

Date: APR 22 1997

LIVING INDEPENDENTLY FOREVER INC
500 LINCOLN RD EXT
HYANNIS, MA 02601-6224

Employer Identification Number:
23-2190452
Case Number:
117049005
Contact Person:
IRMA I. ROSARIO
Contact Telephone Number:
(718) 488-2375
Addendum Applies:
NO

Dear Applicant:

In our letter dated January, 1993, we determined that you were exempt from Federal income tax under section 501(a) as an organization described in section 501(c)(3) of the Internal Revenue Code. Because you were a newly created organization, we did not make a final determination of your private foundation status under section 509(a) of the Code. However, we determined that you could reasonably be expected to be a publicly supported organization described in section 509(a)(1) of the Code. We also determined that you would be treated as other than a private foundation pursuant to sections 170(b)(1)(A)(vi) and 509(a)(1) of the Code during your advance ruling period.

Sections 170(b)(1)(A)(vi) and 509(a)(1) describe an organization, "... which normally receives a substantial part of its support from a governmental unit ... or from direct or indirect contributions from the general public.

Section 1.170A-9(e)(2) of the Income Tax Regulations states that an organization is publicly supported if at least 33 1/3 percent of its support is received from governmental units and direct or indirect contributions from the general public.

Section 1.170A-9(e)(6)(i) of the Regulations states, in part, that in order to meet the 1/3 support test, contributions from individuals, corporations or trusts are includible in public support only to the extent that they do not exceed 2 percent of the organization's total support.

A review of the financial information you recently submitted indicates that substantially all of your support was derived from gross receipts from related activities and an insignificant amount was received from contributions made directly or indirectly by the general public. Therefore, we have determined that your organization is not one described in section 509(a)(1).

Section 509(a)(2) of the Code describes an organization that receives no more than one-third of its support from gross investment income and more than one-third of its support in each tax year from any combination of the following:

- (i) gifts, grants, contributions or membership fees from other than a disqualified person; and
- (ii) gross receipts from admissions, sales of merchandise, performance of services or furnishing of facilities, in an activity that is not an

Letter 3340 (00/CP)

-2-

LIVING INDEPENDENTLY FOREVER (LIF)

unrelated trade or business (to the extent that gross receipts from any person, or from any bureau or similar agency of a governmental unit do not exceed the greater of \$5,000 or 1 percent of the organization's total support in that year).

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization of the type described in section 509(a)(2). Your exempt status under section 501(c)(3) of the Code is still in effect.

This modifies our previous letter in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

If you do not agree with our determination, you may request consideration of this matter by the Office of Regional Director of Appeals. To do this, you should file a written appeal as explained in the enclosed Publication 892. Your appeal should give the facts, law, and any other information to support your position. If you want a hearing, please request it when you file your appeal and you will be contacted to arrange a date. The hearing may be held at the regional office, or, if you request, at any mutually convenient district office. If you will be represented by someone who is not one of your principal officers, that person will need to file a power of attorney or tax information authorization with us.

If you do not appeal this determination within 30 days from the date of this letter, as explained in Publication 892, this letter will become our final determination in this matter. Further, if you do not appeal this determination in a timely manner, it will be considered by the Internal Revenue Service as a failure to exhaust administrative remedies. Section 7429(b)(2) of the 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 Claims Court, 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."

Appeals submitted which do not contain all the documentation required by Publication 892 will be returned for completion.

Because this letter could help resolve any questions about your private foundation status, please keep it with your permanent records.

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

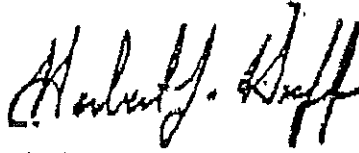
Letter 2240 (00/00)

-2-

LIVING INDEPENDENTLY FOREVER INC

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

Sincerely yours,



Herbert J. Huff
District Director

Enclosure(s):
Publication S92

Letter 2240 (DD/CO)