

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **DEC 01 2001**

HAITIAN AMERICAN ASSOCIATION OF
ENGINEERS AND SCIENTISTS INC
PO BOX 693072
MIAMI, FL 33169-9998

Employer Identification Number:
65-0198172
DLN:
201338139
Contact Person:
D. A. DOWNING ID# 31805
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
JANUARY 1998
Advance Ruling Period Begins:
AUGUST 1989
Advance Ruling Period Ends:
DECEMBER 31, 2001
Addendum Applies:
NO

Dear Applicant:

Our letter of the above date stated that we had determined your organization is exempt under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) and that you would be treated as a publicly supported organization and not as a private foundation during your advance ruling period. This was based on our determination that you could reasonably be expected to be an organization described in sections 170(b)(1)(A)(vi) and 509(a)(1) or in section 509(a)(2).

We also stated that at the end of your advance ruling period you would have to establish that you were in fact an organization described in one of the above sections.

Our records indicate that your advance ruling period begins and ends on the dates shown above. Your exempt status as an organization described in section 501(c)(3) is still in effect. However, to establish that you are a publicly supported organization described in sections 170(b)(1)(A)(vi) and 509(a)(1) or in section 509(a)(2), please complete the attached Form 8734, Support Schedule for Advance Ruling Period, for each of the tax years in your advance ruling period.

The information requested in this letter is required to support your claim to be other than a private foundation. It is needed in addition to any required Form 990 or other annual return. Please send it to us within 90 days from the end of your advance ruling period.

If we do not receive this information, we will presume you are a private foundation and you will be treated as a private foundation as of the first day of your first tax year for purposes of sections 507(d) and 4940 of the Code. In addition, if you do not provide the information by the time requested, it will be considered by the Internal Revenue Service that you have not taken all reasonable steps to secure the determination you requested. Under section

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7428(b)(2) of the Code, not taking all reasonable steps, in a timely manner, to secure the determination may be considered as a failure to exhaust administrative remedies available to you within the Service, and may preclude the issuance of a declaratory judgment in the matter under judicial proceedings.

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

Thank you for your cooperation.

Sincerely yours,

STEVEN T. MILLER

Steven T. Miller
Director, Exempt Organizations

Enclosures:
Form 8734
Copy of this letter

ATTACHMENT

The response to Form 8734 must be signed by an officer. (If signed by other than an officer, please submit a power of attorney for that person.) Please furnish the name and telephone number of an officer who may be contacted during business hours.

Membership fees, although reported on line 2, may be classified as donations or as gross receipts, depending on their nature. If the membership fees include the sales of admissions, merchandise, or services to or for the use of facilities by the public, treat them as gross receipts (line 3). If the membership fees are to provide support to the organization without receipt of any benefits as referred to above, consider them donations (line 1).

A disqualified person is generally:

- a) A substantial contributor. (A substantial contributor includes any person who contributed or bequeathed a total amount of more than \$5,000 to the organization, if such amount is more than 2% of the total contributions and bequests received by the organization before the close of the taxable year in which the contribution or bequest is received from such a person. For a trust, the creator is a "substantial contributor" even though his or her contributions may not have exceeded the \$5000 - 2 percent test.)
- b) A foundation manager. An officer, director, trustee or an individual having powers or responsibilities similar to those of officer, director, or trustee of the organization.
- c) An owner of more than 20% of:
 - 1) The total combined voting power of a corporation,
 - 2) The profits interest of a partnership, or
 - 3) The beneficial interest of a trust or unincorporated enterprise, which is (during the ownership) a substantial contributor to the foundation.
- d) A member of the family (spouse, ancestors, descendants, and spouses of lineal descendants) of any of the individuals described in a, b, or c.
- e) A corporation of which more than 35% of the total combined voting power is owned by persons described in a, b, c, or d.
- f) A partnership of which more than 35% of the profits interest is owned by persons described in a, b, c, or d.
- g) A trust, estate, or unincorporated enterprise of which more than 35% of the beneficial interest is owned by persons described in a, b, c, or d.

An organization is described in sections 509(a)(1) and 170(b)(1)(A)(vi) if it receives a substantial part of its support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.

An organization is described in 509(a)(2) if it normally receives more than one-third of its support from any combination of gifts, membership fees, receipts from related activities, and less than one-third from investment income.

An organization is described in 509(a)(3) if it is operated, supervised or controlled by or in connection with one or more organizations described in IRC 509(a)(1) or 509(a)(2) and is organized for the benefit of, or to carry out the purposes of one or more of these organizations.

H.A.E.S. Major Organizational Activities

1- Haitech Magazine Publishing: (10% of time, 10% of effort, 19% of funds)

This technical newsletter/magazine covers engineering and scientific issues relevant to the development and application of technologies of interest to the community at large.

2- Scholarship Program: (5% of time, 5% of effort, 7% of funds)

This program focuses on, encourages and promotes good educational excellence in our community, and encourages students to go into engineering and scientific careers.

3- Gala/Fund Raising Diner: (10% of time, 10% of effort, 39% of funds)

This is an occasion to raise funds to help run the organization while we showcase the organizational accomplishments for the year. This is done once a year.

4- Book Drive: (5% of time, 5% of effort, 0% of funds)

This is an organized collection of engineering and scientific books donated by members of the organization. In turn these books are donated to learning institutions that are in need.

5- Technical Congresses/Seminars/Workshops:(15% of time, 10% of effort, 5% of funds)

This is a gathering of engineers, architects and scientists and lay persons from the community and various regions to discuss central themes related to the use of technology for development.

6- Board Meetings: (15% of time, 10% of effort, 2% of funds)

7- Committee Meetings: (10% of time, 10% of effort, 1% of funds)

8- Public Relations : (5% of time, 5% of effort, 3% of funds)

On several occasions board members have to represent the organization at events organized by local organizations and local officials.

9- Technical Awareness Fairs: (5% of time, 12% of effort, 12% of funds)

Once a year we plan and conduct a technical fair where High School kids and the public in general come to witness technology displays and demonstrations by leading manufacturers and service providers in the area. This is an occasion where people see, feel (when appropriate), technology at work and have a chance to ask questions

10- Picnics: (2% of time, 5% of effort, 5% of funds)

11- Community Projects/Organizations Support: (8% of time, 8% of effort, 2% of funds)

Very frequently we provide technical advice to sister organizations. We often physically support projects such as donated equipment dismantling and assembly, environmental clean-up, career day participation in schools.

12- Internet Presence: (10% of time, 10% of effort, 5% of funds)

We design and maintain of our Internet sites.

NOTE: When we state that we “establish a network for providing opportunities for engineers and technician’s career enhancement”, this means that the fact that one participates in the organization and gets to meet others in the organization during our non-profit activities, and networks with them, this can lead to career enhancement opportunities. They also learn certain things from working with fellow members on non-profit projects that enhance their knowledge and experience base. This statement is not meant to infer that we spend the organization’s time or resources to directly enhance member careers or to cause inurement or private benefit. This activity furthers a charitable purpose because it gives incentives to potential members to join and give freely of their time and resources towards the betterment of the community.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 29 1998**

HAITIAN AMERICAN ASSOCIATION OF
ENGINEERS AND SCIENTISTS INC
PO BOX 693072
MIAMI, FL 33169-9998

Employer Identification Number:
65-0198172
DLN:
318019000
Contact Person:
D. A. DOWNING
Contact Telephone Number:
(513) 241-5199
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(2)
Advance Ruling Period Begins:
September 5, 1997
Advance Ruling Period Ends:
December 31, 2001
Addendum Applies:
YES

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 section 509(a)(2).

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

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HAITIAN AMERICAN ASSOCIATION OF

will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

Contributions to you are deductible by donors beginning September 5, 1997.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

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month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

You have agreed on your application for exemption under section 501(c)(3) of the Code that your exemption is effective September 5, 1997, the date your completed application was filed.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are spent only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence that the funds will remain dedicated to the required purposes and that the recipient will use the funds for those purposes.

If you distribute funds to individuals, you should keep case histories showing the recipients' names, addresses, purposes of awards, manner of selection, and relationship (if any) to members, officers, trustees or donors of funds to you, so that you can substantiate upon request by the Internal Revenue Service any and all distributions you made to individuals. (Revenue Ruling

HAITIAN AMERICAN ASSOCIATION OF


56-304, C.B. 1956-2, page 306.)

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

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

Sincerely yours,



District Director

Enclosure(s):
Addendum
Form 872-C

HAITIAN AMERICAN ASSOCIATION OF

Guidelines under which private foundations may rely on this determination, for gifts, grants, and contributions made after March 13, 1989, were liberalized and published in Rev. Proc. 89-23, Cumulative Bulletin 1989-1, page 844.

Your application indicated that you receive income from the publication of advertising in your magazine. This income is considered an exploitation of your exempt purpose and may be subject of unrelated business income tax reportable on Form 990-T, Exempt Organization Business Income Tax Return. Please refer to Publication 598, Tax on Unrelated Business Income of Exempt Organizations for more information.

Form 872-C
(Rev. April 1996)

Consent Fixing Period of Limitation Upon
Assessment of Tax Under Section 4940 of the
Internal Revenue Code

OMB # 1545-0056

Dept. of Treasury
Internal Revenue Service

Submit
in duplicate

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

HAITIAN-AMERICAN ASSOCIATION OF ENGINEERS AND SCIENTISTS, INC.

(Exact Legal Name of Organization)
PO BOX 693072
MIAMI, FL 33169-9998

District Director of
Internal Revenue, or
and the Assistant
Commissioner
(Employee Plans and
Exempt Organizations)

(Number, street, city, state & ZIP)

Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

DECEMBER 31, 1997

Ending date of first tax year
(Month, day, and year)

Name of Organization: HAITIAN-AMERICAN ASSOCIATION OF ENGINEERS AND SCIENTISTS, INC Date: 1/19/98

Officer or trustee having authority to sign
Signature *Joseph E. Manover* Title Treasurer

For IRS use only
District Director or Assistant Commissioner (Employee Plans and Exempt Organizations) *Paul M. Harrington* Date: 1/28/98

Arthur H. White Manover EO: 7207



Internal Revenue Service
District Director
Internal Revenue Service Center
P.O. BOX 192
COVINGTON KY 41012-0192929

Department of the Treasury
Southeast Region
F-5548 ALS EO
Refer Reply To:
1732131021 :SQ/QR67

Date: September 9, 1997

THE HAITIAN AMERICAN ENGINEERING
SOCIETY INC
C/O MAX E MASSAC
PO BOX 693072
MIAMI FL 33169-9998724

Document Locator Number: 17053-252-19000-7
User Fee Paid: \$ 150

ACKNOWLEDGEMENT OF YOUR REQUEST

We have received your application for recognition of exemption from Federal income tax and have assigned it document locator number 17053-252-19000-7. You should refer to that number in any communication with us concerning your application.

We will review your application and send a reply as soon as possible. However, we must process applications in the order that we receive them.

You may normally expect to hear from us within (120 days). If you do not hear from us within that period and choose to write again, please include a copy of this letter with your correspondence. Also, please provide a telephone number and the most convenient time to call if we need to contact you. If you wish, you may call E. Wolf between the hours of 7:00 a.m. and 3:30 p.m. EDT at (513) 241-5199 for assistance.

Thank you for your cooperation.