



July 20, 2009

**VIA OVERNIGHT DELIVERY**

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

**Re: Form 1023 for Wildlife Rehabilitation Center of Northern Utah  
(EIN 26-4301793)**

Dear Sir or Madam:

Enclosed please find a completed Form 1023 (Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code) for Wildlife Rehabilitation Center of Northern Utah (the "Applicant"), a Utah nonprofit corporation. The Applicant was incorporated on February 19, 2009 under the Utah Revised Nonprofit Corporation Act.

Also enclosed you will find a \$750 check, representing the Applicant's user fee.

Finally, you will find a properly executed Form 2848 (Power of Attorney and Declaration of Representative), which authorizes me, Joanna Radmall and Shawn Stewart to represent the Applicant before the Service with respect to this Application.

Please do not hesitate to contact me at (303) 295-8548 should you need additional information or have any questions about this matter. Thank you in advance for your assistance.

Very truly yours,

Arthur A. Hundhausen  
for Holland & Hart LLP

AAH  
Enclosures

**HOLLAND & HART**<sup>LLP</sup>  
THE LAW OUT WEST



cc: Buz Marthaler, President  
Shawn Stewart, Esq.  
Joanna Radmall, Esq.  
Nate Runyan, Esq.

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**Holland & Hart** <sup>LLP</sup>

Phone [303] 295-8000 Fax [303] 295-8261 [www.hollandhart.com](http://www.hollandhart.com)

555 17th Street Suite 3200 Denver, CO 80202 Mailing Address P.O. Box 8749 Denver, CO 80201-8749

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C. ♻

WILDLIFE REHABILITATION CENTER  
OF NORTHERN UTAH

3127 N PELICAN DR 801-814-7888  
FARR WEST, UT 84404-9355

1012

DATE 7/21/09 31-5/1240  
378

PAY  
TO THE  
ORDER OF

UNITED STATES TREASURY

\$ 750.00

Seven Hundred Fifty & 10/100

DOLLARS

Security  
Features  
Embossed on  
Back.

ZIONS BANK

South Ogden Office  
2635 South Harrison Blvd.  
South Ogden, Utah 84403  
www.zionsbank.com

*[Signature]*

FOR 1023 APPLICATION Fee

MP

⑈001012⑈ ⑆124000054⑆ 378 00278 0⑈

# Form 1023 Checklist

(Revised June 2006)

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

**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 <u>✓</u> | Schedule E | Yes ___ No <u>✓</u> |
| Schedule B | Yes ___ No <u>✓</u> | Schedule F | Yes ___ No <u>✓</u> |
| Schedule C | Yes ___ No <u>✓</u> | Schedule G | Yes <u>✓</u> No ___ |
| Schedule D | Yes ___ No <u>✓</u> | Schedule H | Yes ___ No <u>✓</u> |

- ☒ 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) Ex. A1, pg. 1, Art III
  - Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law Ex. A1, pg. 3, Art. IV
- ☒ 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



Form **2848**(Rev. June 2008)  
Department of the Treasury  
Internal Revenue Service**Power of Attorney  
and Declaration of Representative**

► Type or print. ► See the separate instructions.

OMB No. 1545-0150

For IRS Use Only

Received by:

Name \_\_\_\_\_

Telephone \_\_\_\_\_

Function \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part I Power of Attorney****Caution:** Form 2848 will not be honored for any purpose other than representation before the IRS.**1 Taxpayer information.** Taxpayer(s) must sign and date this form on page 2, line 9.

Taxpayer name(s) and address

**Wildlife Rehabilitation Center of Northern Utah**  
**3127 North Pelican Drive**  
**Farr West, UT 84404-9355**

Social security number(s)

Employer identification  
number**26 4301793**

Daytime telephone number

Plan number (if applicable)

**( 801 ) 731-8809**

hereby appoint(s) the following representative(s) as attorney(s)-in-fact:

**2 Representative(s)** must sign and date this form on page 2, Part II.

Name and address

**Arthur A. Hundhausen, Esq.**  
**555 17th Street, Suite 3200**  
**Denver, CO 80202**CAF No. **03-0134792R**Telephone No. **303-295-8548**Fax No. **303-975-5498**Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

Name and address

**Joanna Radmall, Esq.**  
**60 East South Temple Street, Suite 2000**  
**Salt Lake City, UT 84111**

CAF No. \_\_\_\_\_

Telephone No. **801-799-5867**Fax No. **801-618-4163**Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

Name and address

**Shawn Stewart, Esq.**  
**60 East South Temple Street, Suite 2000**  
**Salt Lake City, UT 84111**

CAF No. \_\_\_\_\_

Telephone No. **801-799-5907**Fax No. **866-643-0061**Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

to represent the taxpayer(s) before the Internal Revenue Service for the following tax matters:

**3 Tax matters**

Type of Tax (Income, Employment, Excise, etc.) or Civil Penalty (see the instructions for line 3)	Tax Form Number (1040, 941, 720, etc.)	Year(s) or Period(s) (see the instructions for line 3)
<b>Income</b>	<b>990, 1023</b>	<b>2009-2012</b>

**4 Specific use not recorded on Centralized Authorization File (CAF).** If the power of attorney is for a specific use not recorded on CAF, check this box. See the instructions for Line 4. **Specific Uses Not Recorded on CAF** ☐**5 Acts authorized.** The representatives are authorized to receive and inspect confidential tax information and to perform any and all acts that I (we) can perform with respect to the tax matters described on line 3, for example, the authority to sign any agreements, consents, or other documents. The authority does not include the power to receive refund checks (see line 6 below), the power to substitute another representative or add additional representatives, the power to sign certain returns, or the power to execute a request for disclosure of tax returns or return information to a third party. See the line 5 instructions for more information.**Exceptions.** An unenrolled return preparer cannot sign any document for a taxpayer and may only represent taxpayers in limited situations. See **Unenrolled Return Preparer** on page 1 of the instructions. An enrolled actuary may only represent taxpayers to the extent provided in section 10.3(d) of Treasury Department Circular No. 230 (Circular 230). An enrolled retirement plan administrator may only represent taxpayers to the extent provided in section 10.3(e) of Circular 230. See the line 5 instructions for restrictions on tax matters partners. In most cases, the student practitioner's (levels k and l) authority is limited (for example, they may only practice under the supervision of another practitioner).List any specific additions or deletions to the acts otherwise authorized in this power of attorney: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**6 Receipt of refund checks.** If you want to authorize a representative named on line 2 to receive, **BUT NOT TO ENDORSE OR CASH**, refund checks, initial here \_\_\_\_\_ and list the name of that representative below.

Name of representative to receive refund check(s) ► \_\_\_\_\_

**7 Notices and communications.** Original notices and other written communications will be sent to you and a copy to the first representative listed on line 2.

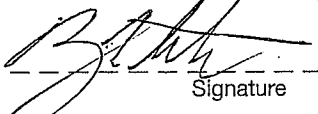
- a** If you also want the second representative listed to receive a copy of notices and communications, check this box ☐
- b** If you do not want any notices or communications sent to your representative(s), check this box ☐

**8 Retention/revocation of prior power(s) of attorney.** The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same tax matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here. ☐

**YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.**

**9 Signature of taxpayer(s).** If a tax matter concerns a joint return, both husband and wife must sign if joint representation is requested, otherwise, see the instructions. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

► **IF NOT SIGNED AND DATED, THIS POWER OF ATTORNEY WILL BE RETURNED.**

Signature:  Date: 7/15/09 Chairman, Board of Directors  
Print Name: Ray N. Marthaler PIN Number: ☐☐☐☐☐ Title (if applicable):  
Print name of taxpayer from line 1 if other than individual

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_  
Print Name: \_\_\_\_\_ PIN Number: ☐☐☐☐☐

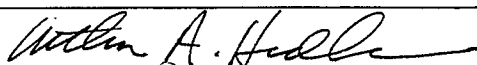
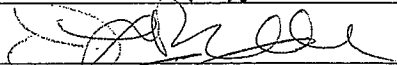

## Part II Declaration of Representative

**Caution:** Students with a special order to represent taxpayers in qualified Low Income Taxpayer Clinics or the Student Tax Clinic Program (levels k and l), see the instructions for Part II.

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Circular 230 (31 CFR, Part 10), as amended, concerning the practice of attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others;
- I am authorized to represent the taxpayer(s) identified in Part I for the tax matter(s) specified there; and
- I am one of the following:
  - a** Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
  - b** Certified Public Accountant—duly qualified to practice as a certified public accountant in the jurisdiction shown below.
  - c** Enrolled Agent—enrolled as an agent under the requirements of Circular 230.
  - d** Officer—a bona fide officer of the taxpayer's organization.
  - e** Full-Time Employee—a full-time employee of the taxpayer.
  - f** Family Member—a member of the taxpayer's immediate family (for example, spouse, parent, child, brother, or sister).
  - g** Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
  - h** Unenrolled Return Preparer—the authority to practice before the Internal Revenue Service is limited by Circular 230, section 10.7(c)(1)(viii). You must have prepared the return in question and the return must be under examination by the IRS. See **Unenrolled Return Preparer** on page 1 of the instructions.
  - k** Student Attorney—student who receives permission to practice before the IRS by virtue of their status as a law student under section 10.7(d) of Circular 230.
  - l** Student CPA—student who receives permission to practice before the IRS by virtue of their status as a CPA student under section 10.7(d) of Circular 230.
  - r** Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

► **IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.** See the Part II instructions.

Designation—Insert above letter (a–r)	Jurisdiction (state) or identification	Signature	Date
a	Colorado		7-17-2009
a	Utah		7-15-2009
a	Utah		7-16-2009

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

OMB No. 1545-0056

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 organizing document)		<b>2</b> c/o Name (if applicable)	
Wildlife Rehabilitation Center of Northern Utah		Ray N. Marthaler	
<b>3</b> Mailing address (Number and street) (see instructions)	Room/Suite	<b>4</b> Employer Identification Number (EIN)	
3127 North Pelican Drive		26-4301793	
City or town, state or country, and ZIP + 4		<b>5</b> Month the annual accounting period ends (01 - 12)	
Farr West, Utah 84404-9355		12	
<b>6</b> Primary contact (officer, director, trustee, or authorized representative) a Name: Shawn Stewart, Esq.		b Phone: 801-799-5907	
		c Fax: (optional) 866-643-0061	
<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<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"/> Yes <input checked="" type="checkbox"/> No	
<b>9a</b> Organization's website: <a href="http://www.wrcnu.org">www.wrcnu.org</a> & <a href="http://www.wrcnu.com">www.wrcnu.com</a>			
<b>b</b> Organization's email: (optional) N/A			
<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"/> Yes <input checked="" type="checkbox"/> No	
<b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)		02 / 19 / 2009	
<b>12</b> Were you formed under the laws of a foreign country? If "Yes," state the country.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



**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**
- 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**
- 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): **Exhibit A2, pg. 1, Art. III** ☒
- 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. **Exhibit A2, pg. 3, Art. IV, par. C**
- 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)
SEE ATTACHMENT			

**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)
N/A			N/A

- 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)
N/A			N/A

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. See attached statement ☒ **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. See attached statement

- 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. See attached statement ☒ 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** ☐ **No**  
 "Yes," describe each program that provides goods, services, or funds to individuals. See attached statement
- b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If ☒ **Yes** ☐ **No**  
 "Yes," describe each program that provides goods, services, or funds to organizations. See attached statement
- 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 checked="" type="checkbox"/> mail solicitations                         | <input checked="" type="checkbox"/> phone solicitations                        |
| <input checked="" type="checkbox"/> email solicitations                        | <input checked="" type="checkbox"/> accept donations on your website           |
| <input checked="" type="checkbox"/> personal solicitations                     | <input type="checkbox"/> receive donations from another organization's website |
| <input checked="" type="checkbox"/> vehicle, boat, plane, or similar donations | <input checked="" type="checkbox"/> government grant solicitations             |
| <input checked="" 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. See attached statement ☒ 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 <b>close connection</b> with any organizations? If "Yes," explain.   | <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| 16 | Are you applying for exemption as a <b>cooperative hospital service organization</b> under section 501(e)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 17 | Are you applying for exemption as a <b>cooperative service organization of operating educational organizations</b> under section 501(f)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 18 | Are you applying for exemption as a <b>charitable risk pool</b> under section 501(n)? If "Yes," explain.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 19 | Do you or will you operate a <b>school</b> ? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 20 | Is your main function to provide <b>hospital or medical care</b> ? If "Yes," complete Schedule C.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 21 | Do you or will you provide <b>low-income housing</b> or housing for the <b>elderly or handicapped</b> ? If "Yes," complete Schedule F.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| 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. | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |

**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	Current tax year	3 prior tax years or 2 succeeding tax years			(e) Provide Total for (a) through (d)
		(a) From 12/2009 To 12/2009	(b) From 12/2010 To 12/2010	(c) From 12/2011 To 12/2011	(d) From N/A To N/A	
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)	42,000	100,000	100,000		242,000
	2 Membership fees received	5,020	15,500	15,500		7,500
	3 Gross investment income	200	200	200		36,020
	4 Net unrelated business income	0	0	0		0
	5 Taxes levied for your benefit	0	0	0		0
	6 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)	0	0	0		0
	7 Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)	0	0	0		0
	8 Total of lines 1 through 7	47,220	115,700	115,700		278,620
	9 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)	0	3,744	3,744		7,488
	10 Total of lines 8 and 9	47,220	119,444	119,444		286,108
	11 Net gain or loss on sale of capital assets (attach schedule and see instructions)	0	0	0		0
	12 Unusual grants	0	0	0		0
	13 Total Revenue Add lines 10 through 12	47,220	119,444	119,444		153,000
Expenses	14 Fundraising expenses	5,000	13,500	13,500		
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)	0	0	0		
	16 Disbursements to or for the benefit of members (attach an itemized list)	0	0	0		
	17 Compensation of officers, directors, and trustees	0	0	0		
	18 Other salaries and wages	5,000	20,000	20,000		
	19 Interest expense	0	0	0		
	20 Occupancy (rent, utilities, etc.)	6,500	13,000	18,000		
	21 Depreciation and depletion	0	0	0		
	22 Professional fees	2,895	5,500	5,500		
	23 Any expense not otherwise classified, such as program services (attach itemized list)	0	0	0		
	24 Total Expenses Add lines 14 through 23	19,395	52,000	57,000	N/A	



**Part IX Financial Data (Continued)****B. Balance Sheet (for your most recently completed tax year)**Year End: **Current**

<b>Assets</b>		<b>(Whole dollars)</b>
1	Cash . . . . .	1 <b>14,213</b>
2	Accounts receivable, net . . . . .	2 <b>0</b>
3	Inventories . . . . .	3 <b>11,202</b>
4	Bonds and notes receivable (attach an itemized list) . . . . .	4 <b>0</b>
5	Corporate stocks (attach an itemized list) . . . . .	5 <b>0</b>
6	Loans receivable (attach an itemized list) . . . . .	6 <b>0</b>
7	Other investments (attach an itemized list) . . . . .	7 <b>0</b>
8	Depreciable and depletable assets (attach an itemized list) . . . . .	8 <b>0</b>
9	Land . . . . .	9 <b>0</b>
10	Other assets (attach an itemized list) . . . . .	10 <b>0</b>
11	<b>Total Assets (add lines 1 through 10)</b> . . . . .	11 <b>25,215</b>
<b>Liabilities</b>		
12	Accounts payable . . . . .	12 <b>0</b>
13	Contributions, gifts, grants, etc. payable . . . . .	13 <b>0</b>
14	Mortgages and notes payable (attach an itemized list) . . . . .	14 <b>0</b>
15	Other liabilities (attach an itemized list) . . . . .	15 <b>0</b>
16	<b>Total Liabilities (add lines 12 through 15)</b> . . . . .	16 <b>0</b>
<b>Fund Balances or Net Assets</b>		
17	<b>Total fund balances or net assets</b> . . . . .	17 <b>0</b>
18	<b>Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17)</b> . . . . .	18 <b>0</b>
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 checked="" 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

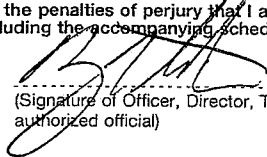
**Part XI User Fee Information**

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)

**Ray N. Marthaler**

(Type or print name of signer)

**Chairman, Board of Directors**

(Type or print title or authority of signer)

**7/15/09**  
(Date)

**Reminder:** Send the completed Form 1023 Checklist with your filled-in-application.

Form **1023** (Rev. 6-2006)

**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. See attached statement. ☒ Yes ☐ No

**b** Provide the tax status of the predecessor organization. See attached statement

**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. See attached statement ☒ 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. See attached statement ☐ 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: **Ogden Nature Center**

EIN: **87 - 0319227**

Address: **966 W 12th St., Ogden, UT 84404**

**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)
SEE ATTACHMENT		

**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

**Form 1023, Part I, Line 7:**

Arthur A. Hundhausen, Esq. (authorized representative, Form 2848 enclosed)  
Holland & Hart LLP  
555 17th Street, Suite 3200  
Denver, CO 80202  
IRS CAF (Representative No.) 03-0134792R

Joanna Radmall, Esq. (authorized representative, Form 2848 enclosed)  
Holland & Hart, LLP  
60 East South Temple Street  
Suite 2000  
Salt Lake City, UT 84111

Shawn Stewart, Esq. (authorized representative, Form 2848 enclosed)  
Holland & Hart, LLP  
60 East South Temple Street  
Suite 2000  
Salt Lake City, UT 84111

**Form 1023, Part II, Line 1:**

See attached Exhibits A1 & A2. (Original Articles of Incorporation filed with the Utah Secretary of State February 19, 2009, and Amended and Restated Articles of Incorporation filed with the Utah Secretary of State July 15, 2009).

**Form 1023, Part II, Line 5:**

See attached Exhibit A3. (Adopted July 3, 2009 and filed with the Utah Secretary of State July 15, 2009).

**Form 1023, Part IV:**

The Wildlife Rehabilitation Center of Northern Utah, Inc. (the “**Applicant**”) was formed exclusively for the purposes of rehabilitating injured wildlife and providing public education regarding wildlife conservation and environmental awareness. The organization intends to operate with a small paid staff supplemented by a large volunteer base.

**Background**

Every year thousands of wild, native Utah birds and other wild animals are injured or orphaned and cannot survive without human intervention. Ninety-five percent of these animals are injured or orphaned due to direct or indirect contact with humans, such as: contact with windows or moving vehicles, gunshot wounds, poisoning, electrocution, oil pollution, domestic animal attacks or stolen from their nests or homes. Treatment of native migratory birds and most other wild animals is limited solely to individuals and organizations licensed through state and federal agencies to ensure trained, professional, and humane treatment of all species. In

particular, since 1979, wildlife rehabilitation (care for injured animals) has been permitted by the Utah state agency, Division of Natural Resources (the “DNR”), and the federal agency under the Department of the Interior, U.S. Fish and Wildlife Services (the “USFWS”) at the Ogden Nature Center (“ONC”), a Section 501(c)(3) nonprofit organization based in Ogden, Utah.

The ONC’s wild bird facility has been the only large scale rehabilitation facility in Northern Utah to accept all native migratory bird species for treatment and rehabilitation. The primary goals of the ONC wild bird rehabilitation facility have been to treat each individual animal with professional expertise, to release all animals back into their wild habitat, and to connect the community to the environment through educational outreach programs.

The ONC staff has extensive knowledge of anatomy, avian dietary needs, medications, sutures, bandaging and splinting, X-ray interpretation, diagnostics, fluid therapy, and avian neonatal care. As required by law, the ONC has a licensed veterinarian for consultation, prescription medicine, diagnosis, and treatment of ailments outside the expertise of the ONC staff.

The ONC wild bird rehabilitation facility has grown from treating a small handful of birds in 1979 to approximately 1000 birds in recent years. ONC’s successful release rate has held steady at an average of 68 percent each year. In 2008, with the closing of Salt Lake City area rehabilitation facilities, the ONC wild bird rehabilitation facility accepted a record 1,600 birds while maintaining its reputation for quality care and successful release of native birds.

ONC has also conducted and participated in various community outreach programs. ONC employees and volunteers have presented avian wildlife at events to educate the public on animal care, conservation, and environmental awareness. ONC also has trained individuals to receive certificates through the state and federal government. (See attached Exhibit B for brochures, pictures, and media articles giving additional background on ONC’s past activities, which the Applicant plans to continue in the future).

On June 30, 2009, the services provided by the ONC’s wild bird rehabilitation facility will no longer be offered by the ONC because of budgetary constraints. The Applicant was formed to fill the void that will result from a complete abandonment of wild bird rehabilitation in Northern Utah. The employees, volunteers, and trainees that have participated with the ONC wildlife rehabilitation will join the Applicant in similar capacities in an effort to continue providing the services to wildlife and the community that were rendered at the ONC. The Applicant has obtained most of the appropriate state and federal licenses and permits to continue to rehabilitate native birds and mammals. Some licenses and permits, however, are pending approval of this application. All staff moving from the ONC to the Applicant has extensive knowledge and expertise in wildlife rehabilitation and will continue to treat a wide variety of injuries to wildlife including: broken bones, head trauma, poisonings, domestic animal attacks, lacerations, electrocutions, frost bite, oil exposure, parasites, diseases, and other injuries. While rehabilitating wild animals, the Applicant’s staff has a unique opportunity to educate the public about wildlife and impart an appreciation of native habitats as well as the animals that live in them. The Applicant will present educational programs to community members through outreach programs at schools, boy scout activities, cultural events, to government and civic groups, and to other organizations requesting the Applicant to educate its members regarding

avian wildlife and their habitat. The purpose of this public education is to promote wildlife conservation and environmental awareness.

**Applicant's Planned Future Activities (In Order of Importance)**

**1. The Applicant will engage in rescuing injured avian wildlife and returning these birds to their natural habitat after recovery. (Approximate percentage of time = 60%)**

Northern Utah is home to millions of birds as well as a temporary resting areas for migrating birds. Of these birds, numerous birds are injured in Utah each year. The wildlife rehabilitation performed at the ONC until June 30, 2009, and to be provided by the Applicant thereafter provide an invaluable service to birds that might otherwise die. The Applicant will rehabilitate as many birds as resources will allow. The rehabilitation services will be provided by trained and certified caregivers as well as volunteers and trainees. Rehabilitation will be undertaken throughout the year with May through September being the busiest time of year.

As noted above, rehabilitation of avian wildlife is the Applicant's primary objective. Saving birds and returning them to their natural habitat furthers the Applicant's exempt purposes by directly aiding birds. The Applicant will receive injured birds from the DNR, the USFWS, and the general public.

The rehabilitation process consists of receiving, treating, and releasing birds. Receiving or intake usually begins with a call from a rescuer. From this call, the Applicant's staff can generally determine whether the bird in question should be brought in for rehabilitation. The Applicant's rehabilitators instruct rescuers on the safest method for bird capture and transportation. Once the bird arrives at the facility, its condition is quickly evaluated and any further pertinent questions are asked by the rehabilitator. Based on this initial evaluation, the bird receives immediate care, as needed, taking care not to put unnecessary stress on the bird. Then, the rescuer is also given case-specific education regarding the circumstances of the injury, rescue, and rehabilitation, as needed. Each rescuer fills out an intake form for our permit purposes.

Treatment of birds during rehabilitation can vary greatly from one case to case. All birds must be identified accurately so the proper diet can be administered. Rehabilitation begins with keeping the bird calm, quiet, and covered. Body temperature is regulated, any bleeding is stopped, and any additional courses of action are determined by the rehabilitator. The Applicant's staff also work very closely with supportive veterinarians to develop accurate treatment plans for each individual bird. As the bird heals and progresses, the Applicant will begin to condition each bird for release.

Birds undergo a conditioning process to acclimate their bodies and minds to life in their native habitats. Seclusion from humans is important, hence physical and visual contact with the birds is kept to a bare minimum. Birds that require flight conditioning to develop flight muscle may be exercised in several ways including: creance flight, time in flight cages, and mew time. Once the bird receives a clean bill of health, the bird is released in a location appropriate for the species, which may include the location the animal was found. Releases are performed when no inclement weather is predicted for the next three days at a time appropriate for the species. For

example, most owl species are released in the late evening hours, while hawk species would be released during daylight hours. The Applicant's members (*i.e.*, donors to the Applicant, as well as persons supportive of the Applicant's mission) are invited to attend high-profile releases (*i.e.*, eagles, hawks, and owls.)

**2. The Applicant will educate the community to engage in conservation and responsible stewardship of wildlife and their habitats. (Approximate percentage of time = 15%)**

Education is provided through general public awareness. To this end, the Applicant intends to periodically engage in community presentations regarding conservation and wildlife stewardship. The Applicant plans to present and educate at schools, boy scout activities, cultural events, government and civic groups, and other organizations requesting the Applicant to educate its members regarding avian wildlife and their habitat. For example, the Applicant's bird handlers will bring eagles to demonstrate and display before groups. People are often fascinated with the regal beauty of the National Bird of the United States, the bald eagle; and enjoy seeing one up close. (See Exhibit C documenting presentations of bald eagles).

These events allow the Applicant's presenters to provide the community with invaluable information regarding animal caretaking, wildlife habitat preservation, and the rehabilitation process. These presentations often inspire individuals to become more involved as volunteers or to give donations to aid in the continuance of rehabilitating animals. The Applicant's presenters largely give their time on a volunteer basis due to the Applicant's limited budget.

The Applicant will continue to offer natural history based educational outreach programs on conservation, the environment, and habitat both on-site and through outreach. Programs taught for schools address Utah's science core curriculum. Outreach programs include presentations by the Applicant's educational bird ambassadors at many of the events described above.

The Applicant will also allow individuals to complete various community service obligations mandated by courts or other governmental agencies. The ONC previously conducted similar activities. One example of such service exemplifies how education prevents cruelty to animals. A teenage boy was arrested for shooting ducks with arrows. Along with a fine, the judge assigned the boy to perform community service at the ONC. The director of rehabilitation, realizing he had injured wildlife, assigned the boy to care for injured birds. After serving the injured birds, the boy showed remorse for his actions and came to enjoy caring for the birds. He continued to volunteer even after he completed his community service time. This type of activity has long-lasting effects on youth and is beneficial to wildlife and the community.

In addition to the education given in the past, the Applicant intends to develop a written teaching curriculum to use with schools and to give to classes with its presentations. This curriculum will help expand the reach of the Applicant's educational efforts.

The Applicant will seek to provide community awareness through positive public relations. The Applicant has already reached out to local government officials to garner support for its operations both fiscally and in community support. Widespread community awareness of



the plight of injured animals may lead community members to action. These actions will invariably increase protection of wildlife and their natural habitats.

**3. The Applicant will train volunteers and certify individuals wishing to obtain professional credentials from the DNR and USFWS as Wildlife Rehabilitators. (Approximate percentage of time = 15%)**

The Applicant's employees provide training for individuals to receive state and federal certifications to treat and rehabilitate wildlife. The Applicant plans to coordinate this activity with local trade schools to provide training for the inclusion of a structured tutorial program or school in wildlife rehabilitation. The Applicant's education plan will benefit not only the vocation of wildlife rehabilitation, but will also create an economical workforce for the services it provides. At the Applicant's facilities, volunteers are educated on bird anatomy, diets, health, sanitation, housing, species specific profiles, and animal care. Junior volunteers are taught the nutritional needs of specific animals and the proper method of feeding each animal. For many youth and adults alike, this is their first experience with wildlife. It is not unusual for junior volunteers to use this experience to pursue careers in veterinary science, forestry or fish and wildlife management. Some adult volunteers have trained to become sub-permitted by the DNR for handling and presentation of educational birds. Thus, the Applicant's training initiatives crossover to provide additional education on community awareness of wildlife and the need for rehabilitation programs.

The main trainer for the Applicant is DaLyn Erickson. Ms. Erickson is certified under state and federal regulations. Ms. Ericson has trained numerous individuals on a one-on-one basis and in group settings. In the future, the Applicant hopes to develop formal group training with bi-weekly courses. The training will include performance evaluations and trainees will receive certificates of formal training. There will be a fee for training that will cover materials used in the course.

Furthermore, veterinarian internships will be available to students at the local career colleges. The Applicant's rehabilitators will supervise the interns in veterinary techniques such as hydration and fluid therapy, wound management, delivery of medications and fracture stabilization cultivating skills needed for successful rehabilitation of avian and other animal species.

**4. The Applicant will undertake administrative and fund raising activities to ensure the Applicant will be operated properly. (Approximate percentage of time = 10%)**

Administrative duties include obtaining permits, documenting the feeding of animals, obtaining supplies, clerical work, producing and maintaining animal patient logs, and other tasks in maintaining operations in working order.

Fundraising activities will be required to provide for the Applicant's operating budget. Sources of fundraising include: mail solicitations, email solicitations, personal solicitations, website/internet solicitations, foundation grant solicitations, government grant solicitations, news or media solicitations, and donations from other like-minded organizations. The Applicant will also organize special fundraising events to promote donations from individuals and businesses.

These events will provide the public with an opportunity to learn more about the Applicant's activities.

*Analysis of the Applicant's Activities under Section 501(c)(3) of the Code*

Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), provides for the exemption from federal income tax of corporations organized and operated exclusively for charitable or educational purposes, or for the prevention of cruelty to animals. *See also* Treas. Reg. § 1.501(c)(3)-1(d)(1)(i).

Section 1.501(c)(3)-1(d)(2) of the Income Tax Regulations (the "Regulations") provides that the term "charitable," for Section 501(c)(3) purposes, "is used . . . in its generally accepted legal sense and is, therefore, not to be construed as limited by the separate enumeration in Section 501(c)(3) or other tax-exempt purposes which may fall within the broad outlines of 'charity' as developed by judicial decisions. Such terms include: relief of the poor and distressed or of the underprivileged, advancement of religion, advancement of education or science; erection or maintenance of public buildings, monuments, or works; lessening of the burdens of Government; and promotion of social welfare by organizations designed to accomplish any of the above purposes." *Id.* (emphasis added).

Section 1.501(c)(3)-1(d)(3)(b) of the Regulations provides that the term "educational," as used in Section 501(c)(3), relates to: "the instruction of the public on subjects useful to the individual and beneficial to the community." In addition, "An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion." Treas. Reg. § 1.501(c)(3)-1(d)(3).

Section 1.501(c)(3)-1(d)(3), Example 2 of the Treasury Regulations provides the example of an organization which is "educational" for purposes of Section 501(c)(3): "An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs." *See also* Rev. Rul. 76-418, 1976-2 C.B. 145 (nonprofit organization designed to inform the public about safety issues qualified for Section 501(c)(3) exempt status as an organization operated exclusively for charitable and educational purposes).

The Regulations do not contain an example of an organization operated exclusively to prevent cruelty to animals. However, in Rev. Rul. 55-519, 1955-2 C.B. 386, the Internal Revenue Service ("Service") considered the status of a bequest to trustees to use and apply the income and principal of a trust for the care of neglected or homeless domestic animals, and to alleviate the sickness, suffering, hunger and want of such animals. The Service determined that the bequest was made to the trustees for charitable purposes within the meaning of Section 2055 of the Internal Revenue Code of 1954. *See also* Rev. Rul. 66-359, 1966-2 C.B. 219 (determining that a nonprofit organization may qualify for Section 501(c)(3) tax-exempt status where it is organized and operated to promote humane treatment of animals).

In this case, the Applicant will be organized and operated exclusively for charitable and educational purposes, and for the prevention of cruelty to animals, within the meaning of Section 501(c)(3).

Certain of the Applicant's activities – Activities # 2 and 3 described above - are "educational" in nature within the meaning of the Treasury Regulations. These activities also fall under the category of education for the prevention of cruelty to animals. Activities # 2 and 3 relate directly to educating the general public regarding birds and their care. The general public will also be instructed on what they can do to prevent the deterioration of natural habitats for wildlife. The Applicant will also educate the public regarding conservation, the negative impact humans have on the environment, and ways to reduce this impact. This education will be supported by experience and documented studies rather than unsupported opinions. Thus, the Applicant will be instructing the general public on a subject useful to the individual and beneficial to the community within the meaning of Treas. Reg. § 1.501(c)(3)-1(d)(3)(b).

The main thrust of the Applicant's activities – Activity # 1 – is "charitable" in nature within the meaning of the Treasury Regulations. As described above, by conducting Activity # 1, the Applicant will act to rehabilitate injured wildlife. The Applicant does not require payment for its services rendered. In fact, the Applicant exists only to rehabilitate wild birds. Its permits do not allow it to require payment or charge fees for rehabilitation services. Even if the Applicant could accept payment, the animals treated by the Applicant only come from the wild and do not have any domestic caregivers with means of payment. If a rescuer that found an injured animal does bring the animal to the Applicant to be rehabilitated, the Applicant will provide aid free of charge. Rehabilitation services are provided as a charitable service to wildlife and the community in general.

Furthermore, The Applicant's proposed activities are very similar to those endorsed by the Service under Rev. Rul. 55-519. Caring for neglected or homeless domestic animals to alleviate sickness, suffering, and hunger parallel the care that the Applicant will provide to injured wildlife. Indeed, injured wildlife could be considered homeless and would be analogous to homeless domestic animals. Injured wildlife are no less deserving of care than domestic animals. In fact, wildlife find themselves in a more difficult situation because fewer organizations exist to help wildlife when compared to domestic animals. Accordingly, in addition to Activity # 1's charitable nature, this activity relates to the prevention of cruelty to animals.

The Applicant's activities will also fall under Rev. Rul. 66-359 in providing education and training to promote humane treatment of animals. All of the Applicant's activities are geared to promote the humane treatment of animals. From its rehabilitation services specifically directed at aiding injured animals to its education and training, all of the Applicant's operations point to aiding and promoting proper treatment of animals.

Finally, by conducting Activities # 1, 2, and 3 (treating injured animals, education of public, and training of volunteer and service providers), the Applicant will directly prevent cruelty to animals within the meaning of Treas. Reg. § 1.501(c)(3)-1(d)(1)(i)(g). It is obvious that the Applicant's treatment and rehabilitation activities directly prevent cruelty to animals; in fact, the Applicant will alleviate and repair birds that have been injured and otherwise adversely impacted by human contact. Furthermore, educating the public on proper conservation and ways

to prevent harming wildlife habitats indirectly prevents harm and cruelty to animals. Other of the Applicant's educational activities, as described in Activities # 2 and 3 will also serve to prevent cruelty to animals through information and messages conveyed to individuals regarding the proper handling, care, and treatment of avian wildlife. Education, as was the case with the boy shooting wild ducks (described above), is an excellent way to directly prevent cruelty to animals, especially education that is geared towards youth.

In conclusion, the Applicant should be recognized as an organization organized and operated exclusively for charitable and educational purposes and for the prevention of cruelty to animals within the meaning of Code Section 501(c)(3).

**Form 1023, Part V, Line 1a:**

NAME	TITLE	MAILING ADDRESS	COMPENSATION AMOUNT
RAY N. MARTHALER	DIRECTOR, CHAIRMAN, PRESIDENT	3127 N. Pelican Dr., Farr West, UT 84404	NONE
JASON D MAUGHAN	DIRECTOR, TREASURER	214 West 1475 North, Layton, UT 84041	NONE
AMBER F. HANSEN	DIRECTOR, SECRETARY	1734 N. 625 E., North Ogden, UT 84414	NONE
MICHELLE R. GRONCKI	DIRECTOR, VICE PRESIDENT	2856 W. 4275 S., Roy, UT 84067	NONE
APRIL D. OLSON	DIRECTOR, VICE PRESIDENT	1558 Michigan Ave., Salt Lake City, UT 84105	NONE
STACIE A. PECK	DIRECTOR	88 S. 500 E., Clearfield, UT 84015	NONE
TERESA ANDERSON	DIRECTOR	2075 N. Main St., Apt D206, Layton, UT 84041	NONE
LAWRENCE L. CAMPBELL	DIRECTOR	409 W. 1925 N., Harrisville, UT 84414	NONE
JERICA BERECE	DIRECTOR	221 N Fairfield Rd. # 82, Layton, UT 84041	NONE
DALYN ERICKSON	DIRECTOR/CERTIFIED WILDLIFE SPECIALIST	2920 W. Pioneer Rd., Slaterville, UT 84404	\$15,000
HALEY OLSON	DIRECTOR	1558 Michigan Ave., Salt Lake City, UT 84105	NONE
SYDNEY GREENFIELD	DIRECTOR	1111 W. 4200 S., Riverdale, UT 84405	NONE

**Form 1023, Part V, Line 2a:**

Only two members of the board of directors have familial relationships. April Olson, Vice President and member of the board of directors, is the mother of Haley Olson who is also a member of the board of directors. As noted above, the Applicant was formed when the ONC (a separate Section 501(c)(3) organization) decided to discontinue its avian rehabilitation program. Virtually all of the Applicant's directors have some connection to the ONC either as a former ONC volunteer or employee. Thus, the directors may be regarded as having had a business relationship in a capacity that will simply continue with the move from the ONC to the Applicant. (See attached Exhibit D for biographies of directors).

**Form 1023, Part V, Line 5a:**

The Applicant has adopted a conflict of interest policy consistent with the IRS sample policy. The Applicant patterned its conflict of interest policy after one developed by the National Council of Nonprofit Associations. The policy was adopted by the Board of Directors on April 5, 2009. (See attached Exhibit A.4).

**Form 1023, Part VI, Line 1a:**

The Applicant has not provided goods or funds to individuals in the past, nor does Applicant currently provide goods or funds to individuals. The Applicant has no plans to provide individuals with goods or funds in the future. It does, however, provide services. Services include care of animals, plus education and training of individuals (as described in Part IV, Activities # 1, # 2, and # 3, above). The Applicant plans to continue providing services as part of its primary mission to rehabilitate animals, educate the general public regarding wildlife, and train individuals in rehabilitation of animals.

**Form 1023, Part VI, Line 1b:**

The Applicant has not provided goods or funds to organizations in the past, nor does the Applicant currently provide goods or funds to organizations. The Applicant does not anticipate providing funds to organizations in the future. However, it is conceivable that, in the future, the Applicant could partner with like-minded charitable organizations to further its mission. Any such organization would be a similar Section 501(c)(3) tax-exempt organization. As noted above, the Applicant has provided services and is currently providing educational services to both individuals and organizations. Services are generally provided free of charge or for a nominal fee to cover operating expenses. The Applicant will continue to provide educational services to organizations in the same capacity as it has in the past. Recipient organizations are those mentioned above including school classes, scouting groups, civic groups, and other organizations requesting educational presentations by the Applicant.

**Form 1023, Part VIII, Line 4a:**

As noted in the Applicant's answer to Part IV above, the Applicant will participate in fundraising activities. It is anticipated that the Applicant may initiate fundraising activities as follows: (1) direct mailings on a limited basis for cost and environmental purposes but only to individuals or groups requesting information regarding the Applicant; (2) email solicitations will be widely used in order to reduce costs and due to its more environmental friendly process but the Applicant will solicit by email only to individuals or groups requesting information regarding the Applicant; (3) personal solicitation during events; (4) solicit donations of vehicles used for transporting animals and facilities management; (5) research possible private grants and submit proposals for funding to private foundations; (6) after the Applicant's website is developed, the Applicant will solicit donations via its website; (7) the Applicant may partner with other like-minded organizations to receive donations; and (8) solicit government grants for education, training, and rehabilitation of animals.

At the current time, it is not anticipated that the Applicant will hire or pay any individuals or firms to conduct direct fundraising activities.

**Form 1023, Part VIII, Line 4d:**

Fundraising activities will be undertaken throughout the State of Utah and possibly other states as well. With donations via the internet, it is possible that donations will come from outside of Utah. All such fundraising will be conducted by the directors, employees, members, or volunteers of the Applicant. It is not anticipated that the Applicant will conduct fundraising on behalf of other organizations.

**Form 1023, Part VIII, Line 10:**

The Applicant will likely own intellectual property related to the Applicant's educational materials, including copyrights and possible trademarks. Artwork for pamphlets and other written materials will be copyrighted. Training and educational materials themselves will also be copyrighted.

**Form 1023, Part VIII, Line 11:**

As determined by the Board of Directors under the guidelines of the Applicant's Conflict of Interest Policy, the Applicant will consider accepting all contributions as identified in Form 1023 that fit the needs and vision of the Applicant's Mission Statement. (See attached Exhibit E). No specific conditions will be imposed. However, the Board, in its discretion, may choose to impose conditions on donations. The Board will review conditions imposed by donors in light of the Applicant's needs and vision of the Applicant's Mission Statement. Generally, the type of condition the Applicant would consider is displaying the donor's name or company on or near the item to give credit for the donor's generous contribution (in compliance with the applicant Treasury Regulations outlining proper recognition for significant donors). In keeping with the Applicant's charitable status, donors will not receive anything of monetary value for contributions. They will only receive appropriate recognition and "membership" with the Applicant. Such "membership" will merely signify their financial support of the Applicant, and entitle them to participate in certain educational activities of the Applicant (such as bird releases.)

**Form 1023, Part VIII, Line 15:**

The Applicant maintains a close connection with the following organizations:

**1. Ogden Nature Center (ONC), Ogden, UT:** The Applicant is closely connected with the ONC because the Applicant was formed as a result of and subsequent to ONC's decision to discontinue rehabilitation services for wildlife. The Applicant will maintain relations with ONC in the future, but only in a limited fashion. The Applicant does not anticipate any of its members being employed at ONC. However, the Applicant's members may provide assistance to ONC on a contractual basis to support ONC's resident animals. This will be a separate contractual arrangement between these individuals and ONC, arising due to ONC's change in direction, the Applicant will not engage in the same type of activities as the ONC because the ONC will no longer provide rehabilitation services for wildlife.

**2. Wildlife Treatment & Education Center (WTEC), Salt Lake City, UT:** The Applicant is working with WTEC, another fledgling rehabilitation and treatment center, to form

a partnership in order to further Northern Utah migratory bird rehabilitation. The Applicant fully expects this relationship to provide a much stronger community environmental education and support system for much of Northern Utah.

**3. *Great Basin Wildlife Rehabilitation & Education (GBWRE), Spanish Fork, UT:*** The Applicant currently works with GBWRE by networking ideas, experience and transferring migratory birds based on the best treatment of the specific animal.

**4. *Utah Council for Wildlife Rehabilitation & Education (UCWRE):*** The Applicant's Executive Director and Wildlife Specialist, DaLyn Erickson, is a founding member of this new group of licensed wildlife rehabilitators. UCWRE formed to provide better service and education to Utah communities as well as providing a centralized method for more productive networking among group members.

**Form 1023, Part IX, Section A, Line 1:**

After the IRS recognizes the Applicant's 501(c)(3) tax-exempt status, the Applicant expects to receive significant donations from a handful of individuals ranging from \$15,000 to \$100,000. The Applicant is unlikely to receive grants for 2009, but anticipates receiving possible state and federal grants in 2010 and 2011. The Applicant has already received nearly \$12,000 in unsolicited donations from the general public this year and anticipates receiving approximately \$30,000 for the rest of 2009 for a total of \$42,000. The applicant also anticipates donations and grants for 2010 and 2011 of \$100,000.

**Form 1023, Part IX, Section A, Line 2:**

The Applicant has received 121 memberships (i.e., smaller contributions from members of the general public who support the Applicant's mission) at \$20 per member for a total of \$2,420. The Applicant anticipates an additional 130 memberships bringing the total expected amount for 2009 to \$5,020.

For 2010 and 2011, the Applicant anticipates 300 memberships each year at \$35 per membership for a total of \$10,500. In addition, the Applicant anticipates \$5,000 in upper-level membership (i.e., higher contributions from the general public who support the Applicant's mission) for a total of \$15,500 for each year.

**Form 1023, Part IX, Section A, Line 3:**

The Applicant anticipates an average checking account balance of roughly \$10,000. Interest on this balance of two percent per annum would result in \$200 of investment income. These figures may vary.

**Form 1023, Part IX, Section A, Line 14:**

The Applicant will incur the following expenses to promote its fundraising activities: produce flyers, brochures, banners, and other printed advertisements—\$3,000; provide catering services for light refreshments at events—\$2,000; rental expenses of buildings/land--\$5,000; and

purchase other materials and supplies—\$3,000. Accordingly, the Applicant anticipates fundraising expenses of \$13,500 for 2010 and 2011 while only spending \$5,000 for 2009.

**Form 1023, Part IX, Section A, Line 18:**

The Applicant will pay a nominal salary to its wildlife specialist and executive director DaLyn Erickson. She will be paid roughly \$5,000 for the remainder of 2009 and approximately \$20,000 per year for 2010 and 2011. This salary is below the fair market value of the work performed by Ms. Erickson.

**Form 1023, Part IX, Section A, Line 20:**

The Applicant is currently operating in a facility donated free of charge. However, the Applicant intends to pay for the applicable property tax for the facility for half the year amounting to \$2,500. Utilities for the facility are estimated at \$4,000 for the remainder of 2009 and \$8,000 per year thereafter. This results in a total of \$6,500 for 2009 and \$13,000 for 2010. The Applicant anticipates moving to a new facility in 2011 that will likely result in an increase in rent and utilities estimated at \$18,000.

**Form 1023, Part IX, Section A, Line 22:**

Professional fees include: insurance--\$595 for 2009, \$1,200 for 2010 and 2011; CPA—\$1,000 for 2009-11; veterinary expenses—\$1,000 for 2009, \$3,000 for 2010 and 2011; licenses and professional membership fees—\$300 for 2001-11. Totals—\$2,895 for 2009 and \$5,500 for 2010-11.

**Form 1023, Part IX, Section B, Line 1:**

The cash on hand came from unsolicited donations by members of the general public to allow the Applicant to continue providing care for birds during the transition from operations under ONC.

**Form 1023, Part IX, Section B, Line 3:**

Similar to cash on hand, inventories were provided by unsolicited donations from members of the general public as well as donations from ONC. (Please see Schedule G). For a complete list of the Applicant's inventories, please see Exhibit F.

**Form 1023, Schedule G, Line 2a:**



As noted above, the Applicant is the successor organization to ONC's wildlife rehabilitation operations. ONC is discontinuing its wildlife rehabilitation services effective June 30, 2009. Because of ONC's decision to discontinue its wildlife rehabilitation operations, the only opportunity to continue rehabilitation services in Northern Utah is to create a new organization.

**Form 1023, Schedule G, Line 2b:**

ONC is an organization recognized by the IRS as a Section 501(c)(3) tax-exempt organization.

**Form 1023, Schedule G, Line 2c:**

ONC was recognized by the IRS as a Section 501(c)(3) tax-exempt organization.

**Form 1023, Schedule G, Line 2e:**

As previously detailed, ONC decided to discontinue its rehabilitation of wildlife activities because of budgetary constraints. The Applicant wishes to continue the rehabilitation of animals as well as the education and training of the public in wildlife rehabilitation, conservation, and environmental awareness.

**Form 1023, Schedule G, Line 4:**

NAME	TITLE	MAILING ADDRESS
SARA DAN	DIRECTOR	1680 26th Street, Ogden, UT 84403
MICHAEL JORGENSEN	TREASURER	4889 S. 1575 E., Ogden, UT 84403
DAVID MALONE	VICE PRESIDENT	1751 Doxey, Ogden, UT 84403
MARY MCKINLEY	DIRECTOR, REGISTERED AGENT	966 W 12th Street, Ogden, UT 84404
NICOLE OKAZAKI	PRESIDENT	4920 Sunset Lane, South Ogden, UT 84405
WILLIAM REMBACZ	SECRETARY	5725 S. 1075 E., South Ogden, UT 84405
CURT SINGLETON	OFFICER	5477 S. 200 E., Washington Terrace, UT 84405
ANN WALTERS	DIRECTOR	1845 W. 4500 S. # 136, Roy, UT 84067

**Form 1023, Schedule G, Line 6a:**

ONC gifted the Applicant assets valued at \$3,211. No individual item is valued over \$350. The item values are estimates by the Applicant based on a fair market value assessment. Please see Exhibit G for a detailed list of inventory items gifted by ONC to the Applicant. No restrictions were placed on the gifted items.

**EXHIBIT A**

**1. ORIGINAL ARTICLES OF INCORPORATION**

**2. AMENDED AND RESTATED ARTICLES OF INCORPORATION**

**3. BYLAWS**

**4. CONFLICT OF INTEREST POLICY**

This form must be type written or computer generated.



State of Utah  
DEPARTMENT OF COMMERCE  
Division of Corporations & Commercial Code  
Articles of Incorporation (Nonprofit)

RECEIVED

FEB 19 2009

Non-Refundable Processing Fee: \$22.00

Utah Div. Of Corp. & Comm. Code

A. Important: Read instructions before completing form

1. <u>Name of Corporation:</u> Wildlife Rehabilitation Center of Northern Utah		
2. <u>Purpose:</u>	Environmental Education for the rehabilitation of injured birds.	
3. Is the registered agent a <u>commercial registered agent</u> ? <input type="radio"/> YES <input checked="" type="radio"/> NO What is a commercial registered agent?		
Registered Agent Name: Ray Marthaler I hereby accept appointment as Registered Agent for the above named business entity. Signature of Registered Agent (Required): <i>[Signature]</i> Address of the Registered Agent: 3127 N. Pelican Dr. <small>Utah Street Address Required. PO Boxes can be listed after the Street Address</small> City: Far West State UT Zip: 84404		
4. <u>Name, Signature and Address of Incorporator</u> <small>(attach additional page if there is more than 1 incorporator)</small>	Ray Marthaler Name 3127 N. Pelican Drive Address Far West UT 84404 <i>[Signature]</i> City State Zip February 19, 2009 Date	
5. <u>Voting Members:</u>	The nonprofit corporation <input checked="" type="radio"/> will <input type="radio"/> will not have voting members.	
6. <u>Shares:</u>	The nonprofit corporation <input type="radio"/> will <input checked="" type="radio"/> will not issue shares evidencing membership or interests in water or other property rights.	
	The aggregate number of shares that the nonprofit corporation has authority to issue shall be	
	The shares <input checked="" type="radio"/> will <input type="radio"/> will not be divided up in to classes.	
	Type 1: Number of Shares:	
	Statement:	
Type 2: Number of Shares:		
Statement:		
7. <u>Assets:</u>	Upon dissolution assets of the corporation will be distributed in a manner consistent with law.	
B.		
1. <u>Principal Address:</u>	3127 N. Pelican Drive Far West UT 84404 Address City State Zip	
2. <u>Name and Address of Directors:</u> <small>(attach an additional page if there are more than 3 directors)</small>	1. Rachael L Crany Director Name 5202 S. 1350 E. Ogden UT 84403 Address City State Zip	
	2. Amber F. Hansen Director Name 1734 N. 625 E. North Ogden UT 84414 Address City State Zip	
	3. Ray N. Marthaler Director Name 3127 N. Pelican Drive Far West UT 84404 Address City State Zip	

Under GRAMA [63-2-201], all registration information maintained by the Division is classified as public record.

02-19-09A11:43 RCVD

Date: 02/19/2009  
Receipt Number: 2765513  
Amount Paid: \$22.00

MP



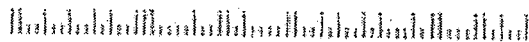
STATE OF UTAH  
DEPARTMENT OF COMMERCE  
DIVISION OF CORPORATIONS & COMMERCIAL CODE  
PO BOX 146705  
SALT LAKE CITY UT 84114-6705

FIRST CLASS  
US POSTAGE  
PAID  
S.L.C. UT  
PERMIT NO. 4621

## Certificate of Registration

Entity Type: Corporation - Domestic - Non-Profit  
Entity Number: 7273585-0140  
Issue Date: February 19, 2009  
Access Code #: 4527488

WILDLIFE REHABILITATION CENTER OF NORTHERN UTAH  
RAY MARTHALER  
3127 N PELICAN DR  
FAR WEST UT 84404

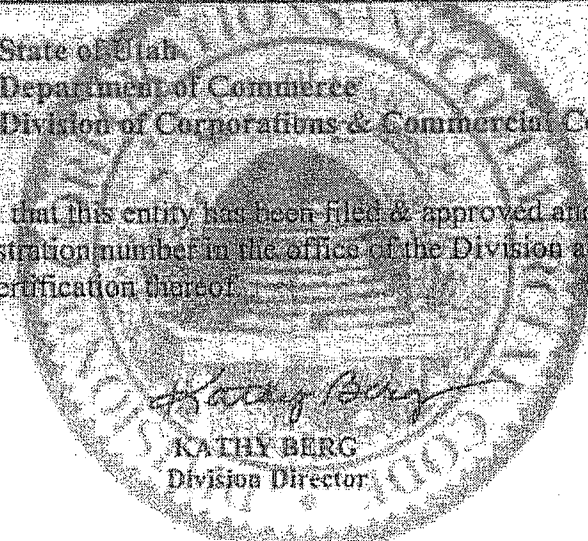


## CERTIFICATE OF REGISTRATION



State of Utah  
Department of Commerce  
Division of Corporations & Commercial Code

This certifies that this entity has been filed & approved and has been issued a registration number in the office of the Division and hereby issues this Certification thereof.





State of Utah  
DEPARTMENT OF COMMERCE  
Division of Corporations & Commercial Code  
Articles of Amendment to Articles of Incorporation (Non-Profit)

Date: 07/15/2009  
Receipt Number: 2297888  
Amount Paid: \$17.00

RECEIVED  
JUL 15 2009  
Utah Div. of Corp. & Comm. Code

File Number: 7273585-0140

Non-Refundable Processing Fee: \$17.00

This form must be type written or computer generated.

Pursuant to UCA §16-6a part 10, the individual named below causes this Amendment to the Articles of Incorporation to be delivered to the Utah Division of Corporations for filing, and states as follows:

1. The name of the corporation is: Wildlife Rehabilitation Center of Northern Utah
2. The date the following amendment(s) was adopted: July 3, 2009
3. If changing the corporation name, the new name of the corporation is:

4. The text of each amendment adopted (include attachment if additional space needed):

See attached "Amended and Restated Articles of Incorporation"

5. Indicate the manner in which the amendment(s) was adopted (mark only one):

- ☐ The amendment was adopted by the board of directors or incorporators without member action and member action was not required.
- ☒ The amendment was adopted by the members AND the number of votes cast for the amendment by each voting group entitled to vote separately on the amendment was sufficient for approval by that voting group.

6. Delayed effective date (if not to be effective upon filing) \_\_\_\_\_ (not to exceed 90 days)

Under penalties of perjury, I declare that this Amendment of Articles of Incorporation has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

By: [Signature] Title: Chairman

Dated this 15 day of July, 2009

Under GRAMA (63-2-201), all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Mailing/Faxing Information: [www.corporations.utah.gov/contactus.html](http://www.corporations.utah.gov/contactus.html) Division's Website: [www.corporations.utah.gov](http://www.corporations.utah.gov)

07-15-09A10:35 RCVD

Utah  
Department of Commerce  
Licensing and Enforcement System

Payer: WILDLIFE REHABILITATION CENTER OF N  
Drawer ID: TerminalID  
User: cswenson  
Date: 07/15/2009

Amend/Restate/	1	17.00	17.00
		Check	\$17.00

Amount Due: \$17.00

Amount Paid: \$17.00

Receipt #: 2897888

NORTHERN UTAH

**AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF**

**WILDLIFE REHABILITATION CENTER OF NORTHERN UTAH**

Pursuant to the provisions of the Utah Revised Nonprofit Corporation Act, Wildlife Rehabilitation Center of Northern Utah, a Utah nonprofit corporation, adopts the following Amended and Restated Articles of Incorporation. The Amended and Restated Articles constitute an amendment and restatement of the original Articles of Incorporation of the corporation filed with the Utah Secretary of State on February 19, 2009; correctly set forth the current provisions of the Articles of Incorporation of the corporation, as amended and restated; and supersede the corporation's original Articles of Incorporation and all amendments and supplements thereto or restatements thereof. The corporation has no voting members yet admitted to membership. Accordingly, these Amended and Restated Articles of Incorporation were approved and duly adopted by corporation's board of directors on July 3, 2009.

**ARTICLE I**

The name of the corporation is Wildlife Rehabilitation Center of Northern Utah.

**ARTICLE II**

The period of its duration shall be perpetual.

**ARTICLE III**

The corporation is organized exclusively for those charitable, scientific, literary or educational purposes within the meaning of and pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 (or under the corresponding provision of any future

United States Internal Revenue law) (the "Code"), including but not limited to the purposes of: (1) locating injured, sick and orphaned wildlife, and treating, rehabilitating and releasing such wildlife; (2) educating the general public regarding issues relating to the well-being of wildlife; and (3) receiving contributions from individuals, corporations and other institutions who wish to support one or more of the activities described above.

#### ARTICLE IV

A. No part of the income or net earnings of the corporation shall inure to the benefit of, or be distributable to, any member, director or officer of the corporation or any other private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes, and reimbursement may be made for any expenses incurred for the corporation by any officer, director, agent or employee, or any other person or corporation, pursuant to and upon authorization of the corporation's members); and provided further that no member, director or officer of the corporation, or any other private individual shall be entitled to share in any distribution of any of the corporate assets on dissolution of the corporation or otherwise. No substantial part of the activities of the corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, except as otherwise provided in section 501(h) of the Code. The corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of, or in opposition to, any candidate for public office.

B. No part of the assets of the corporation shall inure to the benefit of or be distributable to any organization whose income or net earnings or any part thereof inure



to the benefit of any private shareholder or other individual or any substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation.

C. Upon dissolution of the corporation, all of its assets shall be paid over or transferred to one or more tax-exempt organizations of the kind described in section 501(c)(3) of the Code, and with purposes similar to those of the corporation, as determined by the corporation's Board of Directors.

D. Notwithstanding any other provision hereof, this corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization which is exempt from federal income tax under the provisions of section 501(c)(3) of the Code.

E. Notwithstanding any other provision of these Articles during any period that the corporation is a "private foundation" within the meaning of section 509 of the Code, the corporation shall be required to distribute its income for each taxable year of the corporation at such time and in such manner as not to subject the corporation to tax under section 4942 of the Code; and the corporation shall be prohibited from engaging in any act of self-dealing as defined in section 4941(d) of the Code, from retaining any excess business holdings in violation of the provisions of section 4943(c) of the Code, from making any investments in such manner as to subject the corporation to tax under section 4944 of the Code, and from making any taxable expenditures as defined in section 4945(d) of the Code.

#### **ARTICLE V**

The corporation shall have no voting members and all business and affairs of the corporation shall be conducted by its Board of Directors.

#### **ARTICLE VI**

All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation shall be managed under the direction of, a Board of Directors. The Board of Directors shall consist of not less than three nor more than fifteen directors, the number of directors, their classification, if any, their terms of office, and the manner of their election or appointment to be determined according to the bylaws of the corporation.

#### **ARTICLE VII**

The address of the principal office of the Corporation is 3127 North Pelican Drive, Far West, Utah 84404.

#### **ARTICLE VIII**

The address of the corporation's registered office is 3127 North Pelican Drive, Far West, Utah 84404, and the name of its registered agent at that address is Ray Marthaler.

#### **ARTICLE IX**

The Board of Directors may amend these Articles of Incorporation by a vote of a majority of the directors.

## ARTICLE X

### ELIMINATION OF CERTAIN LIABILITIES OF BOARD

There shall be no personal liability, either direct or indirect, of any director of the corporation to the corporation or to its members for monetary damages for any action taken or any failure to take action as a director; except that this provision shall not eliminate the liability of a director to the corporation or to its members for monetary damages for any breach, act, omission or transaction as to which the Utah Revised Nonprofit Corporation Act (as in effect from time to time) prohibits expressly the elimination of liability. This provision shall not eliminate the liability of a director to the corporation or to its members for monetary damages for any act or omission occurring prior to the date when this provision becomes effective (which is the date the amendment to the articles of incorporation of the corporation containing this provision becomes effective). This provision shall not limit the rights of directors of the corporation for indemnification or other assistance from the corporation. This provision shall not restrict or otherwise diminish the provisions of Section 16-6a-823, Utah Revised Nonprofit Corporation Act (concerning no liability of directors except for wanton and willful acts or omissions), any amendment or successor provision to such Section, or any other law limiting or eliminating liabilities. Any repeal or modification of the foregoing provisions of this Article by the members of the corporation or any repeal or modification of the provision of the Utah Revised Nonprofit Corporation Act which permits the elimination of liability of director by this Article shall not affect adversely any elimination of liability, right or protection of a director of the corporation

with respect to any breach, act, omission, or transaction of such director occurring prior to the time of such repeal or modification.

#### ARTICLE XI

The (a) name or names, and (b) mailing address or addresses, of any one or more of the individuals who cause this document to be delivered for filing, and to whom the Secretary of State may deliver notice if filing of this document is refused are:

Ray Marthaler	3127 North Pelican Drive Farr West, UT 84404-9355
---------------	--

Shawn Stewart	60 East South Temple Street, Suite 2000 Salt Lake City, UT 84111
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4554062\_1.DOC

**BYLAWS**  
**OF**  
**WILDLIFE REHABILITATION CENTER FOR NORTHERN UTAH**  
**(A Utah Nonprofit Corporation)**

**Effective as of July 3, 2009**

**BYLAWS  
OF  
WILDLIFE REHABILITATION CENTER FOR NORTHERN UTAH  
(a Utah Nonprofit Corporation)**

**ARTICLE I.**

**Offices**

1. **Business Offices.** The principal office of the corporation in the State of Utah shall be located at 3127 N. Pelican Drive, Far West, Utah 84404. The corporation may have such other offices, either within or without the State of Utah, as the Board of Directors may determine or as the affairs of the corporation may require from time to time.

2. **Registered Office.** The corporation shall have and continuously maintain in the State of Utah a registered office, and a registered agent whose office is identical with such registered office, as required by the Utah Revised Nonprofit Corporation Act. The registered office may be, but need not be, identical with the principal office if the principal office is in the State of Utah. The address of the registered office may be changed from time to time by the corporation as long as the proper filings are made with the Utah Division of Corporations and Commercial Code.

**ARTICLE II.**

**No Voting Members**

The corporation shall have no voting members.

## **ARTICLE III.**

### **Board of Directors**

**1. General Powers.** The affairs of the corporation shall be managed by its Board of Directors. Directors need not be residents of the State of Utah, but they shall be natural persons who are at least eighteen years of age.

**2. Number, Tenure and Qualifications.** At all times, the number of members of the corporation's Board of Directors shall be at least three (3) and not more than fifteen (15). Within that range, the number of Directors shall be fixed by resolution of the Board of Directors from time to time, but no decrease in the number of Directors shall have the effect of shortening the term of any incumbent Directors. The allowable number and range of Directors may be changed by an amendment to these bylaws, but no amendment to these bylaws shall have the effect of shortening the term of any incumbent Directors.

**3. Initial Directors, Elected Directors and Terms.** The corporation's initial Directors are Rachael L. Crary, Amber F. Hansen, Ray N. Marthaler, Michelle R. Groncki, April D. Olson, Stacie A. Peck, Teresa Anderson, Jerica Bereece, and DaLyn Erickson. The term of each initial Director shall begin on July 3, 2009 and shall expire immediately following the 2009 annual meeting of the Board of Directors; provided that the initial Directors shall continue in office until their successors have been elected as provided below, or until their earlier death, resignation or removal. Beginning in 2009, Directors shall be elected by the Corporation's Board of Directors at its annual meeting. Half of the elected Directors elected at the 2009 annual meeting shall be designated to serve a one-year term. All other Directors elected at the 2009 annual meeting and any Directors elected thereafter shall serve for a two-year term. The term of

Director who is elected at an annual meeting shall begin immediately after such annual meeting, and shall extend through the annual meeting in the year in which the term of such Director expires; provided that each Director shall hold office until his or her successor shall have been elected and qualified, or until his or her earlier death, resignation or removal.

4. **Removal.** Directors may be removed with or without cause, by the vote of a majority of the Directors then in office.

5. **Regular Meetings.** The Board of Directors may provide by resolution the time and place, either within or without the State of Utah, for the holding of the annual meeting and other regular meetings of the Board without other notice than such resolution.

6. **Special Meetings.** Special meetings of the Board of Directors may be called by or at the request of the President or any Directors. The person or persons authorized to call special meetings of the Board may fix any place, either within or without the State of Utah, as the place for holding any special meeting of the Board called by them.

7. **Notice of Meetings.** Notice of each meeting of Directors, whether annual, regular or special, shall be given to each Director. If such notice is given either (a) by personally delivering written notice to a Director or (b) by personally telephoning such Director, it shall be so given at least two (2) days prior to the meeting. If such notice is given either (a) by depositing a written notice in the United States mail, postage prepaid, or (b) by transmitting a cable or telegram, in all cases directed to such Director at his residence or place of business, it shall be so given at least four (4) days prior to the meeting. The notice of all meetings shall state the place, date and hour thereof, but need not, unless otherwise required by statute, state the purpose or purposes thereof.



8. **Quorum.** A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

9. **Manner of Acting.** The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these bylaws.

10. **Vacancies.** Any vacancy occurring in the Board of Directors including any vacancy resulting from an increase in the number of Directors may be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors. A Director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

11. **Compensation.** Directors as such shall not receive any stated salaries for their services, but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board; but nothing herein contained shall be construed to preclude any Director from serving the corporation in some other capacity and receiving compensation therefor.

12. **Informal Action by Directors.** Any action required by law to be taken at a meeting of Directors, or any action which may be taken at a meeting of Directors, may be taken without a meeting if: each and every Director in writing either (a) votes for such action; or (b) (i) votes against such action or abstains from voting; and (ii) waives the right to demand that action not be taken without a meeting. Action is taken under this Section only if the affirmative

vote for such action equals or exceeds the minimum number of votes that would be necessary to take such action at a meeting at which all of the Directors then in office were present and voted.

**13. Meetings by Telephone.** Members of the Board of Directors or any committee designated thereby may hold or participate in a meeting of the Board of Directors or such committee by means of conference telephone or similar communications equipment provided that all such persons so participating in such meeting can hear each other at the same time.

## **ARTICLE IV.**

### **Officers**

**1. Officers.** The officers of the corporation shall be a President, a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more Vice Presidents, Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person. The officers must be natural persons who are at least eighteen years of age.

**2. Election and Term of Office.** In 2009, the officers of the corporation shall be elected by the Board of Directors at a regular meeting chosen by the Board of Directors (or by informal action of the Board of Directors as described in Article III above, at a time chosen by the Board of Directors). Beginning in 2010, the officers of the corporation shall be elected annually by the Board of Directors at the next regular meeting of the Board of Directors following the annual meeting of the Board of Directors. If the election of officers shall not be

held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

**3. Removal.** Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors at any time with or without cause, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

**4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

**5. President.** The President shall be the principal executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation. He shall preside at all meetings of the Board of Directors. He may sign, with the Secretary or any other proper officer of the corporation, contracts or other instruments which the Board of Directors has authorized to be executed, except in the cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these bylaws or by statute to some other officer or agent of the corporation; and in general he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

**6. Vice President.** In the absence of the President or in event of his inability or refusal to act, the Vice President (or in the event there be more than one Vice President, the Vice Presidents in the order of their election) shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Any

Vice President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

7. **Treasurer.** If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. He shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article IX of these bylaws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

8. **Secretary.** The Secretary shall keep the minutes of the meetings of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; be custodian of the corporate records and of the seal of the corporation and see that the seal of the corporation is affixed to all documents, the execution of which on behalf of the corporation under its seal is duly authorized in accordance with the provisions of these bylaws; keep a register of the post-office address of each Director which shall be furnished to the Secretary by such Director and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

9. **Assistant Treasurers and Assistant Secretaries.** If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in

such sums and with such sureties as the Board of Directors shall determine. The Assistant Treasurers and Assistant Secretaries, in general, shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the President or the Board of Directors.

## **ARTICLE V.**

### **Committees**

1. **Committees of Directors.** The Board of Directors may create one or more committees of the Board and appoint one or more Directors to serve on them, by vote of a majority of all Directors in office, which committees shall have and exercise the authority of the Board of Directors in the management of the corporation, except that no such committee shall have the authority of the Board of Directors in reference to authorizing distributions, electing, appointing or removing any Director, amending articles of incorporation, amending, altering or repealing the bylaws; approving a plan of merger, or approving a sale, lease exchange or other distribution of all, or substantially all of the corporation's property, with or without goodwill, otherwise than in the usual and regular course of business.

2. **Other Committees.** The corporation may have other committees similarly appointed which shall not have the authority of the Board of Directors in the management of the corporation.

3. **Term of Office.** Each member of a committee shall continue as such until the next annual meeting of the Board of Directors of the corporation and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

4. **Chairman.** One member of each committee shall be appointed chairman by the person or persons authorized to appoint the members thereof.

5. **Vacancies.** Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

6. **Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

7. **Rules.** The same rules described herein regarding meetings, action without meeting, notice, waiver of notice and quorum and voting requirements of the Board of Directors similarly apply to the committees of the Board and their members.

## **ARTICLE VI.**

### **Standards of Conduct for Officers and Directors**

Each Director and officer with discretionary authority shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner the Director or officer reasonably believes to be in the best interests of the corporation. In discharging duties, a Director or officer is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by: (i) one or more officers or employees of the corporation whom the Director or officer reasonably believes to be reliable and competent in the matters presented; (ii) legal counsel, a public accountant, or another person as to matters the Director or officer reasonably believes are within such person's professional or expert competence; or (iii) in the

case of a Director, a committee of the Board of Directors of which the Director is not a member if the Director reasonably believes the committee merits confidence.

A Director or officer is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by the above unwarranted. A Director or officer is not liable as such to the corporation for any action taken or omitted to be taken as a Director or officer, as the case may be, if, in connection with such action or omission, the Director or officer performed the duties of the position in compliance with this Article VI.

## **ARTICLE VII.**

### **Directors' Conflicting Interest Transactions**

1. **Conflicting Interest Transactions.** As used in this Article, "conflicting interest transaction" means: a contract, transaction, or other financial relationship between the corporation and a Director of the corporation, or between the corporation and a party related to a Director, or between the corporation and an entity in which a Director of the corporation is a Director or officer or has a financial interest.

2. **Prohibition Against Loans to Directors or Officers.** No loans shall be made by the corporation to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the corporation for the amount of such loan until the repayment thereof.

3. **Voidability of Conflicting Interest Transactions.** No conflicting interest transaction shall be void or voidable or be enjoined, set aside, or give rise to an award of damages or other sanctions in a proceeding by or in the right of the corporation, solely because the conflicting interest transaction involves a Director of the corporation or a party related to a

Director or an entity in which a Director of the corporation is a Director or officer or has a financial interest or solely because the Director is present at or participates in the meeting of the corporation's Board of Directors or of the committee of the Board of Directors that authorizes, approves, or ratifies the conflicting interest transaction or solely because the Director's vote is counted for such purpose if:

(A) The material facts as to the Director's relationship or interest and as to the conflicting interest transaction are disclosed or are known to the Board of Directors or the committee, and the Board of Directors or committee in good faith authorizes, approves, or ratifies the conflicting interest transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors are less than a quorum; or

(B) The conflicting interest transaction is fair as to the corporation.

**4. Approval of Conflicting Interest Transactions.** Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or of a committee which authorizes, approves, or ratifies the conflicting interest transaction.

**5. Party Related to Director.** For purposes of this Article, a "party related to a Director" shall mean a spouse, a descendent, an ancestor, a sibling, the spouse or descendent of a sibling, an estate or trust in which the Director or a party related to a Director has a beneficial interest, or an entity in which a party related to a Director is a Director, officer, or has a financial interest.



## ARTICLE VIII.

### Indemnification

1. **Indemnification.** To the extent permitted or required by the Act (as defined below) and any other applicable law, if any Director or officer (as defined below) of the corporation is made a party to or is involved in (for example as a witness) any proceeding (as defined below) because such person is or was a Director or officer of the corporation, the corporation (a) shall indemnify such person from and against any judgments, penalties, fines (including but not limited to ERISA excise taxes), amounts paid in settlement and reasonable expenses (including but not limited to expenses of investigation and preparation, and fees and disbursements of counsel, accountants or other experts) incurred by such person in such proceeding, and (b) shall advance to such person expenses incurred in such proceeding.

The corporation may in its discretion (but is not obligated in any way) to indemnify and advance expenses to an employee or agent of the corporation to the same extent as to a Director or officer.

The foregoing provisions for indemnification and advancement of expenses are not exclusive, and the corporation may at its discretion provide for indemnification or advancement of expenses in a resolution of its Directors, in a contract or in its articles of incorporation.

Any repeal or modification of the foregoing provisions of this article for indemnification or advancement of expenses shall not affect adversely any right or protection stated in such provisions with respect to any act or omission occurring prior to the time of such repeal or modification. If any provision of this article or any part thereof shall be held to be prohibited by or invalid under applicable law, such provision or part thereof shall be deemed amended to

accomplish the objectives of the provision or part thereof as originally written to the fullest extent permitted by law, and all other provisions or parts shall remain in full force and effect.

As used in this article, the following terms have the following meanings:

(A) *Act*. The term “Act” means the Utah Revised Nonprofit Corporation Act as it exists on the date this article is adopted, and as the Utah Revised Nonprofit Corporation Act may be thereafter amended from time to time. In the case of any amendment of the Utah Revised Nonprofit Corporation Act after the date of adoption of this article, when used with reference to an act or omission occurring prior to effectiveness of such amendment, the term “Act” shall include such amendment only to the extent that the amendment permits a corporation to provide broader indemnification rights than the Utah Revised Nonprofit Corporation Act permitted prior to the amendment.

(B) *Director or Officer*. The term “Director” or “officer” means (i) a Director or officer of the corporation and (ii) while an individual is a Director or officer of the corporation, the individual’s serving at the corporation’s request as a Director, officer, partner, member, manager, trustee, employee, fiduciary, or agent of another domestic or foreign corporation, nonprofit corporation, or other person or of an employee benefit plan, and (iii) any other position (not with the corporation itself) in which a Director or officer of the corporation is serving at the request of the corporation and for which indemnification by the corporation is permitted by the Act.

(C) *Proceeding*. The term “proceeding” means any threatened, pending or completed action, suit, or proceeding whether civil, criminal, administrative or investigative, and whether formal or informal.

(D) *Code*. The term “Code” means the Internal Revenue Code of 1986, as amended from time to time.

**2. Limitation.** Notwithstanding any other provision of this Article VIII, during any period that the corporation is a “private foundation” within the meaning of section 509 of the Code, or any corresponding provision of any future United States tax law, the corporation shall not indemnify any person from or against or advance to any person the cost of, such expenses, judgments, fines, or amounts paid or necessarily incurred, nor shall the corporation purchase or maintain such insurance, to the extent that any such indemnification, purchase, or maintenance would be determined to be an act of self-dealing within the meaning of section 4941 of the Code, to be a taxable expenditure within the meaning of section 4945 of the Code, or to be otherwise prohibited under the Code, unless and to the extent (i) a court orders such indemnification, or (ii) the purchase or maintenance of such insurance can be treated as reasonable compensation to such person.

## ARTICLE IX.

### **Contracts, Checks, Deposits, Gifts and Proxies**

**1. Contracts.** The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

**2. Checks, Drafts, Etc.** All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time

to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the President or a Vice President of the corporation.

3. **Deposits.** All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

4. **Gifts.** The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the corporation.

5. **Proxies.** Unless otherwise provided by resolution adopted by the Board of Directors, the President or any Vice President may from time to time appoint one or more agents or attorneys in fact of the corporation, in the name and on behalf of the corporation, to cast the votes which the corporation may be entitled to cast as the holder of stock or other securities in any other corporation, association or other entity any of whose stock or other securities may be held by the corporation, at meetings of the holders of the stock or other securities of such other corporation, association or other entity, or to consent in writing, in the name of the corporation as such holder, to any action by such other corporation, association or other entity, and may instruct the person or persons so appointed as to the manner of casting such votes or giving such consent, and may execute or cause to be executed in the name and on behalf of the corporation and under its corporate seal, or otherwise, all such written proxies or other instruments as he may deem necessary or proper in the premises.

## **ARTICLE X.**

### **Books and Records**

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors, and shall keep at its registered or principal office a record giving the names and addresses of the Directors. All books and records of the corporation may be inspected by any Director or his or her agent or attorney for any proper purpose at any reasonable time.

## **ARTICLE XI.**

### **Waiver of Notice**

Whenever any notice is required to be given under the provisions of the Act or under the provisions of the articles of incorporation or the bylaws of the corporation, a Director may waive any notice required to be given to such Director by the Act or these bylaws: (i) whether before or after the date or time stated in the notice as the date or time when any action will occur, by delivering a written waiver to the corporation which is signed by the Director entitled to the notice for inclusion in the minutes, but such delivery and filing shall not be conditions of the effectiveness of the waiver; or (ii) by a Director's attendance at the meeting whereby such Director waives objection to lack of notice or defective notice, unless the Director at the beginning of the meeting objects to the holding thereof or transacting business at the meeting because of lack of notice or defective notice and the Director also does not vote for or assent to action taken at the meeting. Further, even if a Director attends or participates in a meeting, the Director does not waive any required notice if special notice was required of a particular purpose

and the Director objects to transacting business with respect to the purpose for which such special notice was required and does not thereafter vote for or assent to action taken at the meeting with respect to such purpose.

**ARTICLE XII.**  
**Amendments to Bylaws**

The Board of Directors may amend these bylaws at any time to add, change, or delete a provision.

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## CONFLICT OF INTEREST POLICY FOR THE WILDLIFE REHABILITATION CENTER OF NORTHERN UTAH

The purpose of the following policy and procedures is to prevent the personal interest of staff members, board members, and volunteers from interfering with the performance of their duties to Wildlife Rehabilitation Center of Northern Utah, or attaining personal financial, professional, or political gain on the part of such persons at the expense of Wildlife Rehabilitation Center of Northern Utah or its Members, supporters, and other stakeholders.

*Definitions: Conflict of Interest* (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, officers, and board members of Wildlife Rehabilitation Center of Northern Utah. *Board* means the Board of Directors. *Officer* means an officer of the Board of Directors. *Volunteer* means a person – other than a board member – who does not receive compensation for services and expertise provided to Wildlife Rehabilitation Center of Northern Utah and retains a significant independent decision-making authority to commit resources of the organization. *Staff Member* means a person who receives all or part of her/his income from the payroll of Wildlife Rehabilitation Center of Northern Utah. *Member* means a Member of Wildlife Rehabilitation Center of Northern Utah who has paid annual dues. A Member may be an individual, a person representing their family who has paid their annual dues, a corporation, organization or any other entity that has paid annual dues to the Wildlife Rehabilitation Center of Northern Utah. *Supporter* means corporations, foundations, individuals, 501 (c) 3 nonprofits, and other nonprofit organizations who contribute to Wildlife Rehabilitation Center of Northern Utah.

### POLICY AND PRACTICES

1. Full disclosure, by notice in writing, shall be made by the interested parties to the full Board of Directors in all conflicts of interest, including but not limited to the following:
  - a. A board member is related to another board member or staff member by blood, marriage or domestic partnership.
  - b. A staff member in a supervisory capacity is related to another staff member whom she/he supervises.
  - c. A board member or their organization stands to benefit from an Wildlife Rehabilitation Center of Northern Utah transaction or staff member of such organization receives payment from Wildlife Rehabilitation Center of Northern Utah for any subcontract, goods, or services other than as part of her/his regular job responsibilities or as reimbursement for reasonable expenses incurred as provided in the bylaws and board policy.
  - d. A board member's organization receives grant funding from Wildlife Rehabilitation Center of Northern Utah.
  - e. A board member or staff member is a member of the governing body of a contributor to Wildlife Rehabilitation Center of Northern Utah.
  - f. A volunteer working on behalf of Wildlife Rehabilitation Center of Northern Utah who meets any of the situations or criteria listed above.
2. Following full disclosure of a possible conflict of interest or any condition listed above, the Board of Directors shall determine whether a conflict of interest exists and, if so the Board shall vote to authorize or reject the transaction or take any other action deemed necessary to address the conflict and protect Wildlife Rehabilitation Center of Northern Utah's best interests. Both votes shall be by a majority vote without counting the vote of any interested director, even if the disinterested directors are less than a quorum provided that at least one consenting director is disinterested.



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3. A Board member or Committee member who is formally considering employment with Wildlife Rehabilitation Center of Northern Utah must take a temporary leave of absence until the position is filled. Such a leave will be taken within the Board member's elected term which will not be extended because of the leave. A Board member or Committee member who is formally considering employment with Wildlife Rehabilitation Center of Northern Utah must submit a written request for a temporary leave of absence to the Secretary of the Wildlife Rehabilitation Center of Northern Utah Board, c/o the Wildlife Rehabilitation Center of Northern Utah's office, indicating the time period of the leave. The Secretary of Wildlife Rehabilitation Center of Northern Utah will inform the Chair of the Board of such a request. The Chair will bring the request to the Board for action. The request and any action taken shall be reflected in the official minutes of the Wildlife Rehabilitation Center of Northern Utah.
4. An interested Board member, officer, or staff member shall not participate in any discussion or debate of the Board of Directors, or of any committee or subcommittee thereof in which the subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest. However, they may be present to provide clarifying information in such a discussion or debate unless objected to by any present board or committee member.
5. Anyone in a position to make decisions about spending Wildlife Rehabilitation Center of Northern Utah's resources (i.e., transactions such as purchases contracts) - who also stands to benefit from that decision - has a duty to disclose that conflict as soon as it arises (or becomes apparent); s/he should not participate in any final decisions.
6. A copy of this policy shall be given to all Board members, staff members, volunteers or other key stakeholders upon commencement of such person's relationship with Wildlife Rehabilitation Center of Northern Utah or at the official adoption of stated policy. Each board member, officer, staff member, and volunteer shall sign and date the policy at the beginning of her/his term of service or employment and each year thereafter. Failure to sign does not nullify the policy.
7. This policy and disclosure form must be filed annually by all specified parties.

This form must be filed annually by all specified parties, as identified in Wildlife Rehabilitation Center of Northern Utah's Conflict of Interest Policy Statement.

I understand that this policy is meant to supplement good judgment, and I will respect its spirit as well as its wording.

---

Signature

---

Printed Name

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Date



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**EXHIBIT B**

**BROCHURES, PICTURES, AND MEDIA ARTICLES REGARDING OGDEN NATURE  
CENTER'S PRIOR OPERATIONS**

## Become a Volunteer

Volunteering with the Wild Bird Rehabilitation program is an educational and rewarding experience. If you care to lend a hand, contact Ogden Nature Center's Volunteer Coordinator for more information on how you can get involved. [volunteer@ogdennaturecenter.org](mailto:volunteer@ogdennaturecenter.org) (801) 621-7595 [www.ogdennaturecenter.org](http://www.ogdennaturecenter.org)



Ogden Nature Center's Mission is to unite people with nature and nurture appreciation and stewardship of the environment.

The Wild Bird Rehabilitation staff and volunteers contribute to our mission by raising public awareness of the environment and by acting as stewards for birds in need.



## I've found a baby bird-- now what should I do?

First you need to decide whether the bird is sick, injured or just learning to fly. Almost all birds end up on the ground before they learn to fly. Watch from a distance to see if the parents are still bringing the fledgling food. If so, the bird should be fine without intervention.

If an entire nest falls out of a tree it can be picked up and placed back into the tree. Birds have little or no sense of smell and will not abandon a baby that has been touched by human hands.

If a baby bird is caught by a cat or dog bring it to the Ogden Nature Center for immediate care. Birds that have noticeable injuries like broken wings, injured legs, or bleeding also need immediate treatment. Birds behaving oddly should be brought in for evaluation.

If you have any questions please call or drop in.



Ogden NatureCenter

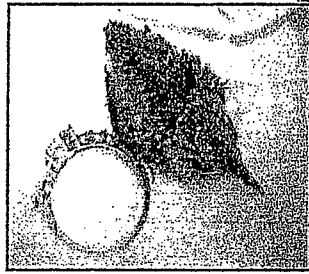
(801) 621-7595  
966 West 12th Street, Ogden, Utah  
or call Wildlife Specialist  
DaLyn Erickson  
at (801) 814-7888  
[www.ogdennaturecenter.org](http://www.ogdennaturecenter.org)  
e-mail: [wildlife@ogdennaturecenter.org](mailto:wildlife@ogdennaturecenter.org)



Wildlife Rehabilitation Center of Northern Utah  
EIN: 26-4301793

## Wild Bird Rehabilitation

Ogden Nature Center's Wild Bird Rehabilitation Program treats approximately 700 birds each year. We rehabilitate native species of wild birds from hummingbird hatchlings to injured eagles.



Our goal is to heal and return birds to their natural habitats and to educate the public about our wild neighbors.



As a nonprofit organization, the Ogden Nature Center relies on private donations and grants to fund the Wild Bird Rehabilitation Program. Donations made to Ogden Nature Center's "Share in the Care" directly support Wild Bird Rehabilitation.

Where do all those birds come from?



We receive hundreds of birds from the general public - ordinary people who notice a bird in distress. Other birds are brought to us by the Division of Wildlife Resources and local animal shelters.



We do as much as we can for every bird we receive. After the healing process we look forward to releasing the bird back into its natural habitat.

## Donate

We are always in need of supplies to care for birds in the Wild Bird Rehabilitation Program. Donations of supplies are always appreciated!

Items we commonly need are:

- Tweezers and scissors
- Latex gloves
- Paper towels
- Fresh frozen fish (ungutted)
- Fresh frozen venison
- Practical cages and plastic terrariums
- Garbage bags
- Ziploc bags
- Kennels
- Gauze pads and cotton balls
- Q-tips
- Syringes (all sizes)
- Nontoxic, biodegradable cleaner
- Heating pads
- Frozen boneless skinless chicken thighs
- Towels
- Purina kitten chow
- Eukanuba chicken and rice kitten food
- Beech nut chicken and broth baby food
- Saline solution
- Sheets, and towels
- Dog food
- Sterile lactated ringers
- Powdered egg whites
- Frozen wild blueberries
- Avian vitamins
- Kaytee bird formula

## Attracting Songbirds

- Provide shelter - birds need a place to rest and feel safe.
- Provide fresh water - bird baths should be clean and refilled daily
- Provide a healthy source of food - be sure your feeder keeps seed dry to prevent toxic mold growth.

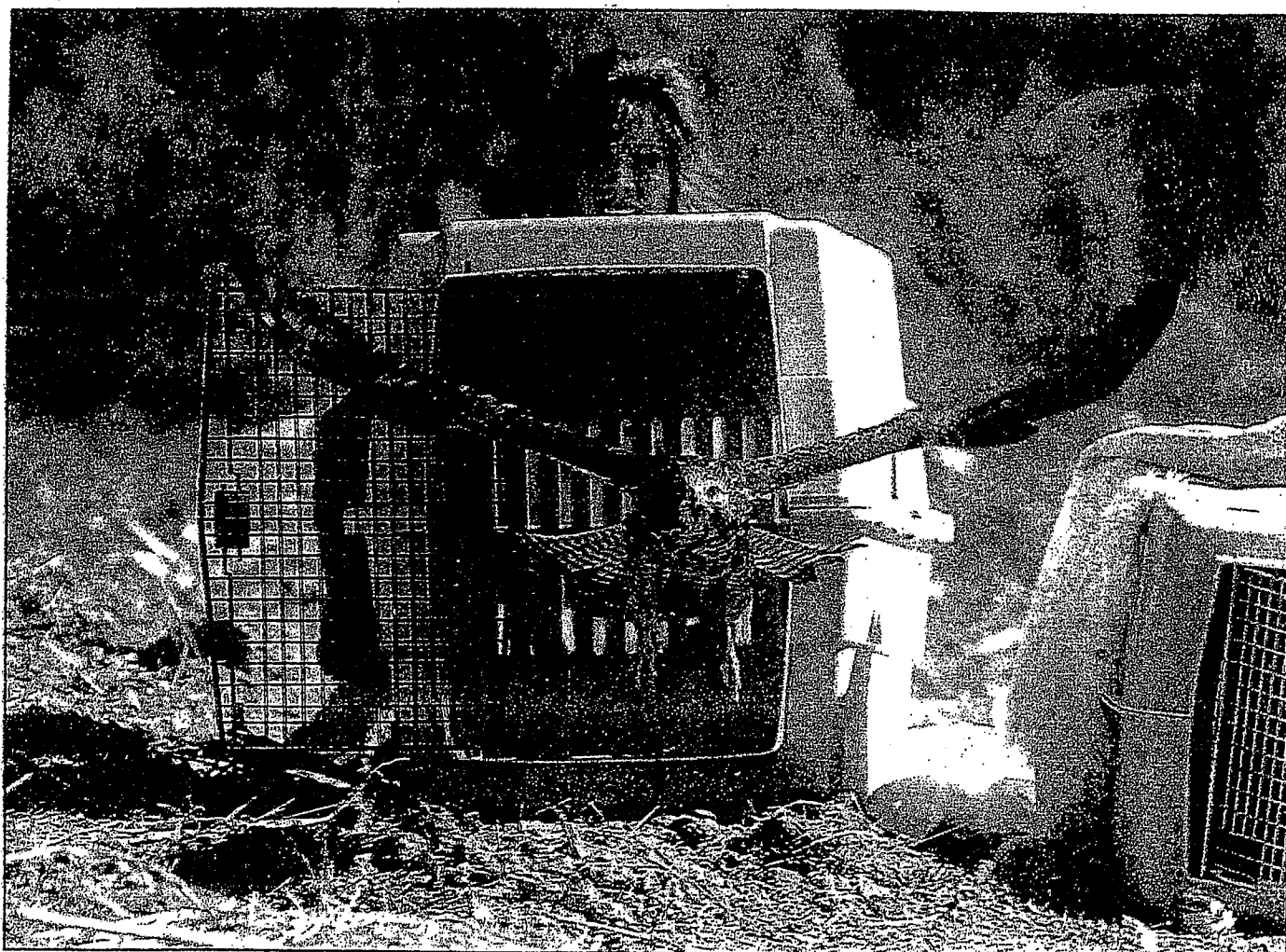
## Accident Prevention

- Many avian accidents are preventable. Here are some ideas for preventing accidents around your home:
- Cap off chimneys and dryer vents so birds and other wildlife aren't tempted to move in.
- Dispose of oil and other toxic substances at the proper facilities.
- Use pesticides responsibly.
- Be a responsible pet owner, keep your pets indoors and away from wildlife.
- Place decals on large windows and glass doors to prevent birds from crashing into them.

# LIFE

Advice/TV  
Weddings, etc  
Travel

Sunday, Oct



ALAN MURRAY/Standard-Examiner

Ogden Nature Center Wildlife Specialist DaLyn Erickson watches as a swainson's hawk is released near a farm in Bear River after weeks of rehabilitation. The opportunity to see a bird successfully reintroduced to the wild is the highlight of the wildlife rehabilitator who spends countless hours working with injured or abandoned birds of prey.

## REHABILITATION IS FOR THE BIRDS

Ogden Nature Center a  
refuge for injured avians

BY BRYCE PETERSEN JR.



Be kind to feathered friend

Here are a few tips to help out bird  
rehabilitators like DaLyn Erickson:

Ogden Nature Center Wildlife Specialist DaLyn Erickson watches as a swainson's hawk is released near a farm in Bear River after weeks of rehabilitation. The opportunity to see a bird successfully reintroduced to the wild is the highlight of the wildlife rehabilitator who spends countless hours working with injured or abandoned birds of prey.

# REHABILITATION IS FOR THE BIRDS

## Ogden Nature Center a refuge for injured avians

BY BRYCE PETERSEN JR.

Standard-Examiner staff  
bpetersen@standard.net

**T**he twittering of songbirds fills the air of DaLyn Erickson's office. Well, it's not her office exactly — she rarely makes it to the desk in a corner of the Ogden Nature Center — and they're not exactly songbirds.

But the noise mixes in nicely with the occasional hoots of Northern saw-whets and shrieks of Sharp-shinned hawks in the center's rehabilitation room.

The room is a bit cramped — Erickson could probably reach from wall to wall if she lay down, if she could lie down between all of the talons and cages and epoxy and mice stuffed into the place.

The songbirds that aren't really songbirds sing a peaceful, realistic melody reminiscent of sunrise next to a high-mountain lake. But in this case, the symphony does not inspire a sigh, a smile or quiet, reclining reflection. Erickson jumps and reaches quickly for her cell phone.

The sweet singing is a bit ironic. It could mean that a bird is tangled in a barbed-wire fence, got hit by a car, flew into a telephone wire, was attacked by a cat.

So far this year, the center has received over 600 birds for rehabilitation. That translates to 6 a.m. to 10 p.m. shifts for Erickson — the center's only rehabilitator — every day, all summer long.



ALAN MURRAY/Standard-Examiner

Erickson holds a struggling grebe as she prepares to repair his beak at the Nature Center in Ogden.

"Still haven't had a Sunday yet," she said in mid-October. "Until I get everybody stabilized well, I don't get days off. There's no such thing."

As of Oct. 16, there were still four barn owls, three swainson's hawks, two American kestrels, a blackbird, a magpie, a hummingbird and a sea gull recuperating at the center.

"But my home is now wild bird-free,"

## Be kind to feathered friends

Here are a few tips to help out bird rehabilitators like DaLyn Erickson:

- **Don't feed the animals.** Worms might work for one species, mice might work for another. Mix it up, and it's a road back to health.

- **Birds never ask humans for help.** People often mistake the squeals of fledgling songbirds for cries of help. They're probably fine.

- **Don't assume a bird is injured because it can't fly.** Birds learn to fly from the ground. Just keep dogs, cats and children away for a few days.

- **Human smell will not induce a mother to abandon the baby.** If a bird picks it up, just put it back. Most birds have almost no sense of smell.

- **Look for nests before you cut down a tree.** It's illegal to cut down a tree containing an occupied nest.

- **Don't clean an occupied nest or a rain gutter.** Just wait. Most birds leave within six weeks after hatching.

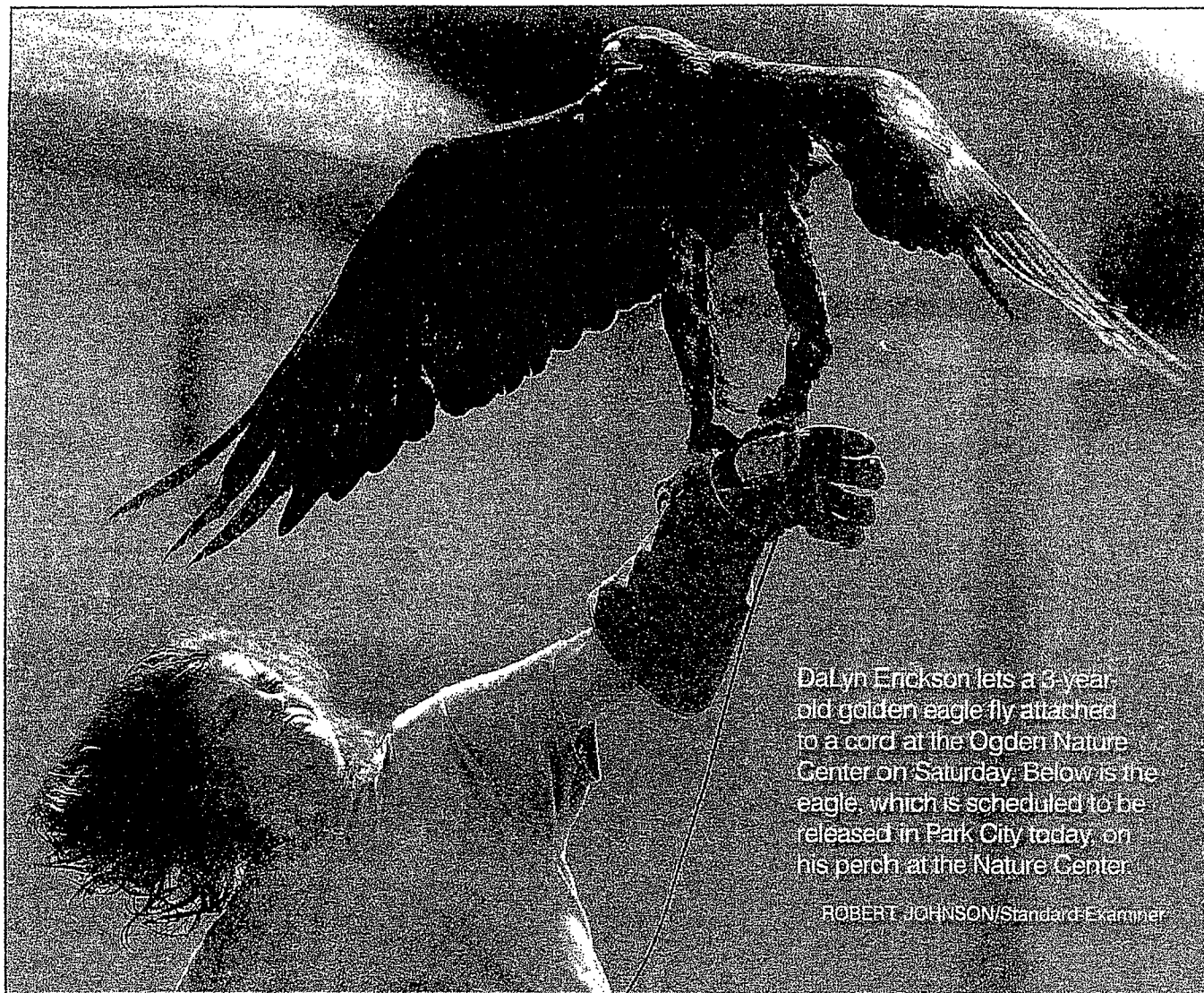
Erickson said.

She takes her work home with her, but she doesn't do it alone. She gets plenty of help from about 25 volunteers, including her three children, who spend six hours a day at the center during the summer.

"This is Marjene. She's one of our volunteers. I call her my Fairy Godmother," Erickson says.

See B1





DaLyn Erickson lets a 3-year-old golden eagle fly attached to a cord at the Ogden Nature Center on Saturday. Below is the eagle, which is scheduled to be released in Park City today, on his perch at the Nature Center.

ROBERT JOHNSON/Standard-Examiner

# UP, UP ALMOST AWAY



After two months of rehabilitation, a 3-year-old eagle

# ALMOST AWAY



After two months of rehabilitation, a 3-year-old eagle will find out today if he's ready to fly free again

BY SHANE FARVER

Standard-Examiner staff  
sfarver@standard.net

**P**ARK CITY — If all goes as planned this morning, a 3-year-old golden eagle will spread his wings to their full 6 1/2-foot span at the Swaner Nature Preserve and fly toward home after being rehabilitated by the Ogden Nature Center.

The male eagle was brought to the nature center in early February after the Division of Wildlife Resources found him near the intersection of Interstate 80 and U.S. Highway 40. He was unable to fly and was in obvious pain.

"He came in so down and he came around so quickly," said DaLyn Erickson, Ogden Nature Center Wildlife Rehabilitation Specialist.

Erickson has worked with the eagle since he was first brought to the center. She said he had a cracked rib and was given antibiotics during the first week as a precaution.

Slowly but surely, the bird was brought back to health by Erickson and other employees. He was given fluid therapy the first week, and eventually began eating on his own.

Soon Erickson was taking the

golden eagle out every morning and allowing him to fly. A line was tied around a bracelet on the eagle's talon, making the bird a sort of feathered kite.

"The kite has a mind of its own," Erickson said.

The line was tied around the eagle's talon to prevent him from getting high up into a tree or flying away.

"First they have to be fully flighted," Erickson said. "They have to hunt for themselves. We won't release it unless it's 100 percent."

The Swaner Nature Preserve, where the eagle will be released, is very near where he was found.

"Especially eagles, big birds of prey, we want to take them back to the area we found them," Erickson said.

She said eagles have established hunting grounds. If an eagle is released in an area other than where it was found, other territorial birds of prey may attack it.

The nature preserve will provide an open area for the eagle to take off. The intersection where he was found was deemed too dangerous for the release.

Erickson said the Ogden Nature Center works hard to make sure birds rehabilitated in the center

maintain their natural fear of humans.

"As humans, we want to coddle it and mother it," Erickson said. "But that's the exact opposite they need from us."

The golden eagle stands less of a chance of being impacted by human interaction because it has been living in the wild for three years.

"If the bird hates me, I've done my job," Erickson said.

However, humans are positively impacted by the rehabilitated birds.

The Ogden Nature Center offers both adult and junior rehabilitation programs in which volunteers help care for the birds.

"They can actually identify (different birds in the wild) and are curious about what they're doing," Erickson said.

Erickson's reason for rehabilitating birds is reducing some of the human-caused harm to wildlife.

"A lot of the injuries we see ... in here are man-made," she said. "It's my way of giving back."

Anyone who discovers an injured bird should call the Division of Wildlife Resources. It is illegal for an unqualified person to attempt to rehabilitate a bird.

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## Minutemen begin border-control operation in

DAVID KELLY  
Los Angeles Times

CO, Ariz. — John Lehmann came to this lonesome desert to find ill-wishers, but on Saturday he couldn't take his eyes off the wildlife.

"It's a marsh hawk out there," he enthused, as he watched the sleek bird sweep the scrub. "We got them in New York."

Lehmann, 46, was manning the last in a string of seven border outposts thrown up early Saturday along a 23-mile stretch of southeast Arizona by members of the Minuteman Project. The roughly 200 participants have vowed to stay the entire month to deter illegal immigration.

Like many volunteers, Lehmann was carrying a gun and flying the flag of his state.

life as sentinels up and down East Border Road chimed in with second-by-second reports of the group's movement. Telescopes and binoculars from the 20 Minute-men were trained on the line of people in the distance.

Chris Simco, one of the organizers of the project, warned that it was an elaborate setup. "We're not going to let the

volunteers and make them somehow look bad.

"If they come over we'll stay out of their way," Lehmann said.

At the point, the potential migrants were intercepted by members of Mexico's Grupo Beta, which is charged with protecting the health and safety of those crossing the border. They turned the people around and sent them back

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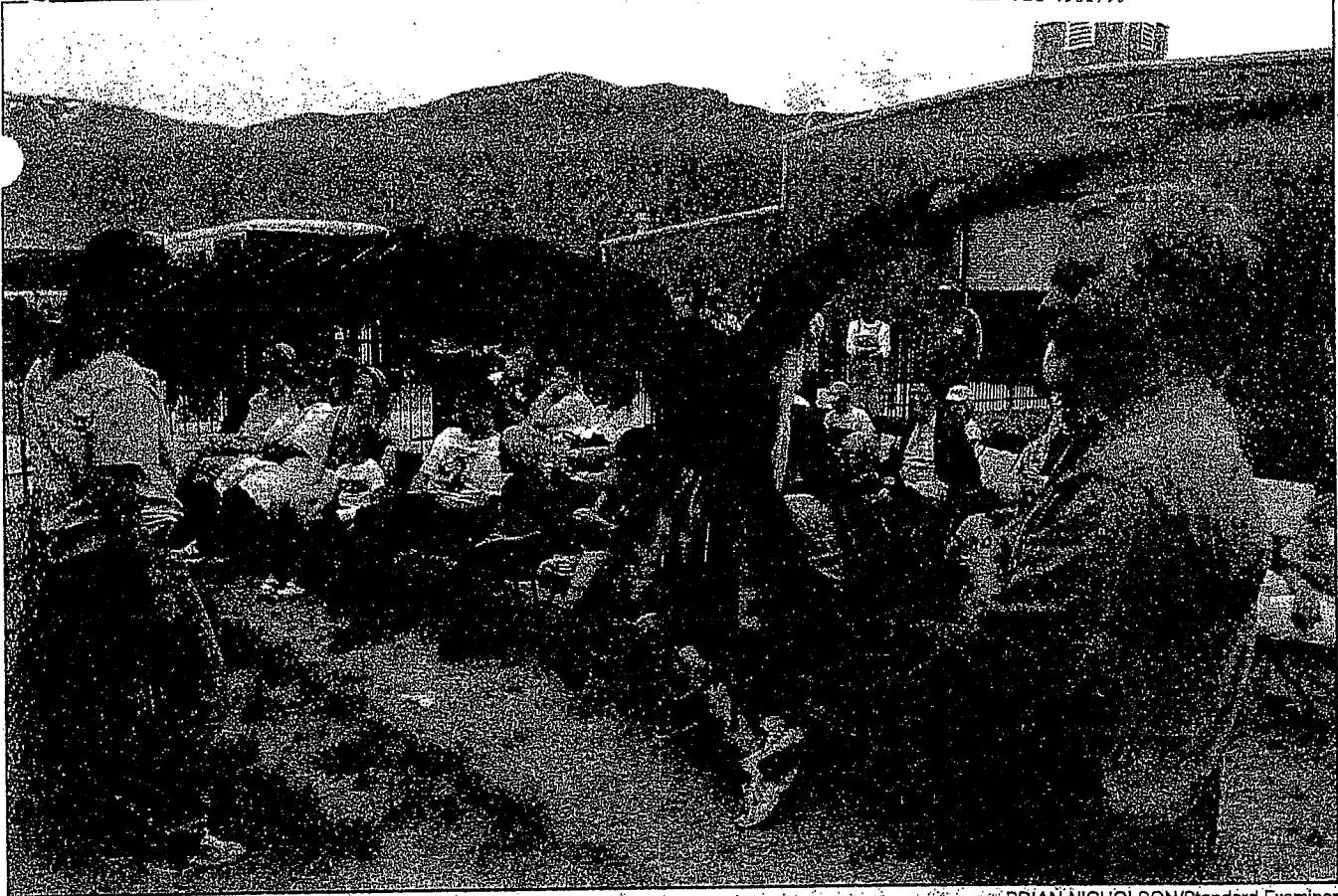
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BRIAN NICHOLSON/Standard-Examiner

An osprey spreads its wings while being held by Paul Grindrod, wildlife specialist at the Ogden Nature Center, during a demonstration at the Great Salt Lake Bird Festival at the Davis County FairPark in Farmington Saturday.

## BIRDLAND | Saturday really was a day for the birds at Davis County FairPark



BRIAN NICHOLSON/Standard-Examiner

A bald eagle sits on his perch at the Great Salt Lake Bird Festival Saturday at Farmington's Davis County FairPark.

BY AMY K. STEWART

Standard-Examiner staff  
astewart@standard.net

**F**ARMINGTON — People flocked from all over to see and learn about their favorite feathered friends Saturday at the Great Salt Lake Bird Festival at the Davis County FairPark in Farmington.

There was everything from workshops on how to attract birds to the backyard, to tours of Antelope Island to spot varieties of fowl.

"You see birds all around, but you don't really know what they are until someone points them out to you," said Teresa Rose, 33, of Ogden.

"It's interesting to learn about the different species," Rose said. She and her mother, LaRae Rose, 60, saw 32 different bird species on the Antelope Island tour.

Young people enjoyed the Festival crafts booths, where they

could make their own birdfeeders, turkey callers and paper airplane birds.

Cindy Velasquez, 47, of Layton, brought her 8-year-old granddaughter Celeste McHone to the event, and helped her build a wooden birdhouse.

"We came out here to find out more about the birds and animals that are here in our state," said Velasquez, as she pounded nails into the roof of the little house.

McHone said she loves animals and wants to be a veterinarian. She has two parakeets: a blue and white one named Heavenly, and a green and yellow one named Bo Jack, named after her grandfather who recently died from cancer.

"Birds are fun. If you don't have brothers and sisters, you can get a pet and it acts like a brother or sister. And they're fun to play with and talk to," McHone said.

"You can't carry the parakeets.

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My grandma, she was carrying mine, and it bit her," she added.

Other children made birdfeeders from two plastic soda pop containers, a coat hanger and a stick. Even easier was a birdfeeder consisting of Cheerios and dried fruit on a string.

"You hang it in a tree and let the birds come peck on it," said Brian Wankier of Kayville. He was volunteering with the Dedicated Hunter Program, under the Utah Division of Wildlife Resources.

"These are cheap and easy to create. It makes a real cute project," said Dedicated Hunter Program volunteer LaMar Stewart of Clearfield.

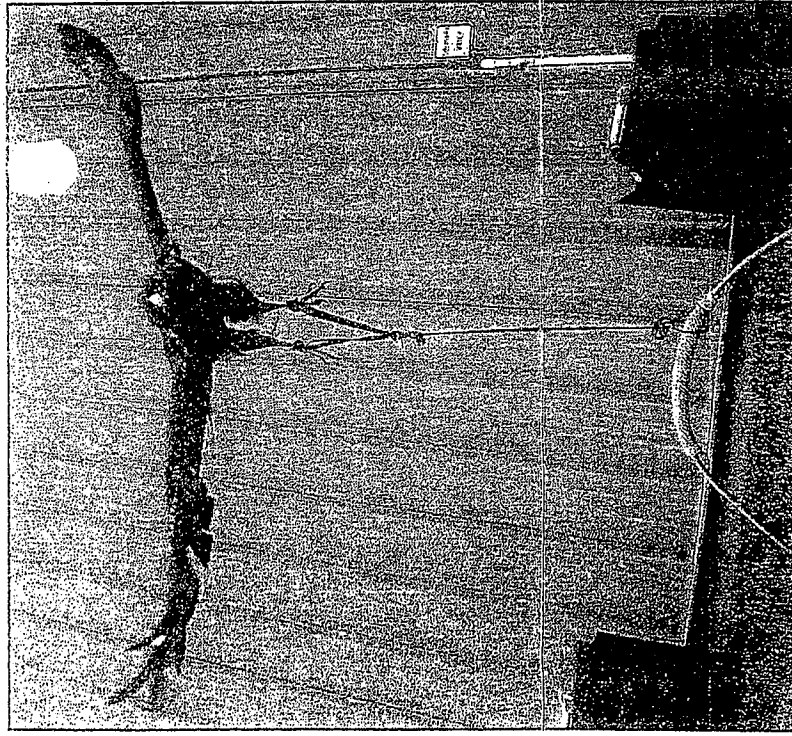
But some children simply ate the Cheerios.

Workshop presenters went into detail about different types of birds. One instructor explained how to attract the fowl to your backyard by providing food, cover and water.

"Don't despair if you live in a new subdivision. If you plant things, the birds will come. It will become very birdy," said Bill Fenimore, owner of the Wild Bird Center in Layton.

Fenimore has recorded 70 different species of birds in his back yard.

"Don't give up if the birds don't show up the first day," he said. "It takes a little



BRIAN NICHOLSON/Standard-Examiner

A red-tailed hawk attempts to take flight from his perch while on display at the Great Salt Lake Bird Festival at the Davis County Fair Park in Farmington Saturday.

while."

Festival-goers were entertained by Tracy Aviary's show-and-tell with hawks and other large birds.

LaRae and Teresa agree the bald eagle is their favorite overall bird.

"Because it has big long wings," LaRae said.

"You don't realize how big they are until you're fairly close to them," Teresa said.

The Festival continues

throughout the week with tours, ending Saturday with the Great Bear River Bird Festival event with workshops and activities, at Pioneer Park, 800 West Forest St., Brigham City. Call (435) 723-5887 for Bear River Festival information.

For general Bird Festival information, call Davis County Tourism at 451-3286, or contact [www.greatsaltlakebirdfest.com](http://www.greatsaltlakebirdfest.com)

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2D Thursday, October 21, 2004

Page 2

# Layton center looks up t

BY RUTH MALAN

Standard-Examiner correspondent

LAYTON — Despite its population growth of the two-legged variety, Utah still is rich in wildlife, especially of the winged variety.

In fact, it's the winged sort that has captured and retained Bill Fenimore's interest for decades. Feeding that interest, and spurring the interest in others, was the reason he opened the Wild Bird Center in Layton.

He celebrated the store's third anniversary Saturday with displays and booths, and yes, birds. Fenimore watched as a bald eagle from Ogden Nature Center calmly sat on its perch just outside the store, its only movement the turning of its head as people came up to look at it. Fenimore's goal was to give the public an opportunity to learn about the area's natural resources and wildlife.

Fenimore opened the store after he retired from his career as a food manufacturer.

"I've been a birder since I was a young child. I get infatuated by birds," he said. His passion started when as a youngster he watched a colorful bird swoop down and pull a minnow from a river where he was fishing.

"I went to a high school teacher and asked him what kind of bird it was," Fenimore explained. The teacher handed him a book on birds so he could identify the bird himself, which he eventually identified as a green heron. The greatest thrill was to learn there are so many types of birds.

"As I was paging through that book it awoke a desire in me to learn more," he said.

Birding became a hobby and he built his store around that hobby. "One of my prima-

ry goals it to show the community what is available to see," he added.

Fenimore recommends people interested in birds begin watching them in their own back yards. He has a list of 71 different types of birds he has seen in his back yard in Farmington. There are 426 bird species currently accepted in Utah. Most serious birders keep a list of the birds they spot. The Wild Bird Center offers free help to anyone wanting to learn more about birding and where to go to find different birds.

Each Saturday morning a free bird walk is held beginning at the Layton store in Market Center, 1860 N. 1000 West. They travel to the wetlands, uplands or mountains.

"There is wonderful habitat here for the beginner or the expert," Fenimore said.

On Nov. 6 the walk will be to the Riverdale Trail, on Nov. 11 to Beus Pond. On Nov. 19 there is a bird photography workshop, and Nov. 20 a walk to the USU Extension Gardens/Kaysville Ponds is planned.

People from Texas and even as far away as Denmark have participated in the bird walks, and the groups have included up to 86 people. Wildlife and a large variety of plants are also discussed during the walks.

"It is a real delight to take people out. My favorite moment is when a child looking through a telescope says 'wow' — I know he has found the answer he is looking for. I know he has seen it. What I hope to accomplish is turning people onto nature. It doesn't cost anything," Fenimore said.

Some bring their children to learn more about the outdoors. Four-year-old Dimitrious Mattas of Fruit Heights is one of the youngsters who already enjoys the outdoors and spot-



Lauren Leiker, 4, and her mother, Julie Leiker of Layton, look at a bald eagle held by DaLyn Erickson of Ogden during the Wild Bird Center's third anniversary.

ting birds. His parents, Cathy and Sakis Mattas, are avid birders themselves and have taken every opportunity to teach him about birds.

As young Dimitrious ate a piece of cake during the anniversary celebration, his mom held up cards with pictures of birds on them for him to iden-

tify. "My eagle became a bird," said Dimitrious. "I have my own binoculars and I have my own birds in my house."

While the celebration was related to birding, it was also a chance for the center to raise awareness of the importance of birding and the outdoors.

## Trainers see horses as individ

# r looks up to the winged ones



WHITNEY CURTIS/Standard-Examiner

Lauren Leiker, 4, and her mother, Julie Leiker of Logan, get a look at Des Ta Te, a bald eagle, at the Wild Bird Center. The eagle, held by DaLyn Erickson of the Ogden Nature Center, was at the center as part of the business' third anniversary.

ting birds. His parents, Cathy and Sakis Mattas, are avid birders themselves and have taken every opportunity to teach him about birds.

As young Dimitrius ate a piece of cake during the anniversary celebration, his mom held up cards with pictures of birds on them for him to iden-

tify. "My favorite bird is the eagle because it's a meat eater," said Dimitrius. He has his own binoculars and often spots birds in his own back yard.

While the WBC sells nature-related products such as birdhouses and bird feeders of all types as well as seed and other birding supplies, it also offers

many free resources to get started in the hobby. There is a guide to attracting birds with water, how to bring hummingbirds into your yard and even a feeding chart.

"One of the things I enjoy doing is a demo for Scouts," said employee Marjean Muhlestein, who also goes into

schools and talks about the birds and wildlife.

A group of 120 Davis School District science teachers has already taken advantage of the free service the center offers.

Keith Evans of the Audubon Society also promotes birding, calling it "a fun social sport." He has designed maps telling where the best birding spots are along with trails and how to get there. The maps, with about 150 sites, are available at the WBC or at [www.wasatchaudubon.org](http://www.wasatchaudubon.org).

"In this area the outdoors is our calling card," said Evans.

Dee Rees of Farmington, a neighbor of Fenimore, is a partner in the business. He also loves the outdoors and has been interested in birds most of his life but in a different way. "I am interested in birds but mostly in photography," he said. "Even growing up in Wyoming I spent hours trying to get close to them."

"It is interesting to see how many people really are interested in birds," Fenimore said. "Our aim is to foster appreciation for the natural world among people of all ages, and particularly to help children to enjoy their neighborhood birds. We believe that as individuals become connected with nature through feeding and watching wild birds, they will gain appreciation and respect for the entire natural world," he said.

Fenimore is a volunteer with the Department of Natural Resources, Division of Wildlife Services at Farmington Bay Migratory Waterfowl Management Area, a board member of the Ogden Nature Center, among many other boards and services.

Call the WBC at 525-8400 for more information or visit [www.wildbirdcenter.com/stores/lay](http://www.wildbirdcenter.com/stores/lay).

## rses as individuals



**EXHIBIT C**

**DOCUMENTATION OF BALD EAGLE PRESENTATIONS**



Ogden  
Nature Center

Wildlife Rehabilitation Center of Northern Utah  
EIN: 26-4301793

1 Ogden Nature Center, Special Possession Eagle Report, MB., 722999-1 2008  
January 25th, 2009

Uniting People and Nature Since 1975

Janell Suazo  
Chief, MBPO, Region 6  
United States Department of the Interior  
Fish and Wildlife Services  
P.O. Box 25486  
Denver Federal Center  
Denver, Colorado 80225

Re: ANNUAL REPORT FOR 2008  
MB722999-1

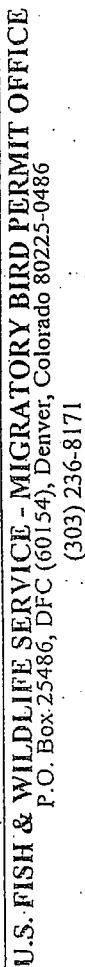
Dear Janell,

In compliance with requirements to maintain Eagle Exhibition permit #MB 722999 the following report is being submitted by the Ogden Nature Center:

The Ogden Nature Center has been educating the public since 1975. During 2008 the Ogden Nature Center was open for public visitation for 300 days. In which time over 30,000 school program participants and general public visited the Nature Center. They were able to learn about habitat, taxonomy, biology and identification among a wide variety of other subjects. The Golden Eagle, Grandmother, Golden Eagle Sundance and the Bald Eagle, Des Ta Te, continue to be active and healthy. We appreciate having Grandmother as a permanent resident and are extremely fond of her. Des Ta Te has made a wonderful addition to our programs as she has been very active in Eagle Courts of Honor and outreach education programs. We are starting to train Sundance on the glove, he will be a valuable asset to education programs. We are grateful to be able to have these birds as permanent residents. In addition to our Golden and Bald Eagles, Ogden Nature Center displays one mounted specimen of a Golden Eagle that we requested as an addition in our 2006 permits.

Sincerely,

Mary McKinley  
Executive Director



RACIAL EXHIBITION - ANNUAL REPORT

PERMIT NUMBER:

REPORT FOR CALENDAR YEAR: 2008

**REPORT DUE DATE:** January 31, 2009

State \_\_\_\_\_ Zip Code \_\_\_\_\_

**PHONE:**

**Email:**

contact information

☐ Check here if reporting a change of name, address, or contact information      **PHONE:** \_\_\_\_\_      **Email:** \_\_\_\_\_

**INSTRUCTIONS:** This form is for reporting activities conducted under an Eagle Exhibition Permit for both Live and Dead eagles. Type or print the information requested below for all activities conducted under your permit during the report year, and return the completed report to the above address by the due date. Use of this form is not mandatory, but the same information must be submitted. A supplemental sheet is available if needed. Filing an annual report is a condition of your permit. Failure to file a timely report could result in suspension of your permit. You must submit a report even if you had no activity during the year. (Ref. 50 CFR parts 13 & 22)

**MAKE SURE YOU SIGN & DATE THE CERTIFICATION STATEMENT BELOW BEFORE YOU SUBMIT YOUR REPORT.**

[illegible]

**CERTIFICATION:** I certify that the information in this report is true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Signature:

Date:

Form 3-202-13

Rév 11/2007

OMB No. 1018-0022 Expires 11/30/2010

## Outreach Program Report 2008-Eagles

Date	Animals	Type of Program	Group	# of Teams	Description
January					
1/13/2008	Bald Eagle	Animals Outreach	Bear River Bird Refuge	10	Bird basics, introduction to raptors, eagle biology, Bald Eagle's life history, nesting
1/17/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	50	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
1/23/2008	Bald Eagle	Animals Outreach	Bird Refuge	15	Bird basics, introduction to raptors, eagle biology, Bald Eagle's life history, habitat
February					
2/1/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	60	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
2/9/2008	Bald Eagle	Eagle Day	Bear River Bird Refuge	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
2/9/2008	Bald Eagle	Eagle Day	Salt Creek	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
2/10/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
2/18/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
March					
3/1/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/2/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/5/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/11/2008	Bald Eagle and Great Horned Owl	Animals Outreach	Riverdale Elementary	98	Bird basics, information on Bald Eagle and Great-Horned Owl, Living and Non-living
3/15/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	40	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/16/2008	Bald Eagle, Red-tailed Hawk, Great Horned Owl	Sportsman's Expo	Public	2,000	Information on Bald Eagles, Red-tailed Hawks, and Great-Horned Owls.
3/26/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	110	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/27/2008	Bald Eagle	Animals Outreach	Roosevelt Elementary	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
3/30/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	120	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
April					
4/9/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	120	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/11/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/12/2008	Bald Eagle, Red-tailed Hawk	Animals Outreach	SLCC, Sunrise Ceremony	50	Information on Bald Eagle and Red-tailed Hawk
4/14/2008	Bald Eagle, Red-tailed Hawk, Peregrine Falcon	Animals Outreach	Lomond View Elem.	120	Introduction to birds and raptors, information on Bald Eagle, Red-tailed Hawk, and Peregrine Falcon
4/16/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/18/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/19/2008	Bald Eagle, Red-tailed Hawk, Peregrine Falcon, Saw-whet Owl, Great Horned Owl, Short-eared Owl	Earth Day	Public	300	Information on Bald Eagle, Red-tailed Hawk, Peregrine Falcon, and Owls (specifically Saw-whet Owl, Great-horned Owl, and Short-eared Owl).
4/21/2008	Bald Eagle	Weber County Water Fair	4th Grade	485	Relationship between water and wetland conservation and the bald eagle.
4/22/2008	Bald Eagle	Weber County Water Fair	4th Grade	485	Relationship between water and wetland conservation and the bald eagle.
4/23/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	100	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/25/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/26/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
4/27/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
May					
5/2/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/3/2008	Saw-Whet Owl, Red-tailed Hawk, Peregrine Falcon, Bald Eagle, Great Horned Owl, Short-eared owl	Fly With the Flock	Public	300	Introduction to raptors, information about Red-tailed Hawk, Peregrine Falcon, Owls -Great-horned, Short-eared, and Saw-whet, and Bald Eagle
5/10/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	60	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/10/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	90	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/17/2008	Bald Eagle, Red-tailed Hawk, Short-eared Owl	Animals Outreach	GSL Bird Festival-Booth and Presentation	800	Introduction to Raptors. Information on Bald Eagle and Short-eared Owl and their relationship to aquatic habitats. Information on Red-tailed Hawk.
5/21/2008	Bald Eagle, Red-tailed Hawk	Animals Outreach	Mt. Ogden Middle School	21	Introduction to Raptors. Information on Bald Eagle and Red-tailed Hawk.
5/24/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	30	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/25/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/28/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	60	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
5/30/2008	Bald Eagle	Animals Outreach	Whittier Elementary	20	What makes a bird a bird? Introduction to eagle biology, Bald Eagle's history.
June					
6/1/2008	Bald Eagle, Red-tailed Hawk, Great Horned Owl	Animals Outreach	Park City Children's Fair	300	Information on Bald Eagle, Red-tailed Hawk, and Great-horned Owl.
6/6/2008	Bald Eagle, Red-tailed Hawk	Animals Outreach	Wild Outdoors Festival	100	Introduction to Raptors, information on Bald Eagle and Red-tailed Hawk
6/7/2008	Bald Eagle, Red-tailed Hawk, Short-eared Owl	Animals Outreach	Wild Outdoors Festival	300	Introduction to Raptors, information on Bald Eagle, Red-tailed Hawk, and Short-eared Owl
6/12/2008	Bald Eagle, Red-tailed Hawk, Great Horned Owl	Sunshine Breakfast	Public	200	Information on Bald Eagle, Red-tailed Hawk, and Great-horned Owl.
6/13/2008	Bald Eagle, Great Horned Owl	Animals Outreach	Boys and Girls Club	80	Introduction to Raptors, information on Bald Eagle and Great-Horned Owl
6/17/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
6/29/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	50	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
July					
7/2/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	80	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
August					
8/8/2008	Short-eared Owl, Red-tailed Hawk, Bald Eagle Saw-whet Owl	Animals Outreach	Public	30	Introduction to Birds, Raptors, Owls
8/16/2008	Bald Eagle, Red-tailed Hawk	Pow Wow	Native American Tribes	300	Closing Ceremony walk
8/23/2008	Bald Eagle, Short-eared Owl	Dinosaur Park	Public	100	Introduction to birds/relationship to dinosaurs
September					
9/13/2008	Red-tailed Hawk, Bald Eagle, Saw-whet Owl, Short-eared Owl, Great Horned Owl	BASH	ONC Donors	300	Meet and Greet donors
9/20/2008	Red-tailed Hawk, Short-eared Owl, Bald Eagle	Birding Festival	Public	20	Introduction to Birds, Raptors, Owls
October					
10/11/2008	Bald Eagle and Short-eared Owl	Public Relations	Wild Bird Center	200	Introduction to Birds, Raptors, Owls
10/16/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism



10/19/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
10/22/2008	Bald Eagle, Short-eared Owl	Animals Outreach	Green Acres Elementary	150	Don't do drugs program; contaminants and pollution in birds
10/24/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
10/28/2008	Red-tailed Hawk, Bald Eagle, Pileated, Short-eared Owl	Cruise Program	Boy Scouts	12	Introduction to birds, raptors, shorebirds
10/29/2008 (November)	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
11/2/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
11/4/2008	Bald Eagle, Red-tailed Hawk, Great Horned Owl, Saw-whet Owl	Animals Outreach	Lakeside Elementary	100	Introduction to birds, raptors, owls. Discussion on conservation
11/6/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
11/7/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
11/16/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
11/24/2008	Bald Eagle, Red-tailed Hawk, Saw-whet Owl, Great Basin Gopher Snake, Desert Tortoise	Animals Outreach	Snowhorse Elementary	130	Introduction to birds, raptors, owls, and reptiles. Compare and contrasting birds and reptiles
December					
12/13/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
12/28/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism
12/30/2008	Bald Eagle	Eagle Court of Honor	Eagle Scout	75	Introduction to eagle biology, Bald Eagle's history, Bald Eagle in American history, symbolism





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Migratory Bird Permit Office, Region 6



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USFWS/PERMITS  
Mail Stop 60154

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Denver, Colorado 80225

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134 Union Blvd.  
Lakewood, Colorado 80228

December 1, 2008

EAEXL-722999, 03/31/2007  
OGDEN NATURE CENTER  
966 WEST 12TH STREET  
OGDEN, UT 84404

### Reference: Your Federal EAGLE EXHIBITION - LIVE PERMIT

Please indicate if you would like to continue the activities of your permit: Yes ☒ No ☐

### IF YES, PLEASE PROVIDE THE FOLLOWING:

1. Name of the principal officer and the person(s) responsible for the daily care of the eagle(s). Provide a detailed description of their qualifications and experience in handling and caring for eagles.
2. Report any changes in the information submitted with your original application including name, address, and phone number, location of business or principal officer. Also include photos, diagrams and dimensions of your current facilities.

### IF NO, PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Reason(s) you do not wish to continue activities.
2. Disposition of the eagle(s) listed on your permit.
3. Documentation authorizing transfer of eagle(s) to federally permitted facility.
4. If the eagle has died, please provide details of when the eagle died, circumstance surrounding the death and when/if it was sent to National Eagle Repository in Colorado.

Complete this letter and the enclosed Eagle Exhibition Annual Report form and return them with your fee (if applicable) and any changes to the address above by January 31, 2009.

If this written request for renewal of your permit is postmarked by March 01, 2009, you may continue activities authorized by your expired permit until the Service has acted on your request for renewal. (See 50 CFR 13.22) You will be required to submit a new application if you allow your current permit to expire.

If you have any questions, please contact this office at the address above, or call (303) 236-8171. Information, regulations and forms may be obtained by visiting our website at [www.fws.gov/permits](http://www.fws.gov/permits).

*I hereby certify that all information submitted in support of my original application remains current and correct except as changed previously or with this form. I understand any false statement may subject me to the criminal penalties of 18 USC 1001.*

Signature

Date

3/1/09



Department of the Interior  
U.S. Fish and Wildlife Service

Replaces: 1-20-2009  
FWS Form 3-200-14

Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service  
Migratory Bird Regional Permit Office

Type of Activity:  
Eagle Exhibition Permit

P.O. Box 25486  
DFC(60130)  
Denver, CO 80225-0486

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C; see instructions for details.  
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

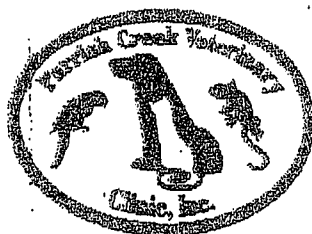
B. Complete if applying on behalf of a business, corporation, public agency or institution			
1.a. Name of business, agency, or institution Ogden Nature Center		1.b. Doing business as (dba) Non-profit organization	
2. Tax identification no. 87-0319227		3. Description of business, agency, or institution Nature Center	
4.a. Principal officer Last name McKinley		4.b. Principal officer First name Mary	4.c. Principal officer Middle name/ initial
4.d. Suffix		6. Primary contact DaLyn Erickson	
7.a. Business telephone number 801-621-7595		7.b. Alternate telephone number 801-814-7888	7.c. Business fax number 801-621-1867
7.d. Business e-mail address wildlife@ogdennaturecenter.org			

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #: no P.O. Boxes) 966 W. 12th Street				
1.b. City Ogden	1.c. State UT	1.d. Zip code/Postal code: 84404	1.e. County/Province Weber	1.f. Country USA
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$75.00. Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee - attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input checked="" type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: EAEXL-722999 No <input type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter 1 of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.  Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) <u>DaLyn Erickson</u> Date of signature (mm/dd/yyyy) <u>2/1/09</u>	

Please continue to next page

Wildlife Rehabilitation Center of Northern Utah  
EIN: 26-4301793



Ogden Nature Center  
966 W. 12th Street  
Ogden, UT 84404

To Whom It May Concern,

Dr. Douglas Folland and the staff at Parrish Creek Veterinary Clinic have a working relationship with Ogden Nature Center and its staff and volunteers. We provide medical care to the animals under the stewardship of Ogden Nature Center.

Sincerely,

*Doug Folland, DVM*

Doug Folland, DVM

**EXHIBIT D**

**DIRECTOR BIOGRAPHIES**

## WILDLIFE REHABILITATION CENTER OF NORTHERN UTAH (WRC)

### BOARD OF DIRECTORS

#### BIOGRAPHIES

**MISSION STATEMENT:** Through wildlife rehabilitation and education we will empower the community to engage in conservation and responsible stewardship of wildlife and habitat.

#### Board Chair and President

**Ray "Buz" Marthaler** started out as a resident of Washington State and graduated in 1976 from Lynnwood Senior High. Buz joined the Air Force in November of 1976 and in a career spanning almost 28 years he rose swiftly to the top of the enlisted ranks retiring as a decorated Chief Master Sergeant. While in the Air Force, he successfully managed and directed groups as small as 15 people to large organizations of 300-500 people. With a degree and career in avionic systems technology Buz gained a vast working knowledge of avionic navigation computer systems, airborne radar, inertial navigation, infra-red and low-light camera systems as well as general airframe. Not comfortable with the status quo and with interests in teaching, Buz left his comfort zone to pursue a special duty assignment as an Air Force technical instructor. Here he again moved quickly to the top of this field as an educator and skilled communicator and was awarded special certification as a "Master Technical Instructor." He moved to Utah in 2001 and immediately upon retirement from the Air Force in 2004, became a Utah resident. In 2006, Buz continued his service to others, this time to his local community of Ogden, Utah. As a volunteer at the Ogden Nature Center Wild Bird Rehabilitation Center, Buz has given over 7,000 hours of his time working with migratory bird rehabilitation and education. He is currently qualified and licensed by state and federal authorities to rehabilitate Utah's native bird species including eagles. As a master bird handler, Buz combines his handling and husbandry skills with his love for teaching and public speaking to teach a core curriculum of conservation, biology, natural history, and science to local school children as well as adult audiences. Buz is a founding member of the Wildlife Rehabilitation Center of Northern Utah and is currently serving on the Board of Directors as its first Chairman.

#### Vice President

**Michelle Groncki** was born and raised in Northern Utah. She excelled in academics and graduated with an Honors-at-Entrance Scholarship to two different universities. She graduated *magna cum laude* with a Bachelor of Science degree in Psychology. Her degree program included a special emphasis in the study of Neuropsychology. Michelle's undergraduate research was presented at Purdue University and at the Undergraduate Research Symposium in Waikiki, Hawaii. Michelle's work experience includes positions in supervision and in human resources administration. As a Human Resources Administrator, Michelle wrote and ran reports off the company database of over 60,000 employees. She was responsible for the company's corporate wide employee turnover analysis reporting and was back up for the Compensation Specialist. She ran a successful United Way campaign and was involved in the start-up of two new centers. She also created and then managed all the changes to all the company's employee forms corporate wide. Michelle also spent time recruiting, screening and then hiring staff level employees. Currently, Michelle is a founding director of A New Beginning Animal Rescue, Inc., a rescue organization for domestic animals. She is also a founding member and sits on the board of Wildlife Rehabilitation Center of Northern Utah, Inc. She has over 10,000 volunteer hours working in domestic

animal rescue, in rehabilitating wild birds, and in captive raptor handling. She is currently sub-permitted to rehabilitate wild birds.

#### **Vice President**

**April Olson** grew up in Centerville and now lives in Salt Lake City. April attended the University of Utah, majoring in Art and Middle Eastern Studies. She's worked as an assistant manager and manager for 10 years in retail sales. April is currently employed by the Salt Lake School District and teaches communication, self help, and physical therapy to disabled children in a self-contained K-6 classroom. Her volunteer experience includes two years with an adult literacy group, 10 years with Girl Scouts of Utah serving as a troop leader, service unit assistant and delegate, and finally five years (over 1,400 hours) with Ogden Nature Center Wild Bird Rehabilitation Center. She is a founding member of the Wildlife Rehabilitation Center of Northern Utah and is currently serving on the Board of Directors.

#### **Treasurer**

**Jason Maughan** was Born and raised in rural Soda Springs, Idaho. Jason learned to appreciate wildlife early in life and has always looked for ways to share his passion for birds. As a volunteer for almost six years at the Tracy Aviary in Salt Lake City, Utah, Jason mastered proper bird handling technique and skills. It is here where Jason realized how fun it is to share his passion for birds of prey with others, giving them a chance to see these magnificent creatures up close and learn more about their adaptations and way of life. In 2007, Jason began volunteering at the ONC rehabilitation facility where he has continued learning about bird husbandry and serving as a docent. In 1994, Jason graduated from Utah State University with a Bachelor of Arts degree in Business Information Systems and a minor in Spanish. While working on his Bachelor's degree, Jason began his career by participating in three separate Cooperative Education Internships while keeping a part-time job at the Utah State Bookstore. Upon graduation, Jason joined Safeco Insurance Company, where he designed several Cobol-based reporting systems. Jason joined AutoSimulations, Inc. in 1996 before being acquired by Brooks Automation in 2001 and Applied Materials in 2007. He has worked in the semiconductor industry as a Program Manager, Project Manager, and a Technical Account Manager for more than fifteen accounts, including Fujitsu, Intel, Micron, and Sony. His specialty is dispatching, reporting, scheduling, and automation software for the semiconductor, flat panel, and solar industries. He is currently the Global Technical Lead for Fab Performance Products where he manages staffing, training, and preparation for successful projects in Europe, North America, and Asia. Jason is a founding member of the Wildlife Rehabilitation Center (WRC) of Northern Utah and is currently serving on the Board of Directors as Treasurer.

#### **Secretary**

**Amber Hansen** is a Utah native. She studied art extensively throughout junior and high school resulting in the Statewide Sterling Scholar award in Visual Arts. After high school, she attended Weber State University earning an associates degree working towards a Bachelors of Science in Fine Arts, which she has put on hold to raise a family. She has been volunteering at the Ogden Nature Center for five years (well over 3000 hours of service) assisting with wildlife rehabilitation, resident bird handling, and educational programs. Along with volunteering with the Ogden Nature Center, Amber is also an active volunteer for several other local organizations and tries to make time for indulging in her passion for creating fine art. Amber is a founding member of the Wildlife Rehabilitation Center of Northern Utah and is currently serving on the Board of Directors as its first secretary.

### **Executive Director/Certified Wildlife Rehabilitation Specialist**

**DaLyn Erickson** was born in San Diego, California. DaLyn has been a resident of Utah since 1971. She used her degree in computer sciences to develop the sales tracking database for a major building supply company. DaLyn has held management and supervisory positions with duties that include customer service, quality control, scheduling, delegating tasks to qualified individuals, and team building. DaLyn has extensive knowledge and experience in avian care and rehabilitation. She has worked with domestic parrots for over 20 years. Her experience with them include: breeding, husbandry, disease control, diets, natural histories, training techniques, behavior modification training, therapy, and enrichment. In 2002, DaLyn accepted a position at the Ogden Nature Center as the wildlife specialist. DaLyn is the primary caretaker, trainer, and handler of the resident education animals as well as the wild bird rehabilitation specialist with well over 28,000 hours caring for and handling most native migratory bird species including eagles. In 2008, the wild bird rehabilitation program took in almost 1,600 native birds successfully releasing the majority back into the wilds of Utah. She has taken classes and attended conferences to further her education in regards to handling, training, equipment, and the care and management of migratory birds. Due to her experience in wildlife rehabilitation she has an extensive knowledge of anatomy, dietary needs, medication, sutures, bandaging and splinting, x-ray interpretation, diagnostics, fluid therapy, and neonatal care. She has successfully treated a wide variety of avian injuries including broken bones, head trauma, poisonings, domestic animal attacks, lacerations, electrocutions, frost bite, oiled birds, parasites, as well as a wide variety of diseases and other injuries. DaLyn fulfills all state and federal regulatory requirements for management of all migratory bird species. DaLyn is a founder of the Wildlife Rehabilitation Center of Northern Utah and is the organization's first Executive Director.

### **Board Members**

**Stacie Peck** was born and raised in Northern Utah. Stacie has been employed with the Internal Revenue Service for the past 20 years and is currently working as a telecommunication technician working with IT tech computer support. She has volunteered at the Ogden Nature Center Wild Bird Rehabilitation Center for the past seven years with well over 4,000 documented volunteer hours working with migratory bird rehabilitation and education. Stacie is currently qualified and licensed by state and federal authorities to rehabilitate Utah's native bird species including eagles and has attended International Wildlife Rehabilitation Center conferences to further her education in handling, training, husbandry, and the care and management of migratory birds. Stacie is a founding member of the Wildlife Rehabilitation Center of Northern Utah and is serving on the Board of Directors.

**Teresa Anderson** is a native of Utah. She has a Bachelor's Degree in Elementary Education from Brigham Young University and a Master's of Education from Lesley University. Currently, Teresa is a 3rd grade teacher at Buffalo Point Elementary in Syracuse, Utah. She spent two years at the Ogden Nature Center as an environmental educator. During that time she helped develop environmental programs for children, teens, and adults. She spent part of that time helping with the care of the wild animals at the center and going to schools and other events as part of their outreach programs. Her greatest passion is being in the outdoors and bringing joy to others by helping them to connect to the earth and life on it. She is a certified environmental educator in Utah and a member of the Utah Society for Environmental Education and the North American Association for Environmental Education. Teresa is a founding member of the Wildlife Rehabilitation Center of Northern Utah and is currently serving on the Board of Directors. She currently resides in Layton, Utah. She has 6 sons, 2 daughter-in-laws, and 4 grandsons.

**Jerica Bereece** was born in Ogden, Utah. As a child her family owned a Martial Arts Studio where she became a black-belt while still in elementary school. Jerica has spent more than ten years working as an extra in various movies and television shows. During this period, she was home-schooled and through her home-schooling program became involved with the Ogden Nature Center Wild Bird Rehabilitation Center. Jerica attended Eagle Gate College where she received training in Flash Animation, Web-Design, Photoshop, Illustrator, InDesign, Final Cut, and other software. She graduated with perfect attendance, a GPA of 3.92, and an associate of science degree with a major in Graphic Design. Jerica is currently working for a web-design company in Bountiful, Utah. Jerica has volunteered at the Wild Bird Rehabilitation Center for more than six years and has well over 2,000 hours of rehabilitation experience. She has learned how to provide rehabilitative care to migratory birds as well as specialized handling techniques used for presenting raptors at community education programs. At only twenty years of age, Jerica is one of the youngest founding members of the Wildlife Rehabilitation Center of Northern Utah, currently serving on the Board of Directors.

**Larry Campbell** was born in Henderson Nevada and spent the first twelve years of his life in Southern California. At 12 years of age Larry moved to Ogden, Utah where shortly after graduating from high school he was drafted into the United States Army. After his term in the Army, Larry was hired on at Hill Air Force Base as a sheet metal repair trainee. There he advanced to the position of structural repair wage leader. Larry retired from Hill AFB in January of 2009 after 30 years of service. From 1985 to 1992 Larry was a member of the Wasatch Rottweiler Association ("WRA"). During this time he championed two of his dogs and obtained two obedience titles with his beloved "Duffy." Larry served as Vice President and President of the WRA. As a student of Hapkido and after ten years of dedicated study, Larry earned a second-degree black belt. He has been a volunteer at the Ogden Nature Center bird rehabilitation facility for more than a year and has given over 1,100 hours of his time to caring for sick and injured wild birds. Larry is a founding member of the Wildlife Rehabilitation Center of Northern Utah and serves on its Board of Directors.



**EXHIBIT E**

**APPLICANT'S MISSION STATEMENT**

**Wildlife Rehabilitation Center**  
**Mission Statement**

*Through wildlife rehabilitation  
and education, we will empower the  
community to engage in conservation  
and responsible stewardship of wildlife  
and habitat.*

Form 1023 – Attached Statement  
Wildlife Rehabilitation Center of Northern Utah

**EIN: 26-4301793**

**EXHIBIT F**  
**INVENTORIES**

ITEM	DESCRIPTION	UNIT OF ISSUE	ORIGINAL OWNERSHIP		OTHER		TOTAL QUANTITY	VALUE EACH	TOTAL VALUE (ESTIMATED IN US \$)
			WRC	ONC					
Desk	2-Drawer	EA	1	1	1	0	2	\$30.00	\$60.00
Computer	IBM Thinkpad	EA	0	0	1	0	1	\$250.00	\$250.00
Inkjet Printer	HP Deskjet 5550	EA	0	0	1	0	1	\$75.00	\$75.00
Computer	Compaq Presario	EA	1	0	0	0	1	\$125.00	\$125.00
Computer Monitor	Compaq mv920	EA	1	0	0	0	1	\$25.00	\$25.00
File Cabinet	2-Drawer	EA	0	0	2	0	2	\$10.00	\$20.00
File Cabinet	4-Drawer	EA	0	0	2	0	2	\$20.00	\$40.00
Professional Reference Books	Assorted Wildlife	EA	41	0	0	0	41	\$20.00	\$820.00
Window Fan	Dual Fan (New)	EA	1	0	0	0	1	\$27.00	\$27.00
Window Fan	Dual Fan (Old)	EA	1	0	0	0	1	\$2.00	\$2.00
Fan	Floor	EA	1	1	1	0	2	\$2.00	\$4.00
Kennels	King Size	EA	4	0	0	0	4	\$30.00	\$120.00
Kennels	Large Size	EA	15	9	0	0	24	\$20.00	\$480.00
Kennels	Medium Size	EA	15	15	0	0	30	\$10.00	\$300.00
Kennels	Small Size	EA	8	15	0	0	23	\$5.00	\$115.00
Terrariums	Assorted Styles	EA	10	41	0	0	51	\$2.00	\$102.00
Terrariums	Extra Large Size, Mouse Brooders, Donated	EA	6	0	0	0	6	\$1.00	\$6.00
Tables	5' x 2.5'	EA	5	5	0	0	5	\$10.00	\$50.00
Parrot Cage	Large Size	EA	1	0	0	0	1	\$350.00	\$350.00
Parrot Cage	Extra Large Size	EA	1	0	0	0	1	\$550.00	\$550.00
Printer/Fax/Scanner/Copier	HP Officejet	EA	1	0	0	0	1	\$150.00	\$150.00
Television	RCA 25"	EA	1	0	0	0	1	\$50.00	\$50.00
Songbird Cages, Wire	Small Size	EA	2	10	0	0	12	\$2.00	\$24.00
Songbird Cages, Wire	Medium Size	EA	9	5	0	0	14	\$5.00	\$70.00
Songbird Cages, Wire	Large Size	EA	7	16	0	0	23	\$8.00	\$184.00
Animal Cages, Wire	Large Size	EA	6	1	0	0	7	\$40.00	\$280.00
Freezer, Upright	Sears Coldspot 17 (56" x 19" x 26")	EA	0	1	1	0	1	\$100.00	\$100.00
Freezer, Upright	Sears Coldspot 15 (50" x 19" x 26")	EA	0	0	1	0	1	\$100.00	\$100.00
Trap, Live	Small (8" x 8" x 24")	EA	1	0	0	0	1	\$15.00	\$15.00
Steel Ladder/Stool	2'	EA	2	0	0	0	2	\$20.00	\$40.00
Aquarium	10 gallon	EA	1	0	0	0	1	\$10.00	\$10.00
Storage Totes	Extra Large Size	EA	4	0	0	0	4	\$5.00	\$20.00
Storage Totes	Large Size	EA	15	6	0	0	21	\$4.00	\$84.00
Storage Totes	Medium Size	EA	10	5	0	0	15	\$3.00	\$45.00
Storage Totes	Small Size	EA	40	5	0	0	45	\$1.00	\$45.00
Freezer, Chest	Frigidaire Ultra Freeze (55" x 24" x 29")	EA	0	1	1	0	1	\$200.00	\$200.00
Food Processor	Cuisinart	EA	1	0	0	0	1	\$20.00	\$20.00
Kitchen Cullery, Assorted	Food Preparation	EA	200	0	0	0	200	\$0.10	\$20.00
Linen Bushels	Assorted sheets, towels, rags (used)	BAGS	4	5	0	0	9	\$12.00	\$108.00
Kitchen Cullery & Assorted Items	Food Preparation	EA	12	13	0	0	25	\$0.60	\$15.00
Coffee Grinder	Electric	EA	2	0	0	0	2	\$10.00	\$20.00
Storage Cabinet/Organizer	White, Wooden (72" x 30" x 20")	EA	1	0	0	0	1	\$79.00	\$79.00
Heating Pads	N/A	EA	7	5	0	0	12	\$4.00	\$48.00
Lamp	Desk, Inspection	EA	1	0	0	0	1	\$10.00	\$10.00
Scales, Electronic	Battery operated	EA	0	3	0	0	3	\$20.00	\$60.00
Scale, Floor	N/A	EA	1	0	0	0	1	\$5.00	\$5.00
Incubator, Avian	Styrofoam (16" x 16" x 8")	EA	1	0	0	0	1	\$40.00	\$40.00
Refrigerator/Freezer, Upright	Kenmore Coldspot, Fridge (24" x 26" x 37"), Freezer (24" x 26" x 17")	EA	1	0	0	0	1	\$100.00	\$100.00
Coffee Pot	Electric	EA	1	0	0	0	1	\$10.00	\$10.00
Stethoscopes	N/A	EA	3	0	0	0	3	\$35.00	\$105.00
Scopes, Diagnostic/Micro	Assorted Sizes	EA	2	0	0	0	2	\$125.00	\$250.00
Brooder, Avian	Small Size	EA	0	1	0	0	1	\$150.00	\$150.00
Brooder/Incubator	Medium Size	EA	0	1	0	0	1	\$350.00	\$350.00
Cropping Kit	Beak and Talon	EA	1	0	0	0	1	\$35.00	\$35.00
Dremel Kit	N/A	EA	1	0	0	0	1	\$50.00	\$50.00
Wheel Cart	Stainless Steel, 3-Shelf	EA	1	0	0	0	1	\$150.00	\$150.00

**TOTAL:**

**EXHIBIT G**

**ASSETS TRANSFERRED FROM PREDECESSOR ORGANIZATION**

ITEM	DESCRIPTION	UNIT OF ISSUE	QUANTITY	VALUE EACH	TOTAL VALUE (ESTIMATED IN U.S.)
Desk	2-Drawer	EA	1	\$30.00	\$30.00
Computer	IBM Thinkpad	EA	1	\$250.00	\$250.00
Inkjet Printer	HP Deskjet 5550	EA	1	\$75.00	\$75.00
File Cabinet	2-Drawer	EA	2	\$10.00	\$20.00
File Cabinet	4-Drawer	EA	2	\$20.00	\$40.00
Fan	Floor	EA	1	\$2.00	\$2.00
Kennels	Large Size	EA	9	\$20.00	\$180.00
Kennels	Medium Size	EA	15	\$19.00	\$285.00
Kennels	Small Size	EA	15	\$5.00	\$75.00
Terrariums	Assorted Styles	EA	41	\$2.00	\$82.00
Songbird Cages, Wire	Small Size	EA	10	\$2.00	\$20.00
Songbird Cages, Wire	Medium Size	EA	5	\$5.00	\$25.00
Songbird Cages, Wire	Large Size	EA	16	\$8.00	\$128.00
Animal Cages, Wire	Large Size	EA	1	\$40.00	\$40.00
Freezer, Upright	Sears Coldspot 17 (56" x 19" x 26")	EA	1	\$100.00	\$100.00
Freezer, Upright	Sears Coldspot 15 (50" x 19" x 26")	EA	1	\$100.00	\$100.00
Storage Totes	Large Size	EA	6	\$4.00	\$24.00
Storage Totes	Medium Size	EA	5	\$3.00	\$15.00
Storage Totes	Small Size	EA	5	\$1.00	\$5.00
Freezer, Chest	Frigidaire Ultra Freeze (55" x 24" x 29")	EA	1	\$200.00	\$200.00
Linen Bushels	Assorted sheets, towels, rags (used)	BAGS	5	\$12.00	\$60.00
Kitchen Cutlery & Assorted items	Food Preparation	EA	13	\$0.10	\$1.30
Heating Pads	N/A	EA	5	\$4.00	\$20.00
Scales, Electronic	Battery operated	EA	3	\$20.00	\$60.00
Brooder, Avian	Small Size	EA	1	\$150.00	\$150.00
Brooder/Incubator	Medium Size	EA	1	\$350.00	\$350.00
Baskets, Laundry	Plastic	EA	1	\$4.00	\$4.00
Microwave, Turntable	GE (Small size)	EA	1	\$40.00	\$40.00
Board, Dry Erase	3' x 4'	EA	1	\$5.00	\$5.00
Aluminum Cylinder, CO2	50 lb	EA	1	\$150.00	\$150.00
Shelves, Storage	5-Shelf	EA	1	\$40.00	\$40.00
Heat Lamp Fixtures	Assorted sizes	EA	4	\$3.00	\$12.00
X-Ray Viewing Screen	N/A	EA	1	\$200.00	\$200.00
Perches, Raptor	Large Size	EA	20	\$10.00	\$200.00
Perches, Raptor	Medium Size	EA	20	\$2.00	\$40.00
Perches, Songbird/Small Bird	Small Size	EA	10	\$1.00	\$10.00
Cart, Wheeled Bread	12-shelf	EA	1	\$15.00	\$15.00
Gloves	Latex, Donated	BOX	4	\$1.00	\$4.00
Applicators	Cotton-Tipped	BOX	1	\$8.00	\$8.00
Balm	Udder	CAN	1	\$3.00	\$3.00
IV Sponges	N/A	BOX	1	\$15.00	\$15.00
Pipets, Syringes, Tubing	Assorted Sizes, Donated	EA	200	\$0.50	\$100.00
Vet Wrap	N/A	ROLLS	2	\$8.00	\$16.00
Blades	Scalpel	BOX	1	\$12.00	\$12.00

TOTAL: \$3,211.30