

Gadsden Independent School District
P.O. Drawer 70
Anthony, New Mexico 88021

January 12, 2004

School Board Agenda Items

Title of Agenda Item: Close-out of Activity Funds to New Mexico Fiesta Educativa, Inc.

Consent Agenda: _____ Action: X Discussion: _____

Board Meeting Date: January 12, 2004

Submitted By: Originator – Carmen Arrieta Department – Finance Date – 1/12/04

To Be Present By: Carmen Arrieta, Associate Superintendent for Finance

Approved By: Carmen Arrieta, Associate Superintendent for Finance Date – 1/12/04
(Signature on File)

Background and Summary:

There are three activity accounts as follows that have been accounted by the Gadsden Independent School District for New Mexico Fiesta Educativa, Inc. (Fiesta):

9040	\$9,694.01
9042	588.07
9198	408.37

These accounts were maintained by the District in the past since Fiesta did not the ability to run these accounts through its system. In effect, the District was acting as the agent for Fiesta similar to the many activity accounts that are currently being maintained by the district. The District has determined that Fiesta is capable of handling these funds within its entity. As such the District is recommending that these funds be turned over to Fiesta for handling. All funds within the accounts have been raised through fundraisers and donations received through designated Fiesta Educativa staff.

Recommendation:

Approval to close out accounts and transfer funds to New Mexico Fiesta Educativa, Inc.

Assigned to Board Agenda for Meeting of (Date): _____



Ms. Carmen Arrieta
Associate Superintendent for Finance
Gadsden Independent School District
1325 W. Washington St.
P.O. Drawer 70
Anthony, NM 88021

Dear Ms. Arrieta,

On behalf of NM Fiesta Educativa, we are requesting that the organization's funds be deposited into a separate account. We understand that these funds are approximately \$ 9,200.00.

For the past 13 years NM Fiesta Educativa has benefited from the tremendous support of GISD's Special Education and Finance Departments. Up to this date, all of the financial duties have been overseen through the District's accounting system. Expenditures have been accounted for and we understand that there are approximately \$9,200.00 in our "account." Over the years NM Fiesta Educativa has held many events which we have made money (i.e., conferences and workshops) and have received donations from local and private organizations. We look forward to continuing these efforts and would like to transfer the monies to an account at the Wells Fargo Bank.

The transferring of funds to the Organization's checking account would allow us to pay for costs and provide payment to in service personnel in a timelier manner. If you have any other, questions please do not hesitate to call Daniel Saenz, President or Ms. Delia Singh, Vice President.

Thank you for your timely response to this matter,

Sincerely,

Daniel Saenz
President, Fiesta Educativa

GADSDEN INDEPENDENT SCHOOL DISTRICT

Report Date: 12/2/2003 2:02:34

PRINCIPAL ACCOUNTS REPORT

Range: 12/1/2003 to 12/31/2003

Account Number	Description	Final Budget	Adjustments	Adj. Budget	Range To Date	YTD	Balance	Encumbrance	Budget Bal
70000-08-0000-01-9040-600	NON-BUDGET EXPENSE	.00	.00	.00	.00	(9,750.81)	9,750.81	.00	9,750.81
70000-08-2111-05-9040-600	ERA	.00	.00	.00	.00	25.96	(25.96)	.00	(25.96)
70000-08-2112-05-9040-600	ERA-RETIREE HEALTH	.00	.00	.00	.00	3.90	(3.90)	.00	(3.90)
70000-08-2211-05-9040-600	FICA TAXES	.00	.00	.00	.00	18.60	(18.60)	.00	(18.60)
70000-08-2212-05-9040-600	MEDICARE	.00	.00	.00	.00	4.34	(4.34)	.00	(4.34)
70000-08-2412-05-9040-600	WORKER'S COMP EMPLOYER'S	.00	.00	.00	.00	4.00	(4.00)	.00	(4.00)
<i>Totals for FUND:70000</i>		<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>(\$9,694.01)</i>	<i>\$9,694.01</i>	<i>\$0.00</i>	<i>\$9,694.01</i>
Grand Total:		.00	.00	.00	.00	(9,694.01)	9,694.01	.00	9,694.01

Fiesta Educativa

Report Date: 12/2/2003 2:03:10

PRINCIPAL ACCOUNTS REPORT

Range: 12/1/2003 to 12/31/2003

Account Number	Description	Final Budget	Adjustments	Adj. Budget	Range To Date	YTD	Balance	Encumbrance	Budget Bal
70000-08-0000-01-9042-600	NON-BUDGET EXPENSE	.00	.00	.00	.00	(588.07)	588.07	.00	588.07
	<i>Totals for FUND:70000</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>(\$588.07)</i>	<i>\$588.07</i>	<i>\$0.00</i>	<i>\$588.07</i>
	Grand Total:	.00	.00	.00	.00	(588.07)	588.07	.00	588.07

Viva Zapatos

GADSDEN INDEPENDENT SCHOOL DISTRICT

Report Date: 12/2/2003 2:03:39

PRINCIPAL ACCOUNTS REPORT

Range: 12/1/2003 to 12/31/2003

Account Number	Description	Final Budget	Adjustments	Adj. Budget	Range To Date	YTD	Balance	Encumbrance	Budget Bal
70000-08-0000-01-9198-600	NON-BUDGET EXPENSE	.00	.00	.00	.00	(458.37)	458.37	50.00	408.37
	<i>Totals for FUND: 70000</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>(\$458.37)</i>	<i>\$458.37</i>	<i>\$50.00</i>	<i>\$408.37</i>
	Grand Total:	.00	.00	.00	.00	(458.37)	458.37	50.00	408.37

Food Baskets

Dec. 02 2003 02:07PM P3

FAX NO. :

FROM :

Section 5.02 – Meetings

The Executive Committee will meet at the discretion of the President. Executive Committee members may participate in a meeting by means of a telephone conference. Participation by such means shall constitute presence at such meetings.

ARTICLE VI: Other Committees

Section 6.01 – Board Committees

The President, with the advice of the Executive Committee, may appoint one or more committees, which shall have advisory authority to the Board of Directors and the management of the Corporation. One or more Directors shall be appointed by the President.

Section 6.02 – Rules

Each committee may adopt rules for its own government not consistent with these Bylaws or with the rules adopted by the Board of Directors. Each committee shall submit reports and recommendations to the Board of Directors.

Section 6.03 – Quorum

Fifty-one percent (51%) 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.

ARTICLE VII: Fiscal Year

The fiscal year of the Corporation shall begin on July 1 or each year and shall end on June 30.

ARTICLE VIII: Amendment of the Bylaws

The Bylaws of the Corporation may be amended, repealed or added to, or new Bylaws may be adopted by the vote or written assent of a majority of the Board of Directors at any regular or special meeting, if no less than ten (10) nor more than thirty (30) days' notice as prescribed by these Bylaws is given of intention to alter, amend, repeal, or adopt new Bylaws.

ARTICLE IX: Parliamentary Authority

The most recent edition of Robert's Rules of Order – newly revised shall govern the conduct of business in all cases in which they are applicable and not in conflict with the Articles of Incorporation and Bylaws of this Corporation.

Section 4.13 – Gifts

The Board of Directors may accept on behalf of the Corporation any contribution, gift, request or device for the general purpose and/or for any special purpose, of the Corporation.

Section 4.14 – Meetings by Telephone

The Board of Directors may participate in a meeting by means of a telephone conference or similar communication. Participation by such means shall constitute presence at such meeting.

Section 4.15 – Compensation

Any director is authorized to receive reasonable compensation from the corporation for expenses incurred on behalf of the Corporation when such is authorized by the Board of Directors. No Director may receive compensation merely for acting as a Director.

Section 4.16 – Loans

No loans shall be made by the Corporation to its Directors or officers.

Section 4.17 – Contract

No member, director or officer of the Corporation shall be interested, directly or indirectly, in any contract relating to the operations conducted by it, unless the fact of such interests shall be known or disclosed to the Board of Directors at the meeting at which such contract is so authorized and the Director with such interest abstains from voting on such contract.

ARTICLE V: Executive Committee

Section 5.01 – Membership

The Executive Committee shall be composed of families of children and adults with disabilities.

The Executive Committee shall exercise all powers of the Board of Directors between meetings of the Board, except those powers related to filling vacant Board positions or declaring a Board position vacant. All proceedings of the Executive Committee shall be reported to the Board at its next regular meeting.

Section 4.06 -- Vacancies

The Board of Directors shall fill any Director at Large vacancies by soliciting nominations and holding an election at the next regularly scheduled Board meeting. Each Director at Large, so elected, shall hold office for the remainder of the term of the directorship so vacated.

Section 4.07 -- Meetings

and address of each board members and, in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the chairperson or by the Board of Directors.

ARTICLE IV: Board of Directors

The affairs of the Corporation shall be managed by a Board of Directors.

Section 4.01 – Number & Tenure

The Board of Directors shall consist of the officers, 18 Directors At Large and the immediate Past President, consisting of at least one third people with disabilities, one third families of people with disabilities, and one third professionals. Each Director at Large will serve a two-year term and may serve up to two terms.

Section 4.02 – Nomination and Election

The Board shall solicit nominations from the New Mexico Fiesta Educativa mailing list three months prior to the first Board meeting of each calendar year. Nominations for Director at Large positions will be presented to the Board for election at the first Board Meeting of the calendar year. Each Director at Large will hold a designated numerical slot. Directors holding even numbered slots will be elected in even years and other Directors in odd years.

Section 4.03 – Ex-Officio Directors

The President shall have the discretion to appoint up to two ex-officio (non-voting) Directors to the Board. Ex-officio Board members are bound by the same guidelines applied to the Directors at Large.

Section 4.04 – Resignation

Any Director at Large may resign at any time by delivering a written resignation to the Chairperson of the Board or the Secretary of the Corporation.

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Section 4.04 - Resignation

Any Director at Large may resign at any time by delivering a written resignation to the Chairperson of the Board or the Secretary of the Corporation.

Section 4.05 - Removal

Any Director at Large may be removed with reasonable cause by the affirmative vote of a majority of the Board, the notice of which shall have specified the reasons for the proposed removal. Not attending three consecutive meetings of the Board without proper notification is cause for removal.

Section 3.04 – 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.

Section 3.05 – President

The President shall be the principal executive officer of the Corporation and shall, in general, supervise and direct all of the business affairs of the Corporation. He or she shall preside at all meetings of the Board of Directors. He or she may sign, with the secretary or any other proper officer of the Corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these by-laws or by statute to some other officer or agent of the Corporation. In general, he or she 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.

Section 3.06 – Vice President

In the absence of the President or in the event of his or her inability or refusal to act, the vice-president shall perform the duties of the president, and when so acting, shall have all the powers of and be subject to all the restrictions of the president. Any vice-president shall perform such other duties as from time to time may be assigned to him or her by the president or by the Board of Directors.

Section 3.07 – Treasurer

The treasurer shall have charge and custody of and be responsible for all funds and securities for the Corporation; receive and give receipts for monies due and payable to the Corporation from any sources whatsoever, and deposit all such monies in the name of the Corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors, and in general, perform all the duties as from time to time may be assigned by the president or by the Board of Directors including reports to the Board of Directors regarding the financial condition of the Corporation.

If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of these duties in such sum and with such surety or sureties as the Board of Director shall determine.

Section 3.08 -- Secretary

The secretary shall keep the minutes of the meetings of the Board of Directors in one or more books provided for that purpose; give all notices in accordance with the provisions of these Bylaws or as required by law; be custodian to the corporate records

Directors meetings. All such records shall be made available for inspection at any reasonable time during usual business hours, by any Director of the Corporation, or duly authorized representative thereof, for any lawful purpose. Upon leaving office, each officer or agent of the Corporation shall turn over to his or her successor of the President, in good order, such corporate records as have been in the custody of such officer or agent during his or her term of office.

Section 1.04 -- Corporate Seal

The Corporate Seal of the Corporation shall have inscribed thereon the name of the Corporation.

ARTICLE II: Membership

Section 2.01 -- Membership

The Corporation shall have no members at this time.

ARTICLE III: Officers

Section 3.01 -- Titles

The Officers of the Corporation shall be a president, vice-president, secretary, and treasurer. No officer of the Corporation may hold more than one office simultaneously. At the Board's discretion two persons may be elected to share the duties of one office.

Section 3.02 -- Nomination, Election and Term of Office

The officers shall be nominated and elected by the Board at the First meeting of the calendar year of the Board of Directors. Elections will be held by secret ballot. No person shall be elected to the same office for more than two (2) consecutive terms. Each term is two years. If the election of officers shall not be held at such meeting, such election shall be held thereafter as convenient. Each officer shall hold office until his successor shall have been duly elected.

New offices may be created and filled at any meeting of the Board of Directors.

Section 3.03 -- Removal

Any officer elected or appointed by the Board of Directors may be removed with reasonable cause by the affirmative vote of a majority of the Board of Directors present at a meeting of the Board. Notice of this meeting shall have specified the reasons for the proposed removal.

**NEW MEXICO FIESTA EDUCATIVA
BYLAWS**

ARTICLE I: Foundation

Section 1.01 – Name of the Corporation

The name of the corporation shall be **NEW MEXICO FIESTA EDUCATIVA, INC.**, (hereinafter referred to as "Fiesta").

Section 1.02 – Purpose

The Corporation is organized exclusively for and, at all times will be operated for charitable and educational purposes. The Corporation will provide bilingual (English/Spanish)/bicultural educational services to Hispanic persons with disabilities, their families, and the professionals who serve them.

New Mexico Fiesta Educativa shall promote full inclusion of Hispanic people with disabilities in their community by identifying and developing training programs, projects, studies and/or efforts which:

- Provide Hispanic persons with disabilities and their family members with relevant information and training related to specific areas of disabilities, and available programs and services.
- Provide information to the general public related to the needs of Hispanic persons with disabilities and their families,
- Promote interaction and cooperation among Hispanic persons with disabilities, their families, and professionals;
- Promote the prevention of disabilities;
- Provide training to form local support and self-advocacy groups;
- Collect and disseminate information which will assist agencies to assess the needs of and establish priorities for Hispanic persons with disabilities and their families;
- Advocate for the services and assistance that meet the needs of Hispanic persons with disabilities and their families.

Section 1.03 -- Principal Office

There shall be maintained at the principal office of the Corporation all corporate records, including financial books, records of accounts, and minutes of the Board of

Upon winding up and dissolution of this corporation, after paying or adequately providing for debts and obligations of the corporation, the remaining assets shall be distributed to a non-profit fund, foundation, or corporation which is organized and operated exclusively for charitable, educational, religious, and or scientific purposes and which has established its tax exempt status under Section 501 (c) (3) of the Internal Revenue Code.

IN WITNESS WHEREOF, with undersigned, being all the persons named above as the initial directors, have executed these Articles of Incorporation.

Date: _____

The undersigned, being all persons named above as the initial directors, declare they are the persons who executed the forgoing Articles of Incorporation, which execution is their act and deed.

Date: _____

6. The number of directors constituting the initial Board of Directors of the corporation is five(5), and the names/address of the persons who are to serve as directors until successors are elected and qualify are:

President: Olga Acosta
P. O. Box 713
La Mesa, NM 88044

Vice-President Delia Singh
P.O. Box 5
La Mesa, NM 88044

Members Cynthia Nava
P. O. Drawer 70
Anthony, NM 88021

Beverly Calvo
5744 Tepic
El Paso, TX 79912

Robert Saavedra
210 Redd Road, #713
El Paso, TX

7. The provisions for the regulations of the internal affairs of the corporation shall be set forth in the By-Laws which the Board of Directors shall have the power to make, amend, alter or repeal.

This corporation is organized exclusively for charitable purposes within the meaning of Section 501(c) (3) of the Internal Revenue code

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income tax under Section 501 (c) (3) of the Internal Revenue code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLES OF INCORPORATION

OF

NEW MEXICO FIESTA EDUCATIVA, INC.

The undersigned, acting as incorporation(s) under the New Mexico Non-profit Corporation Act (53-8-1 to 53-8-99 NMSA 1978), adopt(s) the following Articles of Incorporation for such corporation:

1. The name of the corporation is New Mexico Fiesta Educativa
2. The period of its duration is perpetual.
3. The purposes for which the corporation is organized are:
 - a. to provide bilingual, bicultural educational services to Hispanic persons with disabilities;
 - b. educate families to be self advocates;
 - c. for support groups within the communities;
 - d. any other legal non-profit activity consistent with our purpose;
 - e. to make, execute and deliver any promissory notes, checks, drafts, acceptance, bonds, mortgage, deeds and conveyances, guarantees and endorsements, and all other instruments in writing, or undertakings, which to the Board of Directors shall seem best for this corporation, and
 - f. to engage in any lawful act or activity for which the corporation may be organized under the Business Corporation Act of New Mexico.
4. N/A
5. The name of its initial contact person and street/city address of the registered office in New Mexico is:



OFFICE OF

THE STATE CORPORATION COMMISSION

CERTIFICATE OF INCORPORATION

OF

NEW MEXICO FIESTA EDUCATIVA, INC.

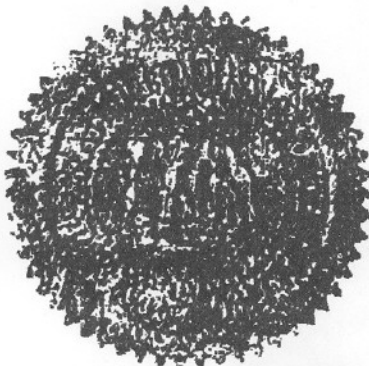
1667351

The State Corporation Commission certifies that duplicate originals of the Articles of Incorporation attached hereto, duly signed and verified pursuant to the provisions of the NONPROFIT CORPORATION ACT (53-8-1 to 53-8-99 NMSA 1978) have been received by it and are found to conform to law.

Accordingly, by virtue of the authority vested in it by law, the State Corporation Commission issues this Certificate of Incorporation and attaches hereto a duplicate original of the Articles of Incorporation.

Dated: MAY 5, 1994

In Testimony Whereof, the State Corporation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the Seal of said Commission to be affixed at the City of Santa Fe



Handwritten signature of the Chairman, Jim F. Serra.

Chairman

Handwritten signature of the Director, Alfred P. Davis.

Director



NONPROFIT CORPORATE REPORT

TO THE STATE PUBLIC REGULATION COMMISSION OF NEW MEXICO

TAXABLE YEAR CLOSING DATE

Due on or before the thirtieth day of the third month following the end of its taxable year

10.30.2008

INSTRUCTIONS ON BACK PAGE
PLEASE PRINT OR PRINT LEGIBLY

1. MAIL TO:
 EXACT CORPORATE NAME AND US MAILING ADDRESS
 PO Box 5
 La Mesa NM 88044-0005

DNF

Please print the complete or abbreviated full name of the corporation in plain text. If under a trust or other arrangement, state "TRUST" or "ARRANGEMENT" in the name. State the complete or abbreviated name of the corporation. New Mexico Corporation and the state ID Number. Complete Name. Mailing address and full name of the filer as provided. If registered information is not correct, printing is illegal.

2. PRINCIPAL PLACE OF BUSINESS IN NEW MEXICO STREET: P.O. BOX 5 CITY, STATE, ZIP: LA MESA NM 88044	3. PRINCIPAL OFFICE OUTSIDE NEW MEXICO (If different from registered office in state of incorporation) STREET: CITY, STATE, ZIP:	4. NMSPRC's version of Incorporation Authority Number 1007361 5. NM Taxation & Revenue ID No.
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6. FOREIGN CORPORATION-REGISTERED OFFICE IN STATE OF INCORPORATION STREET: CITY, STATE, ZIP:	7. STATE OR COUNTRY OF INCORPORATION NM
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8. REGISTERED AGENT AND OFFICE LOCATED WITHIN NEW MEXICO FOR SERVICE OR PROCESS
 (Filing corporation cannot be its own agent)
 NAME: DELIA SINGH
 STREET: CO RD 38 #740 (P.O. BOX 5)
 CITY, STATE, ZIP: LA MESA NM 88044

9. The names and address of ALL the directors and officers (Identify each elected director from an officer's position, and a New Mexico Corporation shall have not less than three directors. Refer to Instructions No. 9) of the Corporation:

OFFICE/TITLE	NAME AND ADDRESS
President	Cilda Acosta, P.O. Box 713, La Mesa, NM 88044
Vice President	Delia Singh, P.O. Box 5, La Mesa, NM 88044
DIRECTOR	Cynthia Nava, P.O. Box 70, Albuquerque, NM 87102
DIRECTOR	Beverly Calvo, 5744 Texas, El Paso, TX 79912
DIRECTOR	Robert Saavedra, 2102 Nevada, El Paso, TX 79932

The character of its business in New Mexico, briefly stated, is Provide Bilingual Education Training to parents of Disabled Children

10. Under penalties of perjury, I declare and certify that: I have examined the reports including the accompanying schedules and statements contained therein and they are true and correct.
 Dated: 6-19-08
 Signature and Title: Delia Singh, Vice President
 Signature and Title: Robert Saavedra, Director

The Report shall be signed and sworn to by any one of the directors or officers. If the corporation is in the hands of a receiver, the Report shall be executed in behalf of the corporation by the receiver or receiver.

PAYMENT OF FILING FEE AND LATE FILING PENALTY: \$10.00 \$26.00 PLEASE DO NOT SUBMIT CASH FOR PAYMENT	NMSPRC Office Use Only Amount Received: _____ Payment Made: _____
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INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 21 2000

NEW MEXICO FIESTA EDUCATIVA INC
C/O DELIA SINGH
PO BOX 5
LA MESA, NM 88044

Employer Identification Number:
85-0442393
DLN:
17053363010029
Contact Person:
ALLAN REINDERS ID# 95124
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Foundation Status Classification:
170(b)(1)(A)(vi)
Advance Ruling Period Begins:
May 5, 1994
Advance Ruling Period Ends:
June 30, 2004
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

Letter 1045 (D0