

Internal Revenue Service
District Director

Department of the Treasury

Entered in PCG

Post Office Box 1680, BPO
Brooklyn, NY 11202

Date: MAY 21 1990

Foundation for Cultural Review
Inc.
650 Seventh Avenue, Suite 303
New York, NY 10019

Form:
990/990T
Tax Year Ended:
June 30, 1987
Exemption under section
501(c)(3) of the Internal
Revenue Code
Person to Contact:
Mr. J. Diller
Contact Telephone Number:
(212) 246-3608

Dear Taxpayer:

Our recent examination of the above information return disclosed that your organization continues to qualify for exemption from Federal income tax. Accordingly, the return is accepted as filed.

However, the following marked item(s) were noted:

- [] You have failed to issue Form(s) 1099 as required under section 6041 of the Internal Revenue Code. While this failure in and of itself will not adversely affect your tax exempt status, section 6652(c) of the Internal Revenue Code provides a penalty (not to exceed \$50,000) for the failure to file the required statement. (Section 6722(a) of the Internal Revenue Code amends section 6652(c) and applies to returns, the due date of which is after December 31, 1986, providing a penalty (not to exceed \$100,000) for failure to file the required statement.)
- [] During the examination, it was determined you did not file when due Forms 940, Employer's Annual Federal Unemployment Tax Return, or 941, Employer's Quarterly Federal Tax Return, for wages paid to employees. Under section 4011 of the Internal Revenue Code, you are required to file Forms 940 and 941 when wages are paid for services rendered.
- [] Our examination of your organization indicates that you did not file Form 990 (or Form 990-PF) by the due date. Section 6652(c) of the Internal Revenue Code provides for a penalty of \$10 for each day the return is late (not to exceed \$5,000), unless there is reasonable cause for the late filing.

-2-

- [] You established that you had reasonable cause for filing this return late; therefore, the \$10 a day penalty will not be charged. However, there may be a penalty if your return is not filed when due for the same reason in a future year.
- [] You were previously billed for this penalty by the service center and there will be no additional penalties. Please be sure to file your return when due to avoid a penalty in the future.
- [] You did not establish reasonable cause for filing late. Therefore, you will receive a bill from the service center for the late filing penalty.
- [] Although no adjustment was made at this time, for future years expenses must be properly allocated between exempt activities and investment activities.
- [] During the examination of your Form 990, we noted that you combined income from different sources instead of reporting the separate amounts as required. When filing future returns, please show each source of income and amount on the appropriate line on your return.
- [] Your current records do not appear to comply with Revenue Procedure 80-53, 1980-2 C.B. 848, which requires you to include fringe benefits in gross income reported on Forms W-2 even if these benefits are not subject to income tax withholding. To avoid a penalty in the future, full compliance is required.
- [] During the examination of your Form 990, we noted that some amounts shown on the balance sheet did not reflect those recorded in your books of account. For future years, you should provide accurate figures on your return to avoid a possible penalty under section 6652(c)(1) of the Internal Revenue Code.
- [] During the review of your Form 990, we determined that your organization did not identify its special fundraising activities. When future returns are filed, you should complete part 1, line 9, of Form 990 and prepare the required schedule for fundraising activities, including the amounts of receipts and expenses. Omitting material information on your Form 990 may subject you to a penalty under section 6652(c)(1) of the Internal Revenue Code.

-3-

[X] You have failed to file a complete Form 990 because you did not complete the following sections of Form 990: (Page 1, Part D and Part E).

Failure to file a complete Form 990 or 990-PF as required under section 6033 of the Internal Revenue Code constitutes a failure to file. Section 6652(c) of the Internal Revenue Code provides for a penalty of \$10 a day for each day a complete return is not filed timely (not to exceed \$5,000 for failure to file) unless reasonable cause is shown. In addition, your continued failure to file a complete return could adversely affect your continued tax exempt status.

We have examined your Form 990-T for the year ended June 30, 1987 and accept the return as filed.

We will appreciate your compliance with the above requirements.

Sincerely yours,



District Director

Entered in PCG

Date: OCT 5 1989

Internal Revenue Code Section(s):

170(b)(1)(A)(vi) and 509(a)(1)

Key District:

Brooklyn

Date of Key District's Proposed

Adverse Letter:

March 4, 1988

Form 990 Required:

☒ Yes ☐ No

Person to Contact:

Howard T. Levy

Contact Telephone Number:

(212) 264-3744

Foundation For Cultural Review, Inc.
850 Seventh Avenue, Room 503
New York, New York 10019

Dear Applicant:

This letter modifies the proposed adverse letter issued to you by your key District Director on the above date and reflects our consideration of your appeal on your foundation status. Based on information supplied, we have determined that you are not a private foundation because you are an organization described in the Internal Revenue Code section(s) indicated above. You are therefore not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income Tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay. This penalty may also be charged if a return is not complete. So please make sure your return is complete before you file it.

If you change your sources of support, purposes, character, or method of operation, please let your key district office know so it can consider the effect of the change on your exempt status and foundation status. Also, you should advise your key District Director of all changes in your name or address.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your 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.

cc: Peter M. Crevi
c/o Cravath, Swaine & Moore
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Sincerely yours,

John Z. [Signature]
Associate Chief
New York City Appeals

Internal Revenue Service
District Director

Department of the Treasury
P.O. Box 3200, Church St. Sta.
New York, New York 10008

Date: **MAR 25 1982**

Employer Identification Number:

Accounting Period Ending:

June 30th

Foundation Status Classification:

509(a)(2)

Advance Ruling Period Ends:

June 30, 1987

Person to Contact:

EP:EO:7201:P. Holub

Contact Telephone Number:

264-3248

Case # 13202805EO

M-EO-82-338

Dear Applicant:

Based on information 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(c)(3) of the Internal Revenue Code.

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 be expected to be a publicly supported organization described in section 509(a)(2).

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

Within 90 days after the end of your advance ruling period, you must submit to us 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, you will be classified 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, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(2) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(2) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

District Director, Manhattan District

(over)

Letter 1045(DO) (6-77)

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should call us. 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 excise taxes under Chapter 42 of the 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 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.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

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

Because this letter could help 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.

cc: Peter M. Crevi
c/o Cravath, Swaine & Moore
1 Chase Manhattan Plaza
New York, New York 10005

Sincerely yours,



District Director