

private foundation, hinges on your being able to demonstrate that your public support is substantial, preferably meeting the one-third support test. The difference is that public charities are exempt from certain taxes imposed on private foundations. The 501(c)(3) designation is not the issue.

**Part a:** You might not be able to provide convincing evidence at this time because your organization is too new to have accumulated such history, or because you have not kept accounting records adequate to the task. In this case, the information you have provided should be sufficient to allow the IRS to conclude that your organization *is likely to* be publicly supported, and you should check this box. ~~Under an advance ruling you'll be treated as a public charity for up to five years, during which you will be expected to accumulate convincing evidence supporting that designation. If you do, you will then receive a definitive ruling. If not, you'll be designated a private foundation and may be liable for taxes during the advance ruling period.~~

✦ **Note:** If you will have soon completed at least eight months of your tax year and, on the basis of that, can satisfy the public support requirement, you might elect to delay your application until you can apply for a definitive ruling.

Since the advance ruling assessment period can be extended up to 100-1/2 months, but the statute of limitations in the revenue code is three years, if you request an advance ruling you will also be asked to voluntarily wave the statute of limitations.

If you feel that the information you've provided clearly demonstrates that you are indeed publicly supported to the extent required by the category you checked, do not request an advance ruling.

**Part b:** If you feel that the information you've provided clearly demonstrates that you are indeed publicly supported to the extent required by the category you indicated in Question 5, check this box, then answer questions (i) and/or (ii), depending upon which option you checked in Question 5.

✦ **Note:** The term "*disqualified person*" generally refers to insiders:

- a substantial contributor
- a foundation manager
- a person owning more than 20% of an organization that is a substantial contributor
- family members of someone described as a "disqualified person"
- another organization in which such persons hold more than a 35% interest
- another organization which is effectively controlled by the person or persons in control of the foundation in question
- a government official

Obviously, the purpose of these questions is to evaluate the nature of your financial support. You can show that you are publicly