

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MAR 4 1981

Dear Applicant:

We have considered your application for recognition of exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Your exemption application and supporting documents show that you formed [REDACTED] by incorporating under the [REDACTED] Statutes to seek donations from trappers, fur hunters and others for use in educating the citizens of [REDACTED] in true and proper methods of predator control and wildlife conservation and for the protection of our National heritage and constitutional rights, and to publish a quarterly newsletter for members.

Memberships are solicited through a mailing list of [REDACTED] residents who purchased trapping licenses, and through area meetings designed to attract outdoors sportsman-type people, and people interested in trapping and the fur industry.

Your activities to date have consisted of the publication and distribution of a newsletter, "[REDACTED]". You plan, 1) area meetings where guest speakers from [REDACTED], and others, will inform area trappers on game and trapping laws, the best and most humane trapping methods, and on the conservation of wildlife and natural resources, 2) a state trapper convention in [REDACTED], 3) a fur sale, in [REDACTED], where trappers and fur buyers can meet.

Your income, through [REDACTED], consisted primarily from member dues, with [REDACTED] percent of the total from contributions. Your expenses were for membership solicitations and mailing costs.

306	INITIATOR [REDACTED]	REVIEWER [REDACTED]	REVIEWER [REDACTED]	REVIEWER	REVIEWER	REVIEWER	REVIEWER
-----	-------------------------	------------------------	------------------------	----------	----------	----------	----------

Section 501(c)(3) of the Code provides exemption for:

"Corporations...organized and operated exclusively for religious, charitable,...or educational purposes,...no part of the net earnings of which inures to the benefit of any private shareholder or individual..."

Section 1.501(c)(3)-1(b)(1)(i) of the Income Tax Regulations provides that an organization is organized exclusively for one or more exempt purposes only if its Articles of Organization -

- "(A) Limit the purposes of such organization to one or more exempt purposes; and
- (B) Do not expressly empower the organization to engage, otherwise than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of one or more exempt purposes."

Section 1.501(c)(3)-1(c)(2) of the Income Tax Regulations provides that:

"An organization will be regarded as 'operated exclusively' for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in section 501(c)(3)..."

Section 1.501(c)(3)-1(d)(1)(ii) of the Income Tax Regulations provides that all the organizations there described must serve a public rather than a private interest.

Based on the information you furnished, we conclude that you are not operated exclusively for educational, charitable, religious, or other purposes within the meaning of Code section 501(c)(3) since you will serve the private interests of members who are Trappers and fur hunters by trade or hobby.

Your activities appear to be similar to the Court case Better Business Bureau v. U.S., 326 U.S. 279 (1945) C.B. 375, where the Supreme Court held that while some activities of the organization were educational, a substantial purpose of the organization was to promote business, and thus the organization was not operated exclusively for educational purposes.

[REDACTED]

If you do not agree with these conclusions, you may, within 30 days from the date of this letter, file in duplicate a brief of the facts, law, and argument that clearly sets forth your position. If you desire an oral discussion of the issue, please indicate this in your protest. The enclosed Publication 892 gives instructions for filing a protest.

If you do not file a protest with this office within 30 days of the date of this report or letter, this proposed determination will become final.

If you do not protest this proposed determination in a timely manner, it will be considered by the Internal Revenue Service as a failure to exhaust available administrative remedies. Section 7428(b)(2) of the Internal Revenue Code provides in part that, "A declaratory judgment or decree under this section shall not be issued in any proceeding unless the Tax Court, the Court of Claims, or the district court of the United States for the District of Columbia determines that the organization involved has exhausted administrative remedies available to it within the Internal Revenue Service."

If this determination letter becomes a final determination, we will notify the appropriate State Officials, as required by section 6104(c) of the Code, that based on the information we have, we are unable to recognize you as an organization of the type described in Code section 501(c)(3).

We have not determined whether you qualify for Federal income tax exemption under Code section 501(c)(6) because you have not filed the proper form for that section of the Code. If you desire consideration as a business league, or professional association, you should file Form 1024, as attached.

In the event that you appeal this letter, and subsequently are determined to qualify for exemption under Code section 501(c)(3) you will be required to amend your Corporate Articles to conform to the organization requirements of Code section 501(c)(3).

If you have any further questions, please contact the person whose name and telephone number are shown at the beginning of this letter.

Sincerely yours,

[REDACTED]
District Director

Enclosures:
Publication 892
Form 1024