For some groups, the 501(c)(3) incorporation may not further their work. The article provides some considerations that should be examined.
- Linnell, Deborah. "Founders and Other Gods." *Nonprofit Quarterly* 11 (Spring 2004) p. 8-17. Explores the life cycle of a nonprofit, focusing on the role of the founder, based on work done by Karl Mathiasen. The transition from the vision of the founder to a professionally run organization can be tricky, and some founders are more able to facilitate the migration better than others.
- Mancuso, Anthony. *How to Form a Nonprofit Corporation*. 6th ed. Berkeley, CA: Nolo Press, 2004. Written by an attorney, this is a practical step-by-step guide to forming a nonprofit organization that meets the requirements for a federal corporate income tax exemption under Section 501(c)(3) of the Internal Revenue Code.
- Nonprofit Connection. *Setting Up a Nonprofit Organization: What To Do Before You Incorporate*.

3rd ed. Brooklyn, NY: Nonprofit Connection. 2000. Advises on establishing a business plan and meeting various legal requirements of a tax-exempt entity. Also shows a sample three-year budget.

- Olenick, Arnold J. and Philip R. Olenick. A Nonprofit Organization Operating Manual: Planning for Survival and Growth. New York, NY: The Foundation Center, 1991. Addresses the essential financial and legal aspects of managing a nonprofit organization. Divided into four parts: 1) Long-Range Considerations 2) The Vital Role of Financial Management 3) Operational Management 4) Outside Accountability.
- Pakroo, Peri H. *Starting & Building a Nonprofit: A Practical Guide*. Berkeley, CA: Nolo Press. 2005. Using non-technical language, the book explains the basic processes for creating a nonprofit: incorporating and selecting a name, planning, budgeting, choosing a board, hiring, fundraising, insurance; communications, accounting, and marketing. Appendices include numerous forms, checklists, and information about related state agencies.
- *Starting a Nonprofit*. Washington, D.C.: National Minority AIDS Council, [2003]. This manual is designed to facilitate the ability to quickly and effectively start a nonprofit, register it with state officials, and obtain tax-exempt status from the Internal Revenue Service.
- Tesdahl, D. Benson. *The Nonprofit Board's Guide to Bylaws: Creating a Framework for Effective Governance*. Washington, D.C.: BoardSource, 2003. Provides a basic definition of bylaws and an overview of related issues and area bylaws.
- Warda, Mark. *How to Form a Nonprofit Corporation*. 3rd ed. Naperville, IL: Sphinx Publishing, 2004. Provides basic information about the steps involved in establishing a nonprofit organization, and the methods for protecting tax-exempt status. Covers start-up procedures, applying for tax exemption, running a nonprofit corporation, and fundraising. Numerous checklists and worksheets are included. Appendices include state-by-state list of nonprofit laws, a sample document of by-laws, and nonprofit legal forms.

For more books and articles on starting a nonprofit organization, try searching our Catalog of Nonprofit Literature (CNL), the Center's bibliographic database. You could start searching on the subject "Nonprofit organizations--establishment and termination".

Many of the books and articles found through CNL can be located in Center Libraries and some Cooperating Collections. It is best to call ahead to verify a specific library's holdings.

If the nonprofit you are establishing is intended to give money away, see the FAQ entitled "Where can I find information on starting a grantmaking foundation?"

Can't find the answer you're looking for in our FAQs? Ask our Online Librarian.



foundationcenter.org

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## **TechSoup Stock at a Glance**

TechSoup Stock is an online product donation service that connects nonprofits with technology product donations from more than twenty leading providers. All products are available either for donation, or for prices that are deeply discounted just for nonprofits.

We currently serve U.S. 501(c)(3) nonprofits, Canadian nonprofits and charitable organizations, and libraries.

As a nonprofit organization ourselves, we aim to help other organizations further their programmatic goals through the intelligent use of technology. Since our launch in January 2002, we have distributed over 866,000 technology products worth a retail value of over \$245 million. Our goal is to enable organizations to redirect these huge savings to program work.

TechSoup Stock charges an administrative fee for each product, which typically compares to 4% to 20% of the product's published retail value. This fee covers handling, ground shipping, and customer support.

TechSoup also offers easy access to articles, discussions, the latest news, and other resources to help you choose and use your products wisely.

We hope our service can help your organization save on mission-critical technology needs.

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# Free Complete Toolkit for Boards

Designed by [Carter McNamara, MBA, PhD](#) | Applies to nonprofits and for-profits unless noted  
[First-Timers](#) | [Library Catalog](#) | [Library Home Page](#) | [Contact Us](#) | [Reprint Permission](#)  
[Authenticity Consulting Home Page](#)

Corporations, whether for-profit or nonprofit, require a governing Board of Directors. Governing Boards have certain legally required duties, including duties of care, loyalty and obedience (some states use different terms). (In Canada, the duties of care and loyalty are specified.) Governing Boards can have a variety of configurations, eg, "working" (or hands-on, or administrative), "collective," "policy," "Policy Governance" (trademark of Carver Governance Design), etc. All are types of governing Boards. Some people believe in life stages of Boards, including that they 1) start out as "working" Boards where members focus on day-to-day matters in addition to strategic matters, 2) evolve to "policy" Boards where members focus mostly on strategic matters, and 3) eventually become large, institutionalized Boards that often have small executive committees and maybe many members some of which are "big names" to gain credibility with funders or investors.

Boards can have a broad range of "personalities." For example, Boards of large for-profit and nonprofit corporations might be very formal in nature with strong attention to Parliamentary procedures, highly proceduralized operations, etc. In contrast, Boards of small for-profit, family-owned corporations might be very informal in nature and comprised mostly of members of the family, rather than of independent members (members from outside of the family and/or corporation).

Members of Boards of for-profit corporations are usually compensated monetarily. Members of nonprofit Boards are usually volunteers.

Recent illegal activities, particularly in large, for-profit corporations, have brought much attention to the roles and responsibilities of Boards, especially to their degree of effective oversight ("oversight" as in ensuring strong, effective organizations), ethical operations and approach to compensating senior executives. One of the more recent pieces of legislation regarding governance is the Sarbanes-Oxley Act. If you are new to the topic of Boards, you might read through the information about Board roles and responsibilities, staffing, committees and meetings, and then read about the Act that is included near the end of the Table of Contents for this topic.

Materials in this topic apply to both nonprofit and for-profit Boards in the USA and Canada.

Be sure to see the many general and specific resources for Boards in the USA and Canada, near the end of this Web page.

Many of the following materials in this Library topic are adapted from the guidebooks:



- Field Guide to Developing and Operating Your Nonprofit Board of Directors (Boards in USA and Canada)
- Field Guide to Leadership and Supervision for Nonprofit Staff (USA and Canada)
- Field Guide to Leadership and Supervision in Business (USA and Canada)
- Field Guide to Consulting and Organizational Development With Nonprofits (for consultants and internal leaders to solve problems in nonprofits)
- Field Guide to Consulting and Organizational Development (for consultants and leaders to solve problems in for-profit businesses and government)

(NOTE: To understand how to work with Boards of Directors during consulting and organizational change, see the "Field Guide to Consulting and Organizational Development" for nonprofits or for businesses and government. This is a step-by-step, all-in-one resource for consultants and leaders. The resource comes with a 30-day, money-back guarantee.)

**Table of Contents of This Library Topic**  
(categories below, are listed in the typical order of use)

***Board Roles and Responsibilities***

Overview of Board Roles and Responsibilities

--- Board Roles and Responsibilities

--- Sample Job Descriptions

--- Board and Staff Roles

--- Advisory Groups

Legal and Insurance Considerations for Board Members

***Documents -- Charter/Constitution/Articles, Operating Rules, Policies, etc.***

Articles of Incorporation (or charters, articles of association, etc; -- is governing doc. of org.)

Corporate Bylaws (Board's specification of corporation's structure and how it will operate)

Corporate Resolutions (is a single act of approval to approve, eg, contract, dues, etc.)

Board Policies (members' guidelines for working together, e.g., meetings, agendas, etc.)

***Staffing the Board***

Joining as, Recruiting, Orienting, Informing, Removing Board Members

--- Joining a Board

--- Recruiting and Orienting Members

--- Informing Board Members (including Board manual and annual reports)

--- Removing Members

***Ensuring Successful Committees***

Building Successful Board Committees

--- Description of Typical Committees

--- Ideas to Generate Participation

--- Developing Advisory Groups

### ***Ensuring Successful Meetings***

Board Meetings (agendas, on-line, executive sessions, retreats, etc.)

- Sample Meeting Agenda
- Sample Meeting Minutes
- Sample Board Attendance Policy
- Should the Board Hold Executive Sessions?
- Parliamentary Procedure
- Board Retreats
- On-Line Board Meetings

### ***Evaluating the Board***

Evaluating the Board of Directors

- Board Self-Evaluation
- Another Board Self-Evaluation Form
- Checklists and Principles to Evaluate Health of Board
- How to Remove a Board Member

### ***Board and Staff Relations***

Board and Staff Relations

### ***Evaluating Executive Directors***

Board of Director's Evaluation of Chief Executive

- Guidelines for Evaluating the Chief Executive
- Sample Form to Use During Evaluation of Chief Executive
- Sample Executive Director Performance Improvement Plan

### ***Board Orientation/Training***

Board Orientation/Training

### ***Board Operations***

Board Operations

- Startup Activities (to start the organization)
- Yearly Activities -- Board Operations Calendar (specifies yearly activities and timing)
- Committee Activities -- Committees Work Plans
- Meeting Activities

### ***Accountability of Boards***

There has been a huge amount of information over the past five years or so in regard to accountability of Boards of Directors, including nonprofit and for-profit. The following links will get you started in reviewing the information.

*(Nonprofit)*

Sarbanes-Oxely Act (USA legislation) and Implications for Nonprofits

Sarbanes-Oxely Act: Alert for Nonprofits

Broadbent Report (Canadian Report)

*(For-Profit)*

Sarbanes-Oxley Act (is for for-profits and nonprofits)

### ***Founder's Syndrome***

This syndrome occurs when the organization operates according to the personality of someone in the organization (usually the founder), rather than according to the mission of the organization. The Board can make a big difference in helping an organization to detect Founder's Syndrome and recover from the Syndrome.

Founder's Syndrome: Getting Stuck in the First Life Cycle of An Organization or Program

### ***General Resources***

Free, On-Line, Self-Paced Program to Completely Build/Strengthen Your Nonprofit  
Additional On-Line Resources

Additional On-Line Articles

Board-Specific Resources in USA and Canada

Basic Guide to Nonprofit Program Design and Marketing

Nonprofit On-Line Discussion Groups and Newsletters

To Form Local Learning Communities to Learn This Topic

### ***Free, On-line, Complete Training Programs That Include This Topic!***

*For Nonprofit Organizations:*

This topic is also included in the Free Nonprofit Micro-eMBA learning module Building and Maintaining an Effective Board of Directors. This complete, "nuts and bolts", free training program is geared to leaders, managers, consultants and volunteers who serve nonprofit organizations.

*For For-profit Organizations:*

This topic is also included in the Free Micro-eMBA learning module Building and Maintaining an Effective Board of Directors. This complete, "nuts and bolts", free training program is geared to leaders, managers and consultants who work with for-profit organizations.

***Tell Your Friends! Local Professional Organizations!***

Tell friends and professional organizations about these free programs! Advertise them in your newsletters and web sites so that others can save training dollars, too!

---

## **Overview of Board Roles and Responsibilities**

The following information applies to for-profit and nonprofit Boards unless otherwise noted. Simply put, a Board of Directors is a group of people legally charged with the responsibility to govern a corporation. In a for-profit corporation, the Board of Directors is responsible to the stockholders -- a more progressive perspective is that the Board is responsible to the stakeholders, that is, to everyone who is interested and/or can be effected by the corporation. In a nonprofit corporation, the Board reports to stakeholders,

particularly the local communities which the nonprofit serves.

[Board Roles and Responsibilities](#)

[Sample Job Descriptions](#)

[Board and Staff Roles](#)

### ***Advisory Groups***

Very simply put, an advisory group, or advisory committee, is a collection of individuals who bring unique knowledge and skills to complement the knowledge and skills of a more official, governing Board.

[Developing Advisory Boards / Groups](#)

[Building and Advisory Board](#)

[Creating an Advisory Board](#)

[What is the Difference Between a Governing Board and an Advisory Board?](#)

***Also see*** [Carver Governance Model](#)

***Also see*** [Committees](#), [Conflict Management](#), [Meeting Management](#), [Problem Solving and Decision Making](#), [Strategic Planning and Team Building](#)

### ***General Information Focused on Boards of Nonprofits***

[Ten Basic Responsibilities of Nonprofit Boards](#)

[Legal Responsibilities of Nonprofit Boards](#)

[Individual Board Member Responsibilities](#)

[Nonprofit Internet Center's "Boards of Directors" section](#)

[Jane Kendall's "What it takes to be a good Board member"](#)

[National Alliance for Nonprofit Organizations](#)

[Minnesota Council of Nonprofits "Principles and Practices" Minnesota Council of Nonprofits "Principles and Practices", section on public accountability](#)

[Guidelines of Board and Staff Relations and Responsibilities](#)

[Should Staff Contact with Board Be Restricted?](#)

[BoardSource's answer to Frequently Asked Questions](#)

### ***General Information Focused on Boards of For-Profits***

[Corporate Survival Guide](#)

[Corporate Governance Codes & Principles](#)

### **Legal and Insurance Considerations for Board Members**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

[Overview of legal considerations](#)

[Overview of Liability Insurance \(including Directors' and Officers' Insurance\)](#)

***The following information applies to nonprofit Boards.***

[Risk Management Resources](#)

## Professional Liability and Governance Exposures

What do do until the lawyer comes ...

*Also see* Insurance (Business)

### **Articles of Incorporation (or charters, constitutions, etc. )**

(The following information applies to for-profit and nonprofit corporations unless otherwise noted). The articles of incorporation (or other forms of description, such as charters, constitutions, articles of association, etc.) are established when the organization files for incorporation with the appropriate state agency. A Board of Directors gets its authority from the articles. This governing document specifies, for example, its name, the purpose or mission of the organization, place of business, primary officers, etc.

In Canada, you can form a nonprofit corporation either at the provincial or federal levels, and you might be able to form under a variety of regulations, for example, a provincial Societies Act or Companies Act, or the federal Canada Corporations Act. In Canada, it is necessary to be incorporated in order to become a charity.

#### ***For-profit Organization***

Sample articles of incorporation form

#### ***Nonprofit Organization***

sample articles of incorporation

another sample articles of incorporation form

*Also see* Enterprise Law and Starting an Organization

### **Corporate Bylaws (Board's internal specification of how org. will operate)**

(The following information applies to for-profit and nonprofit Boards unless otherwise noted.) Bylaws specify the Board's rules of internal operation, for example, number of members of the Board, length of the terms of membership, all of the officer positions, how meetings are conducted, etc. In some states in the USA and provinces in Canada, you have to have Bylaws to file for incorporation.

#### ***For-profit Organization***

sample for-profit bylaws

bylaws come first

#### ***Nonprofit Organization***

sample nonprofit bylaws

another sample bylaws

another sample bylaws

How Should the Board Be Structured? (Board's structure is often specified in bylaws)

*Also see* Enterprise Law and Starting an Organization

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## **Board Resolutions (single acts of approval for, eg, contracts, dues, etc.)**

Articles, charters, constitutions, etc., and bylaws are ongoing rules. A resolution is a single act by the Board to approve or adopt a change to a set of rules, new program, new contract, etc. Resolutions are included in the minutes for the Board meeting. Here is a sample of Board resolutions.

[Library Board Resolution](#)

---

## **Board Policies (Board's guidelines for how members will work together)**

The following information applies to for-profit and nonprofit Boards unless otherwise noted. Board policies are guidelines for how the Board can best work together, e.g., when they want to meet, how many committees members should be on, how they recruit and orient new members, how they manage for consistent attendance, how the Board will work with the executive director (e.g., will they plan the agenda together?), etc.

### ***Board Attendance***

[Sample Board Attendance Policy](#)

### ***Conflict of Interest***

NOTE: Many experts believe that the conflict-of-interest terms should be in the bylaws, rather than Board policies. Often, state statute (which takes precedence over bylaws) specifies terms to avoid conflict of interest.

[What is a Conflict of Interest?](#)

[What goes in a conflict-of-interest policy](#)

[My Board member says to use her/her relative as a vendor?](#)

[How Do We Safeguard Against Conflict of Interest?](#)

### ***Samples of Board Policy Manuals***

[college's Board policies](#)

[another Board policy manual](#)

[site with links to several Board policy manuals](#)

***Also see*** [Informing Board Members \(including sample index of Board manual\), Meeting Management and Committees](#)

---

## **Joining as, Recruiting, Orienting, Informing, Removing Board Members**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

### ***Joining a Board***

[Questions to Ask Yourself Before Joining Your Next Board](#)

[What Should I Know Before Joining a Board?](#)

### ***Recruiting and Orienting Members***

[How to Select Board Members for Your Organization](#)

[Four Cool Ideas for Recruiting New Board Members \(nonprofits\)](#)

[Guidelines for Recruiting New Members](#)

[Sample Board Recruitment Grid](#)

[Sample Board Application Form](#)

[Guidelines for Orienting New Members](#)

### ***Informing Board Members***

[How Do We Keep Members Informed?](#)

[What Goes in the Board Manual?](#)

[Sample Board Manual Index](#)

[Annual Reports](#)

### ***Removing Members***

[Removing a Board Member \(scroll down\)](#)

[How Boards Deal with Lazy Directors](#)

### ***General Information***

[The Diversity Issue - Part 1 \(scroll down\)](#)

[The Diversity Issue - Part 2 \(scroll down\)](#)

***Also see*** [Staffing and Team Building](#) and [Valuing Diversity](#)

## **Building Successful Board Committees**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

[Description of Typical Committees](#)

[Ideas to Generate Participation](#)

[Sample Committee Work Plan](#)

[Sample Yearly Calendar for the Board](#)

### ***Developing Advisory Boards or Committees***

See the above section [Advisory Groups](#)

***Also see*** [Committees](#), [Conflict Management](#), [Meeting Management](#), [Problem Solving and Decision Making](#), [Strategic Planning](#) and [Team Building](#)

### ***General Resources***

[Should Boards Have Committee's and If So, Which Ones?](#)

[Board Committee Job Descriptions](#)

[Executive Committees](#)

## **Board Meetings, Process, Retreats, etc.**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

[Sample Meeting Agenda](#)  
[Sample Meeting Minutes](#)  
[Ideas to Generate Participation](#)  
[Sample Board Attendance Policy](#)

### ***Regarding Parliamentary Procedure for Meetings***

Parliamentary procedure applies both to for-profits and nonprofits. However, nonprofits tend to use procedure more for Board meetings, which tend to be small groups of 12 or fewer. Robert's Rules of Order provides that procedure can be more relaxed in smaller groups than in larger groups.

[Jim Slaughter](#), Certified Professional Parliamentarian and Professional Registered Parliamentarian, has a web site with a wide range of useful articles. Each group will likely find an article that pertains to their planned usage, e.g., associations, school Boards, nonprofits (general), etc. First find the article that pertains to your planned usage. Then see his "Cheat Sheets." Other sites include:

[Roberts Rules \(the official site\)](#)  
[Rules On-Line](#)  
[National Parliamentarian Association](#)  
[Trout's Top Ten Rules of Order](#)

*Also see* [Conflict Management](#), [Facilitating](#) and [Meeting Management](#)

### ***Board Retreats***

[Where to Have a Board Retreat](#)  
[A User's Guide to Effective Board Retreats](#)  
[How Do I Use Retreats in the Planning Process? \(click on Strategic Planning and scroll down\)](#)

### ***Holding Board Meetings On-Line***

[State Laws for NPO Board Meetings by Teleconference](#)  
[Should We Allow Board Members to Attend Meetings Over the Phone?](#)  
[Facilitating On-Line Meetings](#)  
[Virtual Teams](#)

### ***Additional Information Focused for Nonprofits, but applicable to for-profits, too***

[Importance of Board Minutes](#)  
[Board Level Leadership](#)  
[Should the Board Hold Executive Sessions?](#)  
[The Most of Our Time Together](#)  
[Where to Have a Board Retreat](#)

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## **Board and Staff Relations**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

[What should be the relationship between the executive director and the Board](#)



## Board and Staff Roles

Should the executive director be a member of the Board?

Sustaining High-Quality Relationship Between Chair and Chief Executive

Should Staff Contact with Board Be Restricted?

Numerous questions about Board and staff relationship

*Also see* Chief Executive Role, Conflict (interpersonal), Conflict Management, Delegation, Feedback, Handling Difficult People, Negotiating, Team Building and Valuing Diversity

## **Evaluating the Board**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

Board Self-Evaluation

Checklist to Evaluate Health of Board

Minnesota Council of Nonprofits "Principles and Practices for Nonprofit Excellence"

Nathan Garber's checklist

Making the Best Use of Self Evaluation Questionnaires

*Also see* Legal Considerations for Board Members and Self-confidence

## **Evaluating Chief Executive**

The following information applies to for-profit and nonprofit Boards unless otherwise noted.

Guidelines for Evaluating the Chief Executive

Sample Form to Use During Evaluation of Chief Executive

Sample Executive Director Performance Improvement Plan (from Board to Chief Executive)

## ***Additional Information for Nonprofits***

How Do We Evaluate the Executive Director?.

if executive directors are ever fired

Founder's Syndrome (when the top executive is a poor manager)

How to Fire Your Executive Director

Annual Evaluation of the Executive Director

When the Executive Director Leaves: The Job Of The Board's Executive Transition Committee

*Also see* Chief Executive Role, Employee Performance Management, Feedback, Leadership Developing Planning, Legal Considerations for Board Members, Negotiating and Personnel Policies

## **Board Orientation/Training**

Board training conveys the knowledge and understanding needed in order to be effective as a member of a governing Board of Directors. Board orientation is training about the organization-specific information in order to be effective particularly as a member of the organization's Board of Directors. Selection of training topics and training methods depend on the nature and needs of the organization. However, the following guidelines and sample training agenda might serve useful to the reader when designing their own training plan and methods. See

[Basic Guidelines and Sample Agenda for Board Training Session](#)

## **Board Operations**

### ***Startup Activities (to start the organization)***

When forming a new new corporation or association (these are the types of organizations that usually have Boards of Directors), the Board typically has several specific activities they must conduct, including meeting to:

1. Approve the mission statement (may include vision and values statements, as well)
2. Approve Articles of Incorporation (or whatever charter document is required in your state)
3. Approve Bylaws (these are not always required in every state; you should strongly consider having them anyway)
4. Select officers in the Board (usually including the president or chair, vice president or vice chair, secretary and treasurer)
5. Approve (probably *very rough drafts of the*) strategic plan and yearly budget.

### ***Yearly Activities – Board Calendar (specifies yearly activities and timing)***

Boards meet their responsibilities usually by conducting certain major activities at certain times of the year. Often, the bylaws specify when certain activities will be conducted. Activities include, for example, conducting regular Board meetings (every month, two months, etc.), conducting the Board self-evaluation, evaluating the chief executive, reviewing and updating Board and personnel policies, conducting strategic planning, recruiting new members, holding an annual meeting, reviewing and authorizing the yearly budget, conducting fundraising, etc. The following sample Board Operations Calendar lists typical recurring activities of the Board and suggests the timing for these activities.

[Sample Board Operations Calendar](#)

### ***Committee Activities – Committees Work Plans***

One of the best ways to ensure effective Board committees is through use of a committee work plan. The plan specifies goals for the committee, strategies to meet the goals and timelines for completion of the goals. The goals of the committee should be closely aligned with achieving the strategic goals determined during strategic planning.

Essentially, the work plans specify the operational goals of the committee for the year.

See

[Sample Committee Work Plan](#)

### ***Meeting Activities***

Boards usually meet their responsibilities by conducting participation in ongoing meetings. Meetings are usually where the Board conducts the majority of its activities. Members usually hear important discussion and make important decisions in these meetings. Each organization might choose to a different approach and format for their Board meetings. However, the following sample meeting agenda and minutes reflect the nature of the typical activities carried out in Board meetings.

[Sample Meeting Agenda](#)

[Sample Meeting Minutes](#)

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### **Additional On-Line Resources**

(Note that numerous on-line resources are referenced in the various materials listed above. The following are additional, useful links that pertain to both for-profit and nonprofit Boards.)

[Corporate Governance](#)

[Corporate Library \(for-profit in nature\)](#)

[Global Corporate Governance Forum](#)

[Help4Nonprofits](#)

[International Corporate Governance Network](#)

[Corporate Governance Magazine](#)

[Learning Institute for Nonprofit Organizations \(list of resources\)](#)

[Nonprofit Good Resource Guide](#)

[Strategy for Building Board Governance Capacity](#)

[Governance Models](#)

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### **Additional On-Line Articles**

[The Lawyer on the Board - Playing a Dual Role](#)

[Founder's Syndrome \(when the top executive is a poor manager\)](#)

[Corporate Governance At The Speed Of Light](#)

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### **On-Line Discussion Groups, Newsletters, etc.**

There are a large number of on-line discussion groups, newsletters (e-zines), etc. in the overall areas of management, business and organization development. Participants, subscribers, etc., can get answers to their questions and learn a lot just by posing the questions to the groups, sharing insights about their experiences, etc. Join some groups and sign up for some newsletters!

[References to major egroups, newsletters, etc.](#)

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### **Board-Specific Resources in USA and Canada**

#### **A-Z Directory for Board Governance**

This directory offers an extensive range of guidelines and tools, from starting a board all the way to fulfilling the mission, from Volunteer BC in Canada. Located on the Web at <http://www.vcn.bc.ca/volbc/tools/governance.html> .

**Board Café (on-line newsletter)**

A free on-line newsletter for nonprofit boards of directors, edited by Jan Masaoka, Executive Director of the Support Center for Nonprofit Management (an affiliate of the Support Centers of America). To subscribe send an e-mail message to "msimpson@supportcenter.org" and in the body of the message type: "SUBSCRIBE BOARD CAFE". You may also call (415)-541-9000.

**Board Match**

Board Match Online helps place knowledgeable and enthusiastic volunteers on the Boards of Directors of registered charities within Canada. Located on the Web at <http://www.boardmatch.org/>

**Boards (on-line discussion group)**

A very active on-line discussion group regarding all aspects of Boards can be found at [//charitychannel.com/resources/Forums/All\\_Public\\_Forums/BOARDS/index.html](http://charitychannel.com/resources/Forums/All_Public_Forums/BOARDS/index.html)

**BoardSource**

Provides an extensive range of information, materials and publications about Boards of Directors in the USA. (Formerly National Center for Nonprofit Boards.) Located on the Web at <http://www.ncnb.org/>.

**Institute on Governance**

The Institute concentrates its work around specific knowledge areas, including aboriginal governance, accountability and performance measurement, board governance, building policy capacity, technology and governance, and youth and governance. Located on the Web at <http://www.iog.ca/>

**Sample By-Laws**

From the Institute on Governance in Canada. Find it on the Web at [http://www.iog.ca/publications/sample\\_bylaws.pdf](http://www.iog.ca/publications/sample_bylaws.pdf)

**Voluntary Sector Roundtable's Board Development materials**

Includes an extensive range and amount of practical information and materials about Boards of Directors within the Voluntary Sector in Canada. Located on the Web at <http://www.boarddevelopment.org/>

**You Can See Useful Books On This Library Topic Right Now!**

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# PROJECT MANAGEMENT SOLUTIONS

## *Control Your World*

### Nonprofit Organization Services

#### NPOs, it's time to fix your database!

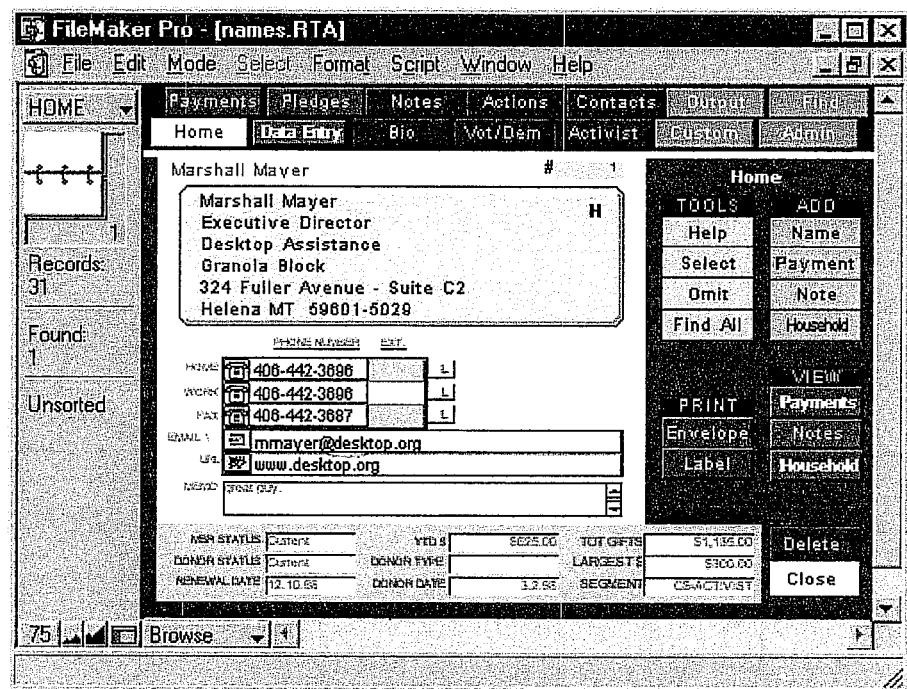
◆ Have you had it with your organization's database? With ebase, the interactive database for non-profit organizations, you can:

- Keep all your organization's data – memberships, donations, activist information – in one place, and provide secure, easy-to-learn access to everyone who needs to use it.
- Send email directly from your database, merging data in the text of an email message to personalize communications.
- Customize your database to make it match the unique and changing needs of your organization.
- Best of all, ebase software is *free*.
- And for a limited time, ebase installation is *free*.

#### An "All-In-One" Database

◆ Many nonprofits use more than one database. There usually is one that tracks fundraising information. But often there are many other databases, such as personal rolodexes, email lists, or action alert lists. Managing them all is a mess. ebase keeps track of information about your members and donors, and your activists and volunteers as well.

◆ Take a look at the **Home** page of ebase. The rows of buttons across the top and down the right side ensure simple and intuitive navigation throughout the database. The **Status** panel on the left indicates the total number of members in the database as well as the **Found** records currently being reviewed/updated.



## The Big Picture

◆ ebase is designed primarily as a membership and donor management application, since members and donors are the people that keep your organization afloat. Here's a shot of the Payments form in ebase:

**FileMaker Pro - [paymnts\_RTAI]**

File Edit Mode Select Format Script Window Help

VIEW/P

1 Marshall Mayer

**SELECTED PMT RECORD**

POST DATE: 3.2.98  
 AMOUNT: \$100.00  
 PMT FOR: Contribution  
 EXPIRE DATE: 10.16.97

STATUS: Current  
 LAST EXP: 12.10.98  
 SOURCE CODE: SAA097AM-  
 ACCT CODE:  
 ACCT ENTRY: 63

**DUES**

| POST DATE | AMOUNT   | WTD      |
|-----------|----------|----------|
| 12.10.97  | 12.10.97 | \$10.00  |
| 12.3.97   | 10.16.97 | \$100.00 |
| 1.16.96   | 1.16.96  | \$100.00 |
| 1.16.95   | 1.16.95  | \$50.00  |

**CONTRIBUTIONS**

| POST DATE | WTD      |
|-----------|----------|
| 3.2.98    | \$100.00 |
| 2.26.98   | \$100.00 |
| 2.26.98   | \$100.00 |
| 2.26.98   | \$100.00 |
| 1.1.98    | \$25.00  |
| 7.6.97    | \$200.00 |
| 1.16.97   | \$50.00  |

**PURCHASES**

| POST DATE | WTD      |
|-----------|----------|
| 1.10.98   | \$50.00  |
| 1.10.98   | \$50.00  |
| 12.3.97   | \$100.00 |
| 12.3.97   | \$17.00  |

Records: 66  
Found: 15  
Unsorted

75 Browse

View Payments  
 TOOLS: Help, Select, Find All  
 ADD: Name, Payment  
 VIEW: Pmt Entry, Pledges  
 UPDATE: Status  
 PRINT: Thank You Report  
 TRANSFER: To Names

◆ However, ebase is much more than member/donor management software. ebase can also track volunteer and activist information, all in the same database. This makes it easy for you to get a comprehensive picture of your organization's constituents. For example, you can store member activist preferences in ebase, as in this view of the Activist form:

**FileMaker Pro - [names\_RTAI]**

File Edit Mode Select Format Script Window Help

ACTIVIST

Payments Pledges Notes Actions Contacts Contact Find

Home Data Entry 810 Vet/Dem Activist Custom Admin

Marshall Mayer

**Volunteer/Activist Preferences**

ACT/ST:  Y GENDER: M REGISTERED?:  Y  
 SURVEY RESP?:  Y DATE OF BIRTH: 1.1.64 VOTER INDEX: 1  
 FOCUS: regional COMPUTER?:  Y MEMBER INDEX:

**ISSUES 1:**

- Clean water
- Housing opportunities
- Oil and gas development
- Access to our public lands
- Fishing opportunities
- Access to fishing
- Wilderness/roadless areas
- Impacts of logging
- Precaution of mining
- Recreation opportunities
- Agriculture/Farming
- Air Pollution/Quality

**ISSUES 2:**

- Issue A
- Issue B
- Issue C
- Issue D
- Issue E
- Issue F

**ACTION PREF:**

- Write letter
- Campaign
- Phone Calls
- Radio/TV Speech
- E-Mail
- Attend Event
- Host House Party
- Host/Attend Open
- Fax Outreach
- No Answer

**CONTACT:**

AT:  BY: Email  
 FREQ: Weekly FREQ: Anytime

**EXPERTISE:**

VOLUNTEER/ACTIVIST MEMO

Records: 31  
Found: 1  
Unsorted

75 Browse

TOOLS: Help, Select, Find All

## Household Record Management

◆ ebase makes it easy to identify potential duplicates and mark them for batch deletion. ebase

also makes it easy to “household” people at the same address. When you select a set of records in ebase, you can indicate whether or not you want to “household” the records, i.e., whether you want to send only one communication to all members of the household, rather than individual communications to each member.

### **Email Merge**

✿ Using email for mailings does away with time-consuming and costly mail preparation. “Bulk mail” is seldom personalized – it’s been too difficult and expensive to do this. Until ebase.

✿ Each email message is personalized, with the member’s first name, expiration date and last dues amount. It takes no more time or money to prepare 1,000 renewal reminders this way than it does to prepare one. And selected messages can also be personalized with a postscript that really makes the connection.

### **Analyze Results**

✿ Of course, the real power of any database application resides in its ability to quickly and easily provide information about your constituents. ebase excels at analysis. Nonprofit managers often need to present quick snapshots of the status of their organizations. But you often can’t get your hands on the data that you need when program or fundraising timelines are tight. ebase has quick ways to analyze different aspects of your organization.

### **Customize ebase yourself...or with the help of Project Management Solutions**

✿ Of course, all nonprofit organizations are unique. There isn’t a database application on the market that will perfectly fit your needs. Some may come close, but they are very expensive, and even more expensive to customize.

✿ ebase was developed using FileMaker Pro, an easy-to-learn database application development program. It’s so easy to learn that even mere mortals can learn how to create and customize sophisticated applications.

✿ Fortunately, you don’t have to create your own database. ebase has done most of the work for you. ebase is a template, anticipating more than 90% of what you’d want your own database to do. You can customize the ebase template yourself, or hire Project Management Solutions if your information technology resources are limited.

### **Take ebase for a free test drive**

✿ Project Management Solutions wants you to see ebase in action. In your office, on your computer if you like. It’ll take about 90 minutes. Your existing data will never be put at risk. And it won’t cost you anything. Give it a test run for a week or two.

✿ Downloading, installing and using ebase isn’t too difficult for those with intermediate computer skills. The primary challenge is customizing it for your organization once it’s installed. This includes modifying the forms, migrating your existing data into ebase, and training personnel. If you don’t have the resources to devote to this process, then...

### **Hire Project Management Solutions**

✿ Project Management Solutions is a for-profit company in Houston that can help NPOs implement the ebase solution in their organizations for a few hundred rather than a few thousand dollars. An experienced consultant will install the program, customize it for your organization, import your old data and train a primary user in about 10 hours over two week period.

### **Call to set an appointment for free installation.**

✿ Installation of ebase software is *free* for a limited time to NPOs in the Greater Houston area. There is no cost or obligation. Call today.

**Our Toll-Free number is 866-227-7725. Give us a call any time.**

In Greater Houston, dial 713-956-6940



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Questions? Call or send an email to [hal@pm-solutions.net](mailto:hal@pm-solutions.net).  
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Most products come with Software Assurance, Microsoft's program that ensures access to the latest product upgrades

### **Comprehensive Customer Service**

Timely service and support through access to complete customer service (Web, phone, and e-mail) throughout ordering and fulfillment process

### **Fast Ordering & Timely Product Delivery**

Quick and easy online ordering process, and fast and easy fulfillment through the Microsoft eOpen Web site

### **Extensive Support from the TechSoup Community**

Access to technology planning articles, product forums, message boards, and other resources at TechSoup

### **.NET Passport Account**

In order to retrieve your eOpen licenses, Microsoft requires that you first establish a .NET Passport account if you do not already have one.

When you register for a .NET Passport, the amount and type of information requested is determined by the registering site. If you register through Microsoft's [eOpen Web site](#), the only information required to create a new account is an e-mail address and password, and your country, state and zip code.

For information on how .NET Passport uses and protects your personal information, please read the [.NET Passport Privacy Policy](#).



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## MICROSOFT SOFTWARE DONATION PROGRAM UPDATE

[Browse products](#)

### Hot Topics:

#### **A year has elapsed since I ordered Microsoft products. Can I place a new order?**

Yes! You may now fulfill the balance of your two-year allotment of Microsoft software: Six software titles and 50 licenses per title.

#### **Can I order additional licenses for software titles my organization already received through TechSoup Stock?**

Yes! You can order more licenses for titles that were part of your previous order within the two-year ordering cycle — even if the current title is an upgraded version of the original software. Such orders will not count against the six-title limit.

#### **I received notice that my Software Assurance is expiring. What does this mean?**

Don't worry — your software won't cease to work and your licenses won't evaporate into thin air.

[Find out what it does mean to you.](#)

### **Benefits of the Microsoft Software Donation Program include:**

#### **Great Product Variety**

Over 100 of the latest software titles to choose from - even server titles

#### **Low fees**

TechSoup Stock applies only a small administrative fee to each order to help support and maintain the donation program

**Microsoft**  
Software Donation  
Program

### **MICROSOFT PROGRAM EXPANDS**

Microsoft is pleased to serve [U.S. public libraries](#) and [Canadian organizations \(français\)](#).

### **PROGRAM EDUCATION**

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[Web site](#)

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| Sort by<br><b>Name</b>  | Sort by<br><b>Source</b>  | Sort by<br><b>Free Downloads</b> | Sort by<br><b>Ratings</b>  |
|---|---------------------------|----------------------------------|--|
| <p><b><u>DBDesigner 4</u></b><br/> DBDesigner 4 is a visual database design system that integrates database design, modeling, creation, and maintenance into a single, seamless environment.</p> <p>DBDesigner 4 is an open-source projec...<a href="#">[Details]</a></p> | fabFORCE.net              | [ <a href="#">Download It!</a> ] | ★★★★★<br>Based on <b>3</b> ratings<br>[ <a href="#">Rate It!</a> ] |
| <p><b><u>DONATION</u></b><br/> DONATION is an easy-to-use and completely free program for churches and charities to track their donors and donations, and issue receipts. It works well for users in both Canada and the United States....<a href="#">[Details]</a></p>   | Dan Cooperstock           | [ <a href="#">Download It!</a> ] | ★★★★★<br>Based on <b>1</b> ratings<br>[ <a href="#">Rate It!</a> ] |
| <p><b><u>eBase Pro</u></b><br/> This free database template helps nonprofits manage communications with members, donors, activists, and volunteers by sending personalized email and letters directly to constituents. The software will ...<a href="#">[Details]</a></p> | Groundspring.org          | [ <a href="#">Download It!</a> ] | ★★★★★<br>Based on <b>4</b> ratings<br>[ <a href="#">Rate It!</a> ] |
|  <p><b><u>MySQL 5.0</u></b><br/> MySQL is an open-source SQL database engine and one of the most popular...<a href="#">[Details]</a></p>   | MySQL                     | [ <a href="#">Download It!</a> ] | ★★★★★<br>Based on <b>3</b> ratings<br>[ <a href="#">Rate It!</a> ] |
| <p><b><u>Organizers Database (ODB) 1.0</u></b><br/> Organizers Database is a customizable database that allows you to keep track of</p>   | Organizer's Collaborative | [ <a href="#">Download It!</a> ] | ★★★★★<br>Based on <b>4</b> ratings<br>[ <a href="#">Rate It!</a> ] |

member donations and payments with features including:

- List management
- Organizing and outreach
- E...[\[Details\]](#)



### Recall 2.2.6

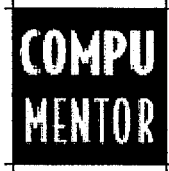
Recall allows you to design and use forms and reports; construct database queries; and import and export data. It also lets you...[\[Details\]](#)

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## Databases

This category includes database tools and templates specifically designed for use by nonprofit organizations. These include databases to help you manage volunteers, members, fundraising, and outreach.



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## About ebase®



Organizational databases are big dogs: unruly, troublesome and sometimes scary. But they reward patience, attention and care.

Created by nonprofits for nonprofits, ebase is designed for nonprofit executives, fundraisers, activist organizers, database administrators and technology consultants.

How can ebase help you?

### Nonprofit Executives

- Enables you to evaluate the cost-effectiveness of campaigns
- Provides a comprehensive view of members, donors, volunteers, activists, funders and clients in one integrated database.
- Organizes your staff's work with "to do" lists for each user
- Helps keep track of your most mobile supporters by capturing multiple addresses, phone numbers and email addresses
- Makes it easy to integrate traditional constituency communications with online strategies, using ebase's built-in email and web services

### Fundraisers and Activists

- Creates response reports for your donor and activist solicitations
- Creates personalized email and sends it directly from ebase
- Saves time through automatic processing of email lists: subscriptions and unsubscribes, bounce processing
- [DonateNow](#) contributions are added automatically using the email processing functions.
- Creates customizable letters and reports integrated with MS Word and Excel
- Tracks data about your supporters to identify those you can move up the ladder of engagement with your organization

### Database Administrators

- Ensures confidentiality of data with individual passwords, customizable interfaces and security access for different staff roles
- Imports data from common file formats
- Performs duplicate-checking during data entry
- Provides built-in multi-user capabilities (requires FileMaker Pro 5 or better and FileMaker Server software)

### Trainers, Consultants, Database Developers

- Offers open-source license and extensible data structure for customizing ebase for the unique needs of your clients
- Offers opportunities for collaboration in curriculum and module development
- Is an excellent tool for implementing recommendations on fundraising and organizing strategies

## Find Out More About Ebase

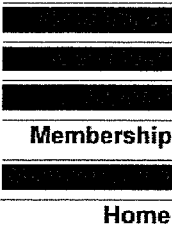
The links at the top of this page provide more detailed information about ebase, frequently asked questions, feature comparisons, user stories and testimonials,

and links to contact project staff directly.

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# COMMUNITY RELATIONSHIP MANAGEMENT FOR NONPROFIT ORGANIZATIONS



Individual Overview for Ms. Anne Friend

Ms. Anne Friend  
110 Blackfoot Way  
Kansas City, MO 64627  
Home Phone: (314) 829-4567

Go Not Contact:   
 Prefer Contact By Phone:   
 Contact Description:

Other Location(s):  Add New Address

Alternate:  Alternate (No phone at this location)

Other Phone(s):

Community Links:

Report Items (of 5 rows)

| Report Item                | Amount   | Add By | Posted     | Assigned to |
|----------------------------|----------|--------|------------|-------------|
| Active Interest            |          | admin  | 07/2002    |             |
| Special offer solicitation |          | admin  | 3/14/2002  |             |
| Donor payment              | \$150.00 | admin  | 12/5/2001  |             |
| Thank You Donations        |          | admin  | 12/5/2001  |             |
| Invoice/Receipt            |          | admin  | 10/10/2001 |             |

Navigation: First, Back, Next, Last, Contacts, Use, Find, Print, Add, Delete, Main, Help

(click on image to view larger version)

## ebase is powerful software

ebase is a complete nonprofit database solution. With it's comprehensive feature set, ebase can help you manage donors, prospects, volunteers, activists, email lists and more - all in one place. [More...](#)

## ebase can help you raise more money

When you are more effective raising money from your constituents, you can become less dependent on foundation support. ebase is designed to help your organization become self-sufficient. [More...](#)

## ebase is economical to operate

All of the powerful functionality of ebase is available to you without purchase of additional modules. ebase is open-source software and puts control of your database in your hands so you can customize and maintain your copy of ebase to meet the specific needs of your group. [More...](#)

## ebase is developed and supported through a community effort

ebase is more than just software, it's a dynamic and active community of nonprofit organizations banding together to solve our own problems. ebase online community membership gives you access to technical support resources and additional software and enables you meet trainers, developers and users willing to answer questions, provide guidance, and support each other. [More...](#)

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www.fourmangos.com

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DonorOne Solves Your Problems Free Demo  
and No Obligation Quote  
www.RoTechnologies.com

ebasePro 2.12 available

The newest version of ebasePro has just been released (Oct. 18). ebasePro now can process PayPal donations and payments. The new version has over 200 enhancements and bug fixes submitted by the ebase online community.

[Download it now](#)

ebase community site  
The ebase online community is at [community.ebase.org](http://community.ebase.org). New features, more downloads, forums, chat and more... ([membership required](#))

[Log in now!](#)

Phone Support  
Have a technical question and need help now?  
Remote support is just a phone call away

[Phone support...](#)

ebase Training  
Online ebase training is hosted virtually every week...

[ebase class schedule...](#)

## and Corporate Kit Package



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Our Texas Corporate Bylaws and Corporate Kit Package is a much lower cost solution to your corporation's organizational needs than offered by incorporation services and attorneys who may advertise low cost incorporation. But by the time you purchase everything you really need, you end up spending hundreds of dollars. Our packages contain everything you need to incorporate, adopt your Texas corporate bylaws, print share certificates and other corporate kit documents; all in one easy download.

**Texas Bylaws and Corporate Kit Forms - Texas Corporate Bylaws - Adopting Texas Bylaws - Adopting Texas corporate bylaws is an important part of forming your Texas corporation. Many companies have gone through the process of incorporating their business. They file their Articles of incorporation and take all steps necessary to form their corporation with their State Incorporation Office. A surprising number of companies never take the further necessary steps of formalizing the formation of their companies by adopting Corporate Bylaws, adopting organizational minutes, issuing share certificates, and taking other corporate formalities. These steps are just as important as forming your corporation with the state. If you fail to keep proper corporate records, you are leaving yourself open to agreements that you are not following corporate formalities and that your personal assets should be exposed to your corporate liabilities.**

**HOW IS OUR KIT DIFFERENT? You may find corporate bylaws and other documents for sale on the Internet. Ours is the only comprehensive package that uses a database merge system to automatically generate your customized document. Our is also the only package we have found that gives you all of the documents you will need for your Corporate Kit including share certificates, bylaws, officer and director elections, organizational minutes, Subchapter S resolutions....all using our automated database template system and with easy to follow instructions. We are also the only provider to offer you our 80 plus document Small Business Document Package FREE OF CHARGE when you purchase our product. ALL DELIVERED IN ONE EASY DOWNLOAD FOR YOUR IMMEDIATE USE SPECIAL PRICING - ENDS FRIDAY!! (Bylaws & Corporate Kit: Regular \$49.99 NOW \$39.95)**

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