

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Contact Person: [REDACTED]

Telephone Number: [REDACTED]

In Reference to:

OP:E:EO:T:2

Date:

DEC 21 1998

Employer Identification Number: [REDACTED]

Form: 1041

Tax Years: All tax years

Dear Applicant:

This letter constitutes a final adverse ruling with respect to your claim of exemption from federal income taxation under section 501(c)(9) of the Internal Revenue Code.

We make our ruling for the following reason(s):

You do not qualify for exemption because your earnings inure to the benefit of your only member as the sole stockholder of the only company participating in your program. In addition, your plan provides nonqualifying section 501(c)(9) benefits and discriminate against any lower paid employees because it provides for the payment of benefits only to supervisory employees who receive salaries greater than \$[REDACTED] per year.

You protested our proposed adverse determination of [REDACTED] and on [REDACTED] we held a conference with your trustee. On [REDACTED] we received a letter from you indicating that you will be filing a new application. Because of the changes needed to enable you to qualify for exemption, we shall be treating the new application as being from a separate legal entity.

Accordingly, based on the information submitted, we have concluded that you do not qualify for recognition of exemption under section 501(c)(9) of the Code. Contributions to you are not deductible under section 170 of the Code.

The Code and the regulations issued thereunder require that you file federal income tax returns. Based upon the financial information that you furnished, you should file returns on the form and for the tax years indicated above within 30 days from the date of this letter, unless you request and are granted an extension of time to file the returns. You should attach a copy of this letter to the returns you file. Questions concerning the filing of returns should be directed to the Ohio EP/EO key district office at 877-829-5500 (a toll free number).