Form 1023 Checklist
(Revised October 2004)

Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

Note. Retain a copy of the completed Form 1023 in your permanent records. Refer to the General Instructions regarding Public Inspection of approved applications.

Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.

☑ Assemble the application and materials in this order:
  • Form 1023 Checklist
  • Form 2848, Power of Attorney and Declaration of Representative (if filing)
  • Form 8821, Tax Information Authorization (if filing)
  • Expedite request (if requesting)
  • Application (Form 1023 and Schedules A through H, as required)
  • Articles of organization
  • Amendments to articles of organization in chronological order
  • Bylaws or other rules of operation and amendments
  • Documentation of nondiscriminatory policy for schools, as required by Schedule B
  • Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation (if filing)
  • All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.

☑ User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.

☑ Employer Identification Number (EIN)

☑ Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.
  • You must provide specific details about your past, present, and planned activities.
  • Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
  • Describe your purposes and proposed activities in specific easily understood terms.
  • Financial information should correspond with proposed activities.

☑ Schedules. Submit only those schedules that apply to you and check either “Yes” or “No” below.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Schedule A</td>
<td>Yes</td>
<td>No ✔</td>
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<tr>
<td>Schedule B</td>
<td>Yes</td>
<td>No ✔</td>
</tr>
<tr>
<td>Schedule C</td>
<td>Yes</td>
<td>No ✔</td>
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<tr>
<td>Schedule D</td>
<td>Yes</td>
<td>No ✔</td>
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<tr>
<td>Schedule E</td>
<td>Yes ✔</td>
<td>No</td>
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<td>Schedule F</td>
<td>Yes</td>
<td>No ✔</td>
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<tr>
<td>Schedule G</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Schedule H</td>
<td>Yes</td>
<td>No</td>
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An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.

- Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) Page 2, Art. Y
- Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law Page 3, Art. Y

Signature of an officer, director, trustee, or other official who is authorized to sign the application.
- Signature at Part XI of Form 1023.

Your name on the application must be the same as your legal name as it appears in your articles of organization.

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service
P.O. Box 192
Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service
201 West Rivercenter Blvd.
Attn: Extracting Stop 312
Covington, KY 41011
# Application for Recognition of Exemption

Under Section 501(c)(3) of the Internal Revenue Code

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**Part I** Identification of Applicant

<table>
<thead>
<tr>
<th>1 Full name of organization (exactly as it appears in your organizing document)</th>
<th>2 c/o Name (if applicable)</th>
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<tbody>
<tr>
<td>Colorado Asian Pacific American Bar Foundation</td>
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<table>
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<tr>
<th>3 Mailing address (Number and street) (see instructions)</th>
<th>4 Employer identification Number (EIN)</th>
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<tr>
<th>City or town, state or country, and ZIP + 4</th>
<th>5 Month the annual accounting period ends (01 – 12)</th>
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<tbody>
<tr>
<td></td>
<td>December</td>
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<tr>
<th>6 Primary contact (officer, director, trustee, or authorized representative)</th>
<th>b Phone:</th>
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<tbody>
<tr>
<td>a Name:</td>
<td></td>
</tr>
<tr>
<td>c Fax: (optional)</td>
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<tr>
<th>7 Are you represented by an authorized representative, such as an attorney or accountant? If “Yes,” provide the authorized representative’s name, and the name and address of the authorized representative’s firm. Include a completed Form 2848, Power of Attorney and Declaration of Representative, with your application if you would like us to communicate with your representative.</th>
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<tr>
<td>☐ Yes ☒ No</td>
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<th>8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If “Yes,” provide the person’s name, the name and address of the person’s firm, the amounts paid or promised to be paid, and describe that person’s role.</th>
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<tr>
<td>☐ Yes ☒ No</td>
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<table>
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<tr>
<th>9a Organization’s website:</th>
<th></th>
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<tbody>
<tr>
<td><a href="http://www.apaba.8k.com">www.apaba.8k.com</a></td>
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<th>9b Organization’s email: (optional)</th>
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<th>10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If “Yes,” explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ.</th>
</tr>
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<tr>
<td>☐ Yes ☒ No</td>
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<th>11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)</th>
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<tr>
<td>09 /21 /1995</td>
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<th>12 Were you formed under the laws of a foreign country?</th>
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<td>☐ Yes ☒ No</td>
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For Paperwork Reduction Act Notice, see page 24 of the instructions.
Part II Organizational Structure

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.

1 Are you a corporation? If "Yes," attach a copy of your articles of incorporation showing certification of filing with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification. □ Yes □ No

2 Are you a limited liability company (LLC)? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application. □ Yes □ No

3 Are you an unincorporated association? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments. □ Yes □ No

4a Are you a trust? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments. □ Yes □ No

b Have you been funded? If "No," explain how you are formed without anything of value placed in trust. □ Yes □ No

5 Have you adopted bylaws? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected. □ Yes □ No

Part III Required Provisions in Your Organizing Document

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. DO NOT file this application until you have amended your organizing document. Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): Page 2, Article V(a).

2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.

2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. Page 3, Article IX

2c See the Instructions for Information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:

Part IV Narrative Description of Your Activities

Using an attachment, describe your past, present, and planned activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the Instructions for Information that must be included in your description.

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual compensation, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Mailing address</th>
<th>Compensation amount (annual actual or estimated)</th>
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<td>See attached list</td>
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<td>None</td>
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**Part V**  Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

b  List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

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<tr>
<th>Name</th>
<th>Title</th>
<th>Mailing address</th>
<th>Compensation amount (annual actual or estimated)</th>
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C  List the names, names of businesses, and mailing addresses of your five highest compensated independent contractors that receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

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<th>Name</th>
<th>Title</th>
<th>Mailing address</th>
<th>Compensation amount (annual actual or estimated)</th>
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The following "Yes" or "No" questions relate to past, present, or planned relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

2a  Are any of your officers, directors, or trustees related to each other through family or business relationships? If "Yes," identify the individuals and explain the relationship.  **☐ Yes  ☒ No**

b  Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees.  **☐ Yes  ☒ No**

c  Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship.  **☐ Yes  ☒ No**

3a  For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

b  Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through common control? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement.  **☐ Yes  ☒ No**

4  In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

a  Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy?  **☒ Yes  ☐ No**

b  Do you or will you approve compensation arrangements in advance of paying compensation?  **☒ Yes  ☐ No**

c  Do you or will you document in writing the date and terms of approved compensation arrangements?  **☒ Yes  ☐ No**
### Part V: Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

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<td><strong>d</strong></td>
<td>Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td><strong>e</strong></td>
<td>Do you or will you approve compensation arrangements based on information about compensation paid by similarly situated taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td><strong>f</strong></td>
<td>Do you or will you record in writing both the information on which you relied to base your decision and its source?</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td><strong>g</strong></td>
<td>If you answered “No” to any item on lines 4a through 4f, describe how you set compensation that is reasonable for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

#### 8a Have you adopted a conflict of interest policy consistent with the sample conflict of interest policy in Appendix A to the instructions? If “Yes,” provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If “No,” answer lines 5b and 5c.

- **b** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- **c** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?

**Note:** A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.

#### 6a Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through non-fixed payments, such as discretionary bonuses or revenue-based payments? If “Yes,” describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.

- **b** Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than $50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If “Yes,” describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.

#### 7a Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If “Yes,” describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at arm’s length, and explain how you determine or will determine that you pay no more than fair market value. Attach copies of any written contracts or other agreements relating to such purchases.

- **b** Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If “Yes,” describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm’s length, and explain how you determine or will determine that you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.

#### 8a Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If “Yes,” provide the information requested in lines 8b through 8f.

- **b** Describe any written or oral arrangements that you made or intend to make.
- **c** Identify with whom you have or will have such arrangements.
- **d** Explain how the terms are or will be negotiated at arm’s length.
- **e** Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- **f** Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

#### 9a Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If “Yes,” provide the information requested in lines 9b through 9f.
**Part V** Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

b Describe any written or oral arrangements you made or intend to make.

c Identify with whom you have or will have such arrangements.

d Explain how the terms are or will be negotiated at arm’s length.

e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.

f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

**Part VI** Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to past, present, and planned activities. (See instructions.)

1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals. □ Yes □ No

b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations. □ Yes □ No

2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program. □ Yes □ No

3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds. □ Yes □ No

**Part VII** Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

1 Are you a successor to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G. □ Yes □ No

2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E. □ Yes □ No

**Part VIII** Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to past, present, and planned activities. (See instructions.)

1 Do you support or oppose candidates in political campaigns in any way? If "Yes," explain. □ Yes □ No

2a Do you attempt to influence legislation? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a. □ Yes □ No

b Have you made or are you making an election to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities. □ Yes □ No

3a Do you or will you operate bingo or gaming activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. □ Yes □ No

b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm’s length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such arrangements. □ Yes □ No

c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.
Part VIII Your Specific Activities (Continued)

4a Do you or will you undertake fundraising? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.)
   ☑ Yes ☐ No
   ☐ mall solicitations  ☐ phone solicitations
   ☐ email solicitations  ☐ accept donations on your website
   ☐ personal solicitations  ☐ receive donations from another organization's website
   ☐ vehicle, boat, plane, or similar donations  ☐ government grant solicitations
   ☐ foundation grant solicitations  ☐ Other
   Attach a description of each fundraising program.

b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements.  ☐ Yes ☑ No

c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements.  ☐ Yes ☑ No

d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.  ☐ Yes ☑ No

e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors.  ☐ Yes ☑ No

5 Are you affiliated with a governmental unit? If "Yes," explain.  ☐ Yes ☑ No

6a Do you or will you engage in economic development? If "Yes," describe your program.  ☐ Yes ☑ No

   b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

7a Do or will persons other than your employees or volunteers develop your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees.  ☐ Yes ☑ No

   b Do or will persons other than your employees or volunteers manage your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees.  ☐ Yes ☑ No

   c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

8 Do you or will you enter into joint ventures, including partnerships or limited liability companies treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate.  ☐ Yes ☑ No

9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10.  ☐ Yes ☑ No

   b Do you provide child care so that parents or caretakers of children you care for can be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  ☐ Yes ☐ No

   c Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  ☐ Yes ☐ No

   d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k).  ☐ Yes ☐ No

10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other intellectual property? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.  ☐ Yes ☐ No
Part VIII  Your Specific Activities (Continued)

11  Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.

☐ Yes  ☒ No

12a Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.

b Name the foreign countries and regions within the countries in which you operate.

c Describe your operations in each country and region in which you operate.

d Describe how your operations in each country and region further your exempt purposes.

☐ Yes  ☒ No

13a Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.

b Describe how your grants, loans, or other distributions to organizations further your exempt purposes.

c Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.

d Identify each recipient organization and any relationship between you and the recipient organization.

e Describe the records you keep with respect to the grants, loans, or other distributions you make.

f Describe your selection process, including whether you do any of the following:

(i) Do you require an application form? If "Yes," attach a copy of the form.

☐ Yes  ☐ No

(ii) Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.

☐ Yes  ☐ No

g Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.

14a Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.

b Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.

c Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.

d Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.

e Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.

f Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.

☐ Yes  ☐ No
### Part VIII Your Specific Activities (Continued)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Do you have a close connection with any organizations? If “Yes,” explain.</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>16 Are you applying for exemption as a cooperative hospital service organization under section 501(e)? If “Yes,” explain.</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>17 Are you applying for exemption as a cooperative service organization of operating educational organizations under section 501(f)? If “Yes,” explain.</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>18 Are you applying for exemption as a charitable risk pool under section 501(n)? If “Yes,” explain.</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>19 Do you or will you operate a school? If “Yes,” complete Schedule B. Answer “Yes,” whether you operate a school as your main function or as a secondary activity.</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>20 Is your main function to provide hospital or medical care? If “Yes,” complete Schedule C.</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>21 Do you or will you provide low-income housing or housing for the elderly or handicapped? If “Yes,” complete Schedule F.</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Note:** Private foundations may use Schedule H to request advance approval of individual grant procedures.
### A. Statement of Revenues and Expenses

<table>
<thead>
<tr>
<th>Type of revenue or expense</th>
<th>Current tax year</th>
<th>3 prior tax years or 2 succeeding tax years</th>
<th>(e) Provide Total for (a) through (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Gifts, grants, and contributions received (do not include unusual grants)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Membership fees received</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Gross investment income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Net unrelated business income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Taxes levied for your benefit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Total of lines 1 through 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Total of lines 8 and 9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Net gain or loss on sale of capital assets (attach schedule and see instructions)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Unusual grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Total Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Fundraising expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Disbursements to or for the benefit of members (attach an itemized list)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Compensation of officers, directors, and trustees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 Other salaries and wages</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Interest expense</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Occupancy (rent, utilities, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Depreciation and depletion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Professional fees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Any expense not otherwise classified, such as program services (attach itemized list)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Total Expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Add lines 14 through 23
### Part IX: Financial Data (Continued)

#### B. Balance Sheet (for your most recently completed tax year)

<table>
<thead>
<tr>
<th>Assets</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts receivable, net</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inventories</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonds and notes receivable (attach an itemized list)</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporate stocks (attach an itemized list)</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans receivable (attach an itemized list)</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other investments (attach an itemized list)</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciable and depletiable assets (attach an itemized list)</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other assets (attach an itemized list)</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Assets (add lines 1 through 10)</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributions, gifts, grants, etc., payable</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortgages and notes payable (attach an itemized list)</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other liabilities (attach an itemized list)</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Liabilities (add lines 12 through 15)</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Fund Balances or Net Assets

<table>
<thead>
<tr>
<th>17</th>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total fund balances or net assets</td>
<td>17</td>
</tr>
<tr>
<td>Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17)</td>
<td>18</td>
</tr>
</tbody>
</table>

**Have there been any substantial changes in your assets or liabilities since the end of the period shown above?**

- Yes [X]
- No [ ]

**Cash, total and net assets are [ ] at May 31, 2005.**

### Part X: Public Charity Status

Part X is designed to classify you as an organization that is either a *private foundation* or a *public charity*. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a *private operating foundation*. (See instructions.)

1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. [X] Yes [ ] No

If you are unsure, see the instructions.

1b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document.

2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. [X] Yes [ ] No

3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. [X] Yes [ ] No

4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? [X] Yes [ ] No

5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

- [ ] a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.
- [ ] b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B.
- [ ] c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.
- [ ] d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.
Part X  Public Charity Status (Continued)

e  509(a)(4)—an organization organized and operated exclusively for testing for public safety.

f  509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.

g  509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.

h  509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).

i  A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

6  If you checked box g, h, or i in question 5 above, you must request either an advance or a definitive ruling by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

a  Request for Advance Ruling: By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, Extending the Tax Assessment Period, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at www.irs.gov or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

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

For Organization

(Signature of Officer, Director, Trustee, or other authorized official)  (Type or print name of signer)  (Date)

For Director, Exempt Organizations

By  ..................................................  Date  ..................................................

b  Request for Definitive Ruling: Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).

(i)  (a) Enter 2% of line 8, column (e) on Part IX-A, Statement of Revenues and Expenses. $360.42

(b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.

(ii)  (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A, Statement of Revenues and Expenses, attach a list showing the name of and amount received from each disqualified person. If the answer is "None," check this box.

(b) For each year amounts are included on line 9 of Part IX-A, Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A, Statement of Revenues and Expenses, or (2) $5,000. If the answer is "None," check this box.

7  Did you receive any unusual grants during any of the years shown on Part IX-A, Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual.  Yes  No
Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed $10,000 annually over a 4-year period, you must submit payment of $500. If your gross receipts have not exceeded or will not exceed $10,000 annually over a 4-year period, the required user fee payment is $150. See Instructions for Part XI, for a definition of gross receipts over a 4-year period. Your check or money order must be made payable to the United States Treasury. User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.

1 Have your annual gross receipts averaged or are they expected to average not more than $10,000?
   □ Yes □ No
   If "Yes," check the box on line 2 and enclose a user fee payment of $150 (Subject to change—see above).
   If "No," check the box on line 3 and enclose a user fee payment of $500 (Subject to change—see above).

2 Check the box if you have enclosed the reduced user fee payment of $150 (Subject to change).

3 Check the box if you have enclosed the user fee payment of $500 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here

(Signature of Officer, Director, Trustee, or other authorized official) (Type or print name of signer) (Date)

(Designation of signer) (Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application.
Schedule E is intended to determine whether you are eligible for tax exemption under section 501(c)(3) from the postmark date of your application or from your date of incorporation or formation, whichever is earlier. If you are not eligible for tax exemption under section 501(c)(3) from your date of incorporation or formation, Schedule E is also intended to determine whether you are eligible for tax exemption under section 501(c)(4) for the period between your date of incorporation or formation and the postmark date of your application.

1. Are you a church, association of churches, or integrated auxiliary of a church? If "Yes," complete Schedule A and stop here. Do not complete the remainder of Schedule E.
   - Yes: [ ]
   - No: [ ]

2a. Are you a public charity with annual gross receipts that are normally $5,000 or less? If "Yes," stop here. Answer "No" if you are a private foundation, regardless of your gross receipts.
   - Yes: [ ]
   - No: [ ]

2b. If your gross receipts were normally more than $5,000, are you filing this application within 90 days from the end of the tax year in which your gross receipts were normally more than $5,000? If "Yes," stop here.
   - Yes: [ ]
   - No: [ ]

3a. Were you included as a subordinate in a group exemption application or letter? If "No," go to line 4.
   - Yes: [ ]
   - No: [ ]

3b. If you were included as a subordinate in a group exemption letter, are you filing this application within 27 months from the date you were notified by the organization holding the group exemption letter or the Internal Revenue Service that you cease to be covered by the group exemption letter? If "Yes," stop here.
   - Yes: [ ]
   - No: [ ]

3c. If you were included as a subordinate in a timely filed group exemption request that was denied, are you filing this application within 27 months from the postmark date of the Internal Revenue Service final adverse ruling letter? If "Yes," stop here.
   - Yes: [ ]
   - No: [ ]

4. Were you created on or before October 9, 1969? If "Yes," stop here. Do not complete the remainder of this schedule.
   - Yes: [ ]
   - No: [ ]

5. If you answered "No" to lines 1 through 4, we cannot recognize you as tax exempt from your date of formation unless you qualify for an extension of time to apply for exemption. Do you wish to request an extension of time to apply to be recognized as exempt from the date you were formed? If "Yes," attach a statement explaining why you did not file this application within the 27-month period. Do not answer lines 6, 7, or 8. If "No," go to line 6a.
   - Yes: [ ]
   - No: [ ]

6a. If you answered "No" to line 5, you can only be exempt under section 501(c)(3) from the postmark date of this application. Therefore, do you want us to treat this application as a request for tax exemption from the postmark date? If "Yes," you are eligible for an advance ruling. Complete Part X, line 6a. If "No," you will be treated as a private foundation.
   - Yes: [ ]
   - No: [ ]

   Note. Be sure your ruling eligibility agrees with your answer to Part X, line 6.

b. Do you anticipate significant changes in your sources of support in the future? If "Yes," complete line 7 below.
   - Yes: [ ]
   - No: [ ]
Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation (Continued)

7 Complete this item only if you answered "Yes" to line 6b. Include projected revenue for the first two full years following the current tax year.

<table>
<thead>
<tr>
<th>Type of Revenue</th>
<th>Projected revenue for 2 years following current tax year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) From .................</td>
</tr>
<tr>
<td>1 Gifts, grants, and contributions received (do not include unusual grants)</td>
<td></td>
</tr>
<tr>
<td>2 Membership fees received</td>
<td></td>
</tr>
<tr>
<td>3 Gross investment income</td>
<td></td>
</tr>
<tr>
<td>4 Net unrelated business income</td>
<td></td>
</tr>
<tr>
<td>5 Taxes levied for your benefit</td>
<td></td>
</tr>
<tr>
<td>6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)</td>
<td></td>
</tr>
<tr>
<td>7 Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)</td>
<td></td>
</tr>
<tr>
<td>8 Total of lines 1 through 7</td>
<td></td>
</tr>
<tr>
<td>9 Gross receipts from admissions, merchandise sold, or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)</td>
<td></td>
</tr>
<tr>
<td>10 Total of lines 8 and 9</td>
<td></td>
</tr>
<tr>
<td>11 Net gain or loss on sale of capital assets (attach an itemized list)</td>
<td></td>
</tr>
<tr>
<td>12 Unusual grants</td>
<td></td>
</tr>
<tr>
<td>13 Total revenue. Add lines 10 through 12</td>
<td></td>
</tr>
</tbody>
</table>

8 According to your answers, you are only eligible for tax exemption under section 501(c)(3) from the postmark date of your application. However, you may be eligible for tax exemption under section 501(c)(4) from your date of formation to the postmark date of the Form 1023. Tax exemption under section 501(c)(4) allows exemption from federal income tax, but generally not deductibility of contributions under Code section 170. Check the box at right if you want us to treat this as a request for exemption under 501(c)(4) from your date of formation to the postmark date.

Attach a completed Page 1 of Form 1024, Application for Recognition of Exemption Under Section 501(a), to this application.
Section I

Names of individual recipients are not required to be listed in Schedule H. Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.

1a Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc.
   b Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award.
   c If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).
   d Specify how your program is publicized.
   e Provide copies of any solicitation or announcement materials.
   f Provide a sample copy of the application used.

2 Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to your? If "No," refer to the instructions.
   Yes □ No □

3 Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.)

4a Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.)
   b Describe how you determine the number of grants that will be made annually.
   c Describe how you determine the amount of each of your grants.
   d Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.)

5 Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated.

6 Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members?

7 Are relatives of members of the selection committee, or of your officers, directors, or substantial contributors eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections?
   □ Yes □ No

Note. If you are a private foundation, you are not permitted to provide educational grants to disqualified persons. Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

Section II

Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.

1a If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures?
   □ Yes □ No □ N/A

b For which section(s) do you wish to be considered?
   • 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution
   • 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product

2 Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring?
   □ Yes □ No

3 Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2?
   □ Yes □ No
Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures (Continued)  

Section II  Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section. (Continued)

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<tbody>
<tr>
<td>4a</td>
<td>Do you or will you award scholarships, fellowships, and educational loans to attend an educational institution based on the status of an individual being an employee of a particular employer? If “Yes,” complete lines 4b through 4f.</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Will you comply with the seven conditions and either the percentage tests or facts and circumstances test for scholarships, fellowships, and educational loans to attend an educational institution as set forth in Revenue Procedures 76-47, 1976-2 C.B. 670, and 80-39, 1980-2 C.B. 772, which apply to inducement, selection committee, eligibility requirements, objective basis of selection, employment, course of study, and other objectives? (See lines 4c, 4d, and 4e, regarding the percentage tests.)</td>
<td>□ Yes □ No</td>
<td></td>
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<tr>
<td>c</td>
<td>Do you or will you provide scholarships, fellowships, or educational loans to attend an educational institution to employees of a particular employer? If “Yes,” will you award grants to 10% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39?</td>
<td>□ Yes □ No □ N/A</td>
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<tr>
<td>d</td>
<td>Do you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer? If “Yes,” will you award grants to 25% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? If “No,” go to line 4e.</td>
<td>□ Yes □ No</td>
<td></td>
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<tr>
<td>e</td>
<td>If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer, will you award grants to 10% or fewer of the number of employees’ children who can be shown to be eligible for grants (whether or not they submitted an application) in that year, as provided by Revenue Procedures 76-47 and 80-39?</td>
<td>□ Yes □ No □ N/A</td>
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</table>

If “Yes,” describe how you will determine who can be shown to be eligible for grants without submitting an application, such as by obtaining written statements or other information about the expectations of employees’ children to attend an educational institution. If “No,” go to line 4f.

Note. Statistical or sampling techniques are not acceptable. See Revenue Procedure 85-51, 1985-2 C.B. 717, for additional information.

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<tr>
<td>f</td>
<td>If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer without regard to either the 25% limitation described in line 4d, or the 10% limitation described in line 4e, will you award grants based on facts and circumstances that demonstrate that the grants will not be considered compensation for past, present, or future services or otherwise provide a significant benefit to the particular employer? If “Yes,” describe the facts and circumstances that you believe will demonstrate that the grants are neither compensatory nor a significant benefit to the particular employer. In your explanation, describe why you cannot satisfy either the 25% test described in line 4d or the 10% test described in line 4e.</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
</tbody>
</table>

Form 1023 (Rev. 10-2004)
ARTICLES OF INCORPORATION

OF

COLORADO ASIAN AMERICAN BAR FOUNDATION

(a Colorado Nonprofit Corporation)

I, Fay M. Matsukage, being a natural person of more than eighteen years of age acting as an incorporator in order to organize and establish a Nonprofit Corporation under and pursuant to the Colorado Nonprofit Corporation Act, hereby adopt the following Articles of Incorporation:

ARTICLE I
Name

The name of the corporation shall be the Colorado Asian American Bar Foundation (the "Foundation").

ARTICLE II
Principal Office

The place in this state where the principal office of the Foundation is to be located is
Stanford Place 3, Suite 201, 4582 South Ulster Street Parkway, Denver, Colorado, 80237.

ARTICLE III
Place of Operation

The territory in which the Foundation's activities are principally to be conducted is Colorado and surrounding states.

ARTICLE IV
Duration

The period of duration of the Foundation shall be perpetual.

COMPUTER UPDATE COMPLETE

JM
ARTICLE V
Purposes and Powers

(a) The Foundation is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or corresponding section of any future federal tax code.

(b) The Foundation is organized further to receive and administer funds for educational and charitable purposes and to that end to take and hold by bequest, devise, gift, grant, purchase, lease, or otherwise, either absolutely or jointly with any other person, persons, or corporation, any property, real, personal, tangible, or intangible, or any undivided interest therein, without limitation as to amount or value; to sell, convey, or otherwise dispose of any such property and to invest, reinvest, or deal with the principal or the income thereof in such manner as, in the judgment of the trustees, will best promote the purposes of the Foundation without limitation, except such limitations, if any, as may be contained in the instrument under which such property is received, these Articles of Incorporation, the Bylaws of the Foundation, or any laws applicable thereto.

(c) Without limiting the generality of the foregoing, one of the principal purposes of the Foundation shall be the fostering of legal educational opportunities through the making of grants to educational institutions for the establishment of student grants and loan funds and through the making of direct grants or loans to individuals without interest to enable them to meet the expenses of such higher education.

(d) In general, the Foundation shall be organized to do any and all acts and things, and to exercise any and all powers which it may now or hereafter be lawful for the Foundation to do or exercise under and pursuant to the laws of the State of Colorado for the purpose of accomplishing any of the purposes of the Foundation.

(e) The purposes for which the Foundation is organized shall be confined to those which are strictly educational and charitable.

(f) The Foundation shall not engage nor shall any of its funds, property, or income be used in carrying on propaganda or otherwise attempting to influence legislation, nor shall the Foundation participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office, nor shall the Foundation engage in subversive or un-American activities.
ARTICLE VI
Restrictions and Limitations

No part of the income or net earnings of the Foundation shall inure to the benefit of, nor be distributable to its members, trustees, officers, or other private persons, except that the Foundation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of one or more of its purposes as set forth in Article V hereof, including, but not limited to, reimbursement for any reasonable expenses incurred for such purposes by a member, trustee, officer, or other person or corporation. Notwithstanding any other provision of these Articles of Incorporation, the Foundation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code. Further, the Foundation shall not engage in any activities or exercise any powers that are not in furtherance of its purposes as set forth in Article V hereof.

ARTICLE VII
Stock

The Foundation shall not issue any shares of stock.

ARTICLE VIII
Non-Discriminatory

The Foundation shall not discriminate on the basis of race, color, national origin, sex, creed or religion.

ARTICLE IX
Dissolution

Upon the dissolution of the Foundation, all liabilities and obligations of the Foundation shall be paid, satisfied, and discharged, or provisions shall be made thereof, any assets held on the condition they be returned, transferred, or conveyed upon dissolution shall be disposed of in accordance with such requirements; all remaining assets of every nature and description whatsoever shall be distributed to one or more educational or charitable foundations, trusts, funds or corporations qualified for exemption from federal income tax
under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.

**ARTICLE X**
Membership

Any individual person, firm, or corporation who subscribes to the purposes and basic policies of the Foundation may become a member of the Foundation subject only to compliance with the provisions of the Bylaws. Membership in the Foundation shall be available without regard to race, color, creed, or national origin.

**ARTICLE XI**
Board of Trustees

(a) The corporate powers shall be exercised by or under the authority of, and the business and affairs of the Foundation shall be managed under the direction of, a board of trustees.

(b) The number of trustees shall be fixed in accordance with the Foundation's Bylaws, but in no event shall the number of trustees be less than three.

(c) A trustee shall have no personal liability to the Foundation or to its members for monetary damages for breach of fiduciary duty as a trustee, except as provided to the contrary in the Colorado Nonprofit Corporation Act.

**ARTICLE XII**
Indemnification

The Foundation may, by resolution of the Board of Trustees, provide for indemnification by the Foundation of any and all of its trustees or officers or former trustees or officers against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding, in which they or any of them are made parties, or a party, by reason of having been trustees or officers of the Foundation, except in relation to matters as to which such trustee or officer or former trustee or officer shall be adjudged in such action, suit, or proceeding, to be liable for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability for negligence or misconduct.
ARTICLE XIII
Registered Office and Agent

The address of the initial registered office of the Foundation is [redacted], and the name of the initial
registered agent of the Foundation at such address is [redacted].

ARTICLE XIV
Amendment

The Foundation reserves the right to amend, alter, change, or repeal any provision
contained in, or to add any provision to, these Articles of Incorporation from time to time,
in any manner now or hereafter prescribed or permitted by the Colorado Nonprofit
Corporation Act, and all rights and powers conferred upon directors and members hereby are
granted subject to this reservation.

ARTICLE XV
Incorporator

The name and address of the incorporator of the Foundation is [redacted].

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles
of Incorporation this 20th day of September, 1995.
STATE OF COLORADO

CITY AND COUNTY OF DENVER

Personally appeared before me this 20th day of September, 1995, who, being first duly sworn, declared that she executed the foregoing Articles of Incorporation and that the statements therein are true and correct to the best of her knowledge and belief.

Witness my hand and official seal.

Brenda M. Johnson, Notary Public

My commission expires:

September 9, 1996
ARTICLES OF AMENDMENT
TO THE ARTICLES OF INCORPORATION
COLORADO NONPROFIT CORPORATION

Return to: Colorado Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202
(303) 894-2251
Fax (303) 894-2242

FILING FEE: $25.00
Submit 1 typed original - 1 copy
(please include a self-addressed envelope)

Pursuant to the provisions of the Colorado Revised Nonprofit Corporation Act, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation:

1. The name of the corporation is: Colorado Asian American Bar Foundation
   (If this is a change of name amendment, the name to be typed is the corporate name prior to this amendment being filed)

2. Text of the amendment adopted: The name of the corporation is amended to be

   Colorado Asian Pacific American Bar Foundation

3. The amendment to the Articles of Incorporation was adopted on the 16th day of January, 2001, in the manner prescribed by the Colorado Revised Nonprofit Corporation Act. (mark (✓) applicable procedure below)

   ✓ A. The amendment was adopted by the board of directors/incorporators without member action and member action was not required;

   □ B. The amendment was adopted by the members AND the number of votes cast for the amendment by each voting group entitled to vote separately on the amendment was sufficient for approval by that voting group;

   □ C. An approval of the amendment was obtained by some person or persons other than the members, the board of directors, or the incorporators required pursuant to section 7-130-301.

   Signature __________________________ Title __________________________ President

DNVR:60158413.01

Revised 8/98
BYLAWS

of

COLORADO ASIAN PACIFIC AMERICAN BAR FOUNDATION

(a Colorado Nonprofit Corporation)

ARTICLE 1
NAME AND OFFICES

Section 1.1 Name. The name of this corporation shall be the Colorado Asian Pacific American Bar Foundation. The Board of Directors may designate other names for specific activities and programs as it deems appropriate.

Section 1.2 Principal Office. The principal office and place of business of the Corporation in the State of Colorado shall be located at [Address]. The Corporation may have such other offices, either within or outside Colorado, as the Board of Directors may designate or as the business of the Corporation may require from time to time.

Section 1.3 Registered Office. The registered office of the Corporation in Colorado may be, but need not be, the same as the principal office. The address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE 2
OBJECTIVES

Section 2.1 The Foundation is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or corresponding section of any future federal tax code.

ARTICLE 3
MEMBERSHIP

Section 3.1 Members of the board of directors shall constitute the membership of the corporation.

ARTICLE 4
BOARD OF DIRECTORS

Section 4.1 Qualifications; Election; Tenure.

(a) Members of the Board of Directors of the Corporation shall be natural persons at least eighteen years of age or older. The directors, who need not be residents of the State of Colorado, shall manage the affairs of the Corporation. The initial Board of Directors
shall be five (5) in number. The Board of Directors may increase the size of the board and elect directors to fill vacancies thereby created at any meeting for which notice of such proposed action was given except that there shall always be at least three (3) Directors at any given time but no more than nine (9) Directors at any given time.

(b) All directors shall be elected by the Board of Directors at each annual meeting of the Board of Directors. The Board shall be at least 50% members of the Asian Pacific American Bar Association of Colorado ("APABA") and shall include the immediate past president of APABA (unless such person chooses not to serve on the Board of Directors). The Board will attempt to have at least two new Directors every year, but the Board’s powers and duties shall not be affected in any way if there are not two new Directors in any given year.

(c) Directors shall be elected for a one-year term and shall hold office until the next annual meeting of the Board of Directors occurring at the expiration of their terms or until their successors have been elected and qualified. Directors may be elected for any number of successive terms. A director continues to serve until the director’s successor is elected and qualifies. A decrease in the number of directors or in the term of office shall not shorten an incumbent director’s term. The term of a director filling a vacancy expires at the end of the unexpired term that such director is filling.

Section 4.2 Annual Meeting. An annual meeting of the Board of Directors shall be held in the month of June in each calendar year, or on such other date and at such time and at such place as the Board of Directors may determine. The annual meeting of the Board of Directors shall be for the purpose of electing directors and officers and for the transaction of such other business as may come before the meeting. Failure to hold an annual meeting does not affect the validity of any corporate action. Notice of the annual meeting shall be given in accordance with Section 4.12, but such notice need not state the purpose of the meeting.

Section 4.3 Regular Meetings. The Board of Directors may provide by resolution the time and place, either within or outside Colorado, for the holding of regular meetings without other notice.

Section 4.4 Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two directors. Special meetings shall be held at such time and place, either within or outside Colorado, as may be designated by the authority calling such meeting; provided that no meeting shall be called outside the State of Colorado unless a majority of the board has so authorized.

Section 4.5 Quorum; Voting.

(a) A quorum at all meetings of the Board of Directors shall consist of a majority of the directors holding office. Less than a quorum may adjourn from time to time without further notice until a quorum is present. Except as provided otherwise by the Bylaws, the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

(b) For purposes of determining a quorum and for purposes of casting a vote, a director may be deemed to be present and to vote if the director grants a signed, written-proxy
to another director who is present at the meeting. The proxy must direct a vote to be cast with respect to a particular proposal that is described with reasonable specificity in the proxy. No other proxies are allowed.

(c) A director who is present at a meeting of the Board of Directors is deemed to have assented to all action taken unless: (i) the director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to any action taken; (ii) the director contemporaneously requests that the director’s dissent or abstention as to any specific action taken be entered in the minutes; or (iii) the director causes written notice of the director’s dissent or abstention as to any specific action to be received by the presiding officer of the meeting before adjournment, or by the Corporation promptly after adjournment. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

Section 4.6 Vacancies. Any vacancy in the Board of Directors shall be filled by the Board of Directors. A director elected to fill a vacancy shall be elected for the unexpired term of such person’s predecessor in office and until such person’s successor is duly elected and shall have qualified. If a vacancy occurs on the board of directors, including a vacancy resulting from an increase in the number of directors, the Board of Directors may fill the vacancy even though the directors remaining in office constitute fewer than a quorum of the Board of Directors.

Section 4.7 Committees.

(a) The Board of Directors may designate from among the directors, by a resolution adopted by a majority of the entire Board of Directors, one or more committees, each of which shall have and may exercise such authority in the management of the Corporation as shall be provided in such resolution. No such committee shall have the power or authority to elect, appoint or remove any director; amend, restate, alter, or repeal the Articles of Incorporation; amend, alter, or repeal these or any other Bylaws of the Corporation; approve a plan of merger; approve a sale, lease, exchange, or other disposition of all or substantially all of the property of the Corporation, other than in the usual and regular course of business, or to take any other action prohibited by law.

(b) The Board of Directors may establish by resolution one or more committees, advisory boards, auxiliaries, or other bodies of any kind with such rules of procedure as the Board may provide. Such committees may provide such advice, service and assistance as requested, but may not exercise any power or authority reserved to the Board of Directors.

Section 4.8 Resignation. A director may resign at any time by giving written notice of resignation to the Corporation. The resignation is effective when the notice is received by the Corporation unless the notice specifies a later effective date. A director who resigns may deliver a statement to that effect to the Colorado Secretary of State.

Section 4.9 Removal. Any member of the Board of Directors may be removed with or without cause by vote of a majority of the directors then in office at a duly called meeting of the Board of Directors.
Section 4.10 Action Without a Meeting. Any action required by law to be taken at a meeting of the Board of Directors, or any committee thereof, or any other action which may be taken at a meeting of directors, or any committee thereof, may be taken without a meeting if every member of the board or such committee, as appropriate, in writing either: (i) votes for such action or (ii) votes against such action or abstains from voting and waives the right to demand that a meeting be held. Action is taken only if the affirmative votes for such action equal or exceed the minimum number of votes that would be necessary to take such action at a meeting at which all of the directors or committee members, as appropriate, then in office were present and voted. The action shall be effective only if there are writings which describe the action, signed by all directors, received by the Corporation and filed with the minutes. Any such writings may be received by electronically transmitted facsimile or other form of wire or wireless communication providing the Corporation with a complete copy of the document including a copy of the signature. Actions taken shall be effective when the last writing necessary to effect the action is received by the Corporation unless the writings set forth a different date. Any director who has signed a writing may revoke it by a writing signed, dated and stating the prior vote is revoked. However, such writing must be received by the Corporation before the last writing necessary to effect the action is received. All such actions shall have the same effect as action taken at a meeting.

Section 4.11 Compensation. No member of the Board of Directors shall receive any compensation for serving in such office, provided that the Corporation may reimburse any member of the Board of Directors for reasonable expenses incurred in connection with service on the Board.

Section 4.12 Notice. Notice of the date, time, place and purpose of any special meeting or any other meeting for which notice is required shall be given to each director at least two business days prior to the meeting. Notice may be given orally in person or by telephone or may be given in writing by U.S. Mail, electronic mail, electronically transmitted facsimile, or other form of wire or wireless communication. If mailed, such notice shall be deemed received and to be effective on the earlier of (i) five days after such notice is deposited in the United States mail, properly addressed, with first class postage prepaid; or (ii) the date shown on the return receipt, if mailed by registered or certified mail return receipt requested, provided that the return receipt is signed by the director to whom the notice is addressed. If notice is given orally in person or by telephone it is effective when communicated. If notice is given by electronic mail, electronically transmitted facsimile, or other similar form of wire or wireless communication, such notice shall be deemed to be given and to be effective as of the date and time of machine confirmation of delivery. Notice may be mailed to the last address known to the Corporation. If a director has designated in writing one or more reasonable addresses or facsimile numbers for delivery of notice, notice sent by U.S. mail, electronic mail or electronically transmitted facsimile or other form of wire or wireless communication shall not be deemed to have been given or to be effective unless sent to such addresses or facsimile numbers as the case may be.

Section 4.13 Waiver of Notice. A director may waive notice of a meeting before or after the time and date of the meeting by a writing signed by the director. Such waiver shall be delivered to the corporate Secretary for filing with the corporate records, but such delivery and filing shall not be conditions to the effectiveness of the waiver. Further, a director’s attendance at or participation in a meeting waives any required notice to the director of the meeting unless at
the beginning of the meeting, or promptly upon the director’s later arrival, the director objects to holding the meeting or transacting business at the meeting because of lack of notice or defective notice and does not thereafter vote for or assent to action taken at the meeting.

Section 4.14 Telephonic Meetings. The board of directors may permit any director (or any member of any committee designated by the board) to participate in a meeting of the Board of Directors or a committee thereof through the use of any means of communication by which all directors participating in the meeting can hear each other during the meeting. A director participating in a meeting in this manner is deemed to be present in person at the meeting.

Section 4.15 Standard of Conduct for Directors and Officers. Each director and officer shall perform their duties as a director or officer, including without limitation their duties as a member of any committee of the board, in good faith, in a manner the director or officer reasonably believes to be in the best interests of the Corporation, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. In the performance of their duties a director or officer shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by the persons designated below. However, a director or officer shall not be considered to be acting in good faith if the director or officer has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A director or officer shall not be liable to the Corporation or its members for any action the director or officer takes or omits to take as a director or officer if, in connection with such action or omission, the director or officer performs their duties in compliance with this Section.

The designated persons on whom a director or officer are entitled to rely are: (i) one or more officers or employees of the Corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented; (ii) legal counsel, a public accountant, or other person as to matters which the director or officer reasonably believes to be within such person’s professional or expert competence; or (iii) a committee of the board of directors on which the director or officer does not serve if the director reasonably believes the committee merits confidence.

Section 4.16 Conflicting Interest Transaction. No conflicting Interest Transaction, as defined in this Section 2.16, shall be void or voidable or be enjoined, set aside, or give rise to an award of damages or other sanctions in a proceeding by or in the right of the Corporation, or by a member, solely because the Conflicting Interest Transaction involves a Director, officer or employee or an entity in which a Director, officer or employee is a director or officer or has a financial interest or solely because the Director or officer is present at, or participates in, a meeting of the Board of Directors or of a committee which authorizes, approves or ratifies the Conflicting Interest Transaction or solely because the Director’s vote is counted for such purposes if: (i) the material facts as to the relationship or interest and as to the Conflicting Interest Transaction are disclosed or known to the Board of Directors or the committee, and the Board of Directors or committee in good faith authorizes, finds the Conflicting Interest Transaction to be fair to the Corporation and approves or ratifies it by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors are less than a quorum; or (ii) the Conflicting Interest Transaction is fair to the corporation as of the time it is authorized, approved or ratified by the Board of Directors or a committee thereof.
A “Conflicting Interest Transaction” means any contract or transaction between the Corporation and a Director, officer or employee, or between the Corporation and an entity in which a Director, officer or employee is a director or officer or has a financial interest. Every Director, officer and employee of the Corporation shall comply with the Conflict of Interest Policy (attached hereto).

ARTICLE 5
OFFICERS

Section 5.1 General. The officers of the Corporation shall be a President, one or more Vice Presidents, a Secretary, and a Treasurer. Any individual may hold more than one office. The Board of Directors may appoint such other officers as it may deem advisable, who shall be chosen in such manner and hold their offices for such terms and have such authority and duties as set forth in the Bylaws or as from time to time may be determined by the Board of Directors. Except as expressly prescribed by these Bylaws, the Board of Directors or the officer or officers authorized by the board, shall from time determine the procedure for the appointment of officers, their authority and duties, provided that the Board of Directors may change the authority and duties of any officer who is not appointed by the board. All officers shall be natural persons who are eighteen years or older. An officer may, but need not be, a director of the Corporation.

Section 5.2 Powers and Duties. The officers of the Corporation shall exercise and perform the respective powers, duties, and functions as are stated below and as may be assigned to them by the Board of Directors.

(a) The President shall preside at all meetings of the Board. The President shall be the Chief Executive Officer of the Corporation and shall, subject to the general direction and control of the Board of Directors, have the general supervision, direction, and control over the business and affairs of the Corporation and its officers, agents, and employees. The President may sign, with the Secretary or any Assistant Secretary or any other proper officer of the Corporation designated by the Board of Directors, any deeds, leases, mortgages, deeds of trust, or other documents of conveyance or encumbrance of any real property owned by the Corporation. He shall also perform all duties incident to the office of President and such other duties as may be assigned by the Board of Directors from time to time.

(b) The Vice-Presidents shall assist the President and shall perform such duties as may be assigned to them by the President or by the Board of Directors. In the absence of the President, the Vice-President, if any (or, if more than one, the Vice-Presidents in the order designated by the Board of Directors, or if the board makes no such designation, then the Vice-President designated by the President, or if neither the board nor the President makes any such designation, the senior Vice-President as determined by first election to that office), shall have the powers and perform the duties of the President.

(c) The Secretary shall keep accurate minutes of the proceedings of the members and of the Board of Directors and of any committees of the Board of Directors; shall ensure that all notices are duly given in accordance with the provisions of these Bylaws; shall be custodian of the records and of the seal of the Corporation and shall attest the affixing of the seal of the Corporation, if any, when authorized by the Board of Directors; and shall perform such
additional duties as are incident to such office and as may be assigned to such person by the Board of Directors or the President. Assistant Secretaries, if any, shall have the same duties and powers subject to the supervision of the Secretary.

(d) The Treasurer shall be the principal financial officer of the Corporation; shall have the charge and custody of and be responsible for all funds and securities of the Corporation; shall deposit such funds in the name of the Corporation in such depositories as shall be designated by the Board of Directors; shall keep accurate books of account and records of financial transactions and the condition of the Corporation and shall submit such reports thereof as the Board of Directors may from time to time require; and in general, perform all duties incident to such office and such other duties as may from time to time be assigned to such person by the President or by the Board of Directors. The Treasurer shall make an annual financial report to the Corporation at the annual meeting of the Board of Directors. With the approval of the Board of Directors, the Treasurer shall be authorized to engage any firm of certified public accountants to assist in the performance of any of the duties incident to the Treasurer’s office. Assistant Treasurers, if any, shall have the same duties and powers subject to the supervision of the Treasurer.

Section 5.3 Selection and Terms of Offices. All officers of the Corporation shall be elected by the Board of Directors and shall hold office until the first of the following occurs: a successor shall have been duly appointed and qualified by the Board of Directors; death; resignation; or removal from office by the Board of Directors.

Section 5.4 Compensation. No compensation shall be paid to officers of the Corporation for serving in such capacity, unless otherwise approved by the Board of Directors. The Corporation shall reimburse any officer for all reasonable expenses incurred by such individual in connection with services rendered to or for the Corporation.

Section 5.5 Resignation and Removal. An officer may resign at anytime by giving written notice of resignation to the Corporation. The resignation is effective when the notice is received by the Corporation unless the notice specifies a later effective date. Any officer or agent elected may be removed at any time with or without cause by the Board of Directors or by an officer or officers authorized by the board to do so. An officer who resigns or is removed or whose appointment has expired may deliver a statement to that effect to the Colorado Secretary of State. Such removal does not affect the contract rights, if any, of the Corporation or of the person so removed unless otherwise specified in such contract. The appointment of an officer or agent shall not in itself create contract rights.

Section 5.6 Vacancies. A vacancy in any office, however occurring, may be filled by the Board of Directors, or by the officer or officers authorized by the board, for the unexpired portion of the officer’s term. If an officer resigns and the resignation is made effective at a later date, the Board of Directors, or officer or officers authorized by the board, may permit the officer to remain in office until the effective date and may fill the pending vacancy before the effective date if the Board of Directors, or officer or officers authorized by the board provide that the successor shall not take office until the effective date. In the alternative, the Board of Directors, or officer or officers authorized by the Board of Directors, may remove the officer at any time before the effective date and fill the resulting vacancy.
ARTICLE 6
INDEMNIFICATION

The Corporation shall indemnify to the maximum extent permitted by law any person who is or was a director or officer of the Corporation against any claim, liability or expense arising against or incurred by such person made party to a proceeding because he is or was a director or officer of the Corporation or because he is or was serving another entity as a director or officer, partner, trustee, employee, fiduciary or agent at the Corporation’s request. The Corporation shall further have the authority to the maximum extent permitted by law to purchase and maintain insurance providing such indemnification.

ARTICLE 7
MEMBERS

Section 7.1 Establishment of Members. The Board of Directors may establish from time to time, requirements for membership in the Corporation, including but not limited to payment of any membership initiation fee and/or membership fees. Persons may become members of the Corporation upon satisfaction of such requirements. The members shall have no right to vote on any matter relating to the Corporation. Subject to the preceding sentence, the members shall have such rights and benefits as may be determined from time to time by the Board of Directors. The Board of Directors may at any time establish, modify or eliminate categories of membership.

ARTICLE 8
CONTRACTS, LOAN, AND DEPOSITS

Section 8.1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 8.2 Loans. No loans shall be contracted for on behalf of the Corporation and no evidence of indebtedness shall be issued in the name of the Corporation unless authorized by a resolution of the Board of Directors. Such authority may be general if confined to a specific dollar limit determined from time to time by resolution of the Board of Directors and shall otherwise be confined to specific instances. No loan shall be made to any member, officer or director of the Corporation.

Section 8.3 Checks, Drafts, and Notes. All checks, drafts, or other orders for payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 8.4 Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, financial institutions, or other custodians as the Board of Directors may select.
Section 8.5  *Investment Managers.* The Board of Directors shall have the authority to designate any bank, trust company, brokerage firm, or investment advisor to manage the assets and investment of the assets of the Corporation.

Section 8.6  *Fiscal Year.* The fiscal year of the Corporation shall be determined by the Board of Directors.

**ARTICLE 9**  
**AMENDMENTS**

These Bylaws may be amended, altered, or repealed and new Bylaws may be adopted by the Board of Directors of the Corporation by a majority vote of all directors.

**ARTICLE 10**  
**MISCELLANEOUS**

Section 10.1  *Seal.* The board of directors may adopt a corporate seal, which may be circular in form and shall contain the name of the corporation and the words, “Seal, Colorado.”

Section 10.2  *Definitions.* Except as otherwise specifically provided in these Bylaws, all terms used in these Bylaws shall have the same definition as in the Colorado Revised Nonprofit Corporation Act.

The above Bylaws were approved and adopted by the Board of Directors on the 12th day of May, 2005.
COLORADO ASIAN PACIFIC AMERICAN BAR FOUNDATION
EIN: [redacted]
Attachment to Form 1023 – page 1

Part IV  Narrative Description of Your Activities

The Colorado Asian Pacific American Bar Foundation (CAPABF) is a non-profit, charitable and educational affiliate of the Asian Pacific American Bar Association of Colorado (APABA), a 501(c)(6) entity. Both CAPABF and APABA are affiliated with the National Asian Pacific American Bar Association.

In furtherance of its mission, which is to receive and administer funds for educational and charitable purposes including but not limited to the fostering of educational opportunities for the advancement and welfare of the Asian Pacific American communities in Colorado, CAPABF:

☐ Provides financial assistance to Asian Pacific American law students attending Colorado law schools who have demonstrated academic excellence and social leadership. CAPABF annually awards scholarships to students of the University of Colorado School of Law and the University of Denver Sturm College of Law through the Anheuser-Busch Minoru Yasui Scholarships, as well as to grants made to the Asian Pacific American Law Student Association group of each of these law schools.

☐ Assists in the conducting of legal scholarship and education in the Denver, Colorado, area with respect to legal issues affecting the Asian Pacific American community. Approximately every 3 years, in partnership with the National Institute for Trial Advocacy and bar associations in the Denver area, CAPABF sponsors an Advocacy Institute to train law students and young attorneys.

☐ Develops and supports programs to educate the legal profession and Asian Pacific American communities about legal issues affecting those communities. With assistance from APABA members, CAPABF sponsors legal clinics targeting the Denver-area Asian Pacific American community.

☐ Supports educational and charitable programs targeting the Denver-area Asian Pacific American community. Examples are sponsorship of the Denver Public Schools Asian Education Advisory Council awards and sponsorship of programs conducted by the Asian Pacific Development Center, located in Denver, Colorado.

The above-described activities are the only activities of CAPABF. Funds for the above activities come from donations and the annual fundraising banquet. In the case of seminars, conferences, or educational programs, a nominal fee may be charged to cover administrative expenses.

Part V  Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

Item 1a  None of the officers or directors of CAPABF receive any form of compensation or benefits.

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Item 5a  The sample conflicts of interest policy was adopted by resolution of the board of directors of CAPABF.
Article I
Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization’s (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II
Definitions

1. Interested Person
Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

[Hospital insert – for hospitals that complete Schedule C
If a person is an interested person with respect to any entity in the health care system of which the organization is a part, he or she is an interested person with respect to all entities in the health care system.]

2. Financial Interest
A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
   a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
   b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
   c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III
Procedures

1. Duty to Disclose
In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists
After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest
   a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
   b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
   c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
   d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization’s best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
4. Violations of the Conflicts of Interest Policy
   a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
   b. If, after hearing the member’s response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV
Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:
   a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board’s or committee’s decision as to whether a conflict of interest in fact existed.
   b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V
Compensation

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member’s compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member’s compensation.

c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

[Hospital Insert – for hospitals that complete Schedule C]

d. Physicians who receive compensation from the Organization, whether directly or indirectly or as employees or independent contractors, are precluded from membership on any committee whose jurisdiction includes compensation matters. No physician, either individually or collectively, is prohibited from providing information to any committee regarding physician compensation.

Article VI
Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:
   a. Has received a copy of the conflicts of interest policy,
   b. Has read and understands the policy,
   c. Has agreed to comply with the policy, and
   d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII
Periodic Reviews

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
   a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm’s length bargaining.
   b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization’s written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII
Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.
Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

Item 1a Funds are provided to individuals in the form of the Anheuser-Busch Minoru Yasui Scholarships to law students. Goods are provided to individuals in the form of holiday food baskets distributed to needy families through the Asian Pacific Development Center. Occasionally, grants are made to individuals for a specific educational purpose, such as attendance at leadership conferences.

Item 1b Funds are provided to the Denver Public Schools Asian Education Advisory Council towards sponsorship of its awards program and to the Asian Pacific Development Center towards sponsorship of its after school education program. Scholarship funds are also provided to the University of Denver College of Law Asian Pacific American Law Students Association, the University of Colorado Asian Pacific American Law Students Association, and to the University of Asian/Pacific American Student Scholarship at the University of Northern Colorado. Occasionally, grants are made for a specific educational or charitable purpose, such as the grant made to the Colorado Women’s Bar Association Foundation for its history project or to Youth in Action for a special project, or to Diversity Awareness Week (a special event).

Part VIII Your Specific Activities

Item 4a The CAPABF hosts an annual fundraising banquet at which the Anheuser-Busch Minoru Yasui Scholarships are awarded. Tickets are sold for the banquet, with the difference between the amounts received and the cost (for food, wine and entertainment) going to CAPABF.

Item 4d Funds are raised only in the state of Colorado.

Item 13b Since the CAPABF has a stated purpose of fostering legal educational opportunities, the grants made to organizations such as the University of Denver College of Law Asian Pacific American Law Students Association and the University of Colorado Asian Pacific American Law Students Association specifically further this purpose. Also, as the CAPABF has a general educational and charitable purpose, grants made to the Denver Public Schools Asian Education Advisory Council and Asian Pacific Development Center, a 501(c)(3) organization also further the exempt purposes of the CAPABF.

Item 13d Recipient organizations are as follows:
- University of Denver College of Law Asian Pacific American Law Students Association – no relationship
- University of Colorado Asian Pacific American Law Students Association – no relationship
- Denver Public Schools Asian Education Advisory Council – no relationship
- Asian Pacific Development Center – no relationship

Item 13e A file of each grant is maintained, containing information pertaining to the grant, the request, the amount and date of grant, and any correspondence related to the grant.

Item 13f The board of directors of CAPABF reviews the grant request. Beginning in July 2005, CAPABF will be using a more formal application procedure. A copy of the application is attached. As part of this more formal procedure, upon the making of a grant, the board will also determine periodic and final reporting requirements for the recipient and then notify the recipient of these reporting requirements at the time the grant is announced.

Item 13g See the response to Item 13f above.
Item 15  The Asian Pacific American Bar Association of Colorado (APABA) formed CAPABF as its charitable arm. APABA and CAPABF operate in a coordinated manner with respect to programs and activities. The bylaws of CAPABF specify that at least half of the directors shall be members of APABA, including the immediate past president of APABA.
Part IX Financial Data

Line 9 - Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes

Purchase of tickets at annual banquet
Registration fee for trial advocacy program

TOTAL

Line 15 - Contributions, gifts, grants, and similar amounts paid out

Minoru Yasui Scholarships
Asian Education Advisory Council
Holiday food baskets
Jennifer Hua - Nat'l Youth Ldshp Forum
Diversity Awareness Week
Youth in Action
APALSA grants
Colo Womens Bar Assn Fdn
Asian/Pacific Amer Student Schschp Fund
Asian Pacific Dev Center ReLAY Program

TOTAL

Line 23 - Any expense not otherwise classified, such as program services

Bank charges
Trial advocacy program - catering
Trial advocacy program - instructor gifts
Filing fees for corporate report

TOTAL
Part X Public Charity Status

Item 6b Anheuser-Busch Companies donated [redacted] in each of the fiscal years shown in Part IX-A to fund the Anheuser-Busch Minoru Yasui Scholarships.

Item 7 The contributor of [redacted] was [redacted]. These grants were deemed unusual because of the amount and because they were unsolicited.

Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation

Item 5 It is believed that CAPABF first filed a Form 1023 in 1995. However, the person who was believed to have filed the Form moved out of state. Officers and directors of CAPABF were unable to contact her. The CAPABF does not believe that granting an extension will not prejudice the interests of the government. Further, this Form 1023 is being filed before any discovery of a failure to file.

Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures

Item 1a CAPABF awards annually Anheuser-Busch Minoru Yasui Scholarships (the “Yasui Scholarships”) to one law student from the University of Denver Sturm College of Law and one law student from the University of Colorado School of Law.

Occasionally, the CAPABF makes a grant to an individual for a specific educational purpose, such as attendance at a leadership conference. These amounts rarely exceed $300.

Item 1b Each of the Yasui Scholarship recipients receives $1,000 from the CAPABF. Each of the law schools matches this award. The purpose of the scholarship is to defray the cost of attending law school.

Item 1c The CAPABF does not award educational loans.

Item 1d The Yasui Scholarship is publicized by disseminating application materials to each of the law schools involved, and specifically to the Asian Pacific American Law Student Associations at each of the two law schools.

Items 1e & f See the attachments

Item 3 Law students enrolled in two Colorado law schools are eligible for the Yasui Scholarships.

Item 4a The criteria for selection of scholarship recipients include the following:

- academic performance,
- financial need,
- recommendations from law school faculty, Asian American community leaders and others,
- experience and commitment to serving the Asian American community and the broader community; and
• conclusions drawn by the selection committee from a written application and a personal interview.

The selection is made on a objective and nondiscriminatory basis without regard to race, color, national origin, age, sex, creed, sexual orientation, or religion.

Item 4b & c  At this time, the board of directors has determined to limit the amount of the Yasui Scholarships to $1,000 to one student from each of the two Colorado law schools, or $2,000 in the aggregate. Should Anheuser-Busch cease its support of the scholarships, this amount can be funded through interest income on the cash assets of CAPABF.

Item 4d  The Yasui Scholarship is not a renewable grant. A recipient from one year could apply for the scholarship in a subsequent year.

Item 5  Scholarship recipients are required to apply the proceeds toward their education.

Item 6  The selection committee is comprised of volunteer members of APABA, who are practicing attorneys or judges.
THE ANHEUSER-BUSCH MINORU YASUI LAW SCHOOL SCHOLARSHIP
University of Colorado School of Law Applicant

(Please print or type)

Applicant’s Name: __________________________________________ Telephone day: __________

Address: __________________________________________________ eve: __________

____________________________________________________________________

____________________________________________________________________

E-mail: ___________________________________________________________ Expected date of graduation: _____

How best to contact me: ____________________________________________

I. INSTRUCTIONS

Please complete the following and attach all documents to this form:

1. An essay, NOT TO EXCEED 500 WORDS, on the following topic:
   After reading the brief biography of Minoru Yasui set forth in Part IV of this application, discuss one aspect of this history in relation to your own personal or professional experiences, aspirations, and/or involvement with minority communities.

2. A copy of the Applicant’s current resume.

3. A copy of the Applicant’s law school transcript(s). (An unofficial copy is acceptable)

4. A copy of the Applicant’s college transcript(s). (Unofficial or copy is acceptable)

5. One letter of recommendation, preferably from a person who knows the Applicant well. (need not be a professor)


7. The Application Form and all required supporting materials must be postmarked no later than Friday, March 11, 2005. The completed application should be mailed to:

8. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED BY THE SCHOLARSHIP SELECTION COMMITTEE.

9. Please direct any questions to _______________________________________________________________________________
II. SELECTION PROCESS

1. A member of the Minoru Yasui Scholarship Committee will contact each Applicant to arrange an interview, which will be scheduled to take place the week of April 3-10, 2005.

2. One Scholarship will be awarded to a University of Colorado School of Law student and will be presented at the Asian Pacific American Bar Association Annual Banquet on April 15, 2005.

3. THE ESSAY, TOGETHER WITH THE SUBSEQUENT INTERVIEW(S), WILL CARRY THE GREATEST WEIGHT IN THE EVALUATION OF YOUR APPLICATION.

III. CERTIFICATION

I, the undersigned Applicant, understand that if I am awarded a Colorado Asian American Bar Foundation Scholarship, I must be enrolled and in good standing at least half time at an AALS-accredited law school.

I understand that I must comply with all stated policies and conditions of the Scholarship, and that the funds awarded are to be used only for tuition, course-related expenses, or reasonable living expenses while enrolled in law school.

I understand that my failure to comply with all Colorado Asian American Bar Foundation Scholarship policies and conditions will result in the forfeiture of the entirety or a portion of the Scholarship award. I such event, I will return the entirety or required portion of the Scholarship monies to the Colorado Asian American Bar Foundation ("Foundation") promptly upon written demand. Failure to return these monies may result in collection efforts and legal action against me. To the extent allowable by law, the recipient will be responsible for all costs, fees and expenses incurred by the Foundation in seeking recovery of the award monies.

I understand that officers and directors of the Foundation, members of the Scholarship committee and their immediate families are ineligible for the Scholarship. I also understand that all materials submitted to the Foundation will become the property of the Foundation and that the Foundation reserves the right to issues public announcements regarding Scholarship award winners.

I certify that all statements and information contained herein and in all Application materials submitted by me are true, correct and accurate to the best of my knowledge. I certify that the essay attached hereto was written by me and is my original work.

__________________________________________  __________________________
Applicant                                           Date
IV. ESSAY MATERIAL:


Minoru Yasui, the third son of Masuo and Shidzuyo Yasui, was born on October 19, 1916, in Hood River, Oregon. He attended school in Hood River and graduated valedictorian from high school in 1933. He graduated from the University of Oregon in 1937 with Phi Beta Kappa honors. Min, as he liked to be called, received his law degree with honors from the University of Oregon School of Law in 1939 and became the first Japanese-American graduate of that institution. He was admitted to practice law in Oregon in that same year, but was unable to find employment with any of the established law firms in Oregon. In 1940, Min accepted a position as a Consular attaché for the Consulate General of Japan in Chicago. He wrote letters and speeches and performed other work requiring the use of English.

Immediately following the bombing of Pearl Harbor by Japan on December 7, 1941, Min resigned his position with the Consulate and returned to Oregon, where he volunteered for the U.S. Army. Min had been commissioned a second lieuten-tenant in the U.S. Army Reserves after graduating from the University of Oregon, where he had been a ROTC cadet. He received orders to report to Fort Vancouver in Washington, but upon reporting was told that his services would not be accepted because of his ancestry.

Returning to Oregon after his rejection by the U.S. Army, Min opened a law practice in Portland to help those members in the community of Japanese descent during the chaotic and turbulent times immediately following the Japanese attack on Pearl Harbor. At the time, Min was the only practicing attorney of Japanese ancestry in Oregon. He was inundated with requests for legal assistance from the Japanese-American community.

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On March 28, 1942, Min deliberately violated Public Proclamation No. 3. He left his law office at 8:00 P.M. that evening and walked the streets of Portland, Oregon, in clear violation of the curfew imposed by Public Proclamation No. 3. Min had instructed his secretary to call the Federal Bureau of Investigation and the Portland police to let them know that he would be out on the streets that evening. After wandering around for a couple of hours, he finally spotted a policeman and approached him. Min insisted that the patrolman arrest him for the curfew violation and showed him a copy of the Public Proclamation. The patrolman refused. Min finally went directly to the Portland police station, where he was arrested.

After spending the weekend in jail, he was released on bail. Min's trial began on June 12, 1942, before Judge James Alger Fee in the U.S. District Court for the District of Oregon. The trial lasted only one day. The facts of the curfew violation were quickly established, and the remainder of the trial focused on the loyalty of Minoru Yasui to the United States of America. Attempting to establish his disloyalty, the prosecution focused on his employment with the Japanese Consulate, and statements that Min had made during enemy alien hearings for his father.

Considered somewhat of a maverick, Judge Fee actively took a role in questioning Min, focusing his questions on Min's upbringing and his understanding of the Shinto religion. Since Min was a Methodist, he answered that his understanding was that Shinto was the national religion of Japan, but that he did not know its precepts. The trial ended at 5:00 P.M. and Judge Fee reserved ruling to consider the evidence.

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Judge Fee ruled that the curfew order as applied to American citizens, even those of Japanese ancestry, was unconstitutional. However, he then went on to find that Minoru Yasui was not a United States citizen. Judge Fee concluded that Min's actions, particularly his work for the Japanese Consulate in Chicago, effectively resulted in a renunciation by Min of his U.S. citizenship. As an "alien" of Japanese ancestry, Min had disobeyed a lawful regulation governing enemy aliens and was guilty as charged.

Dumbounded by this ruling, Min was escorted back to his cell at the county jail to await sentencing. The next day, the court imposed the maximum fine of $5,000 and sentenced Min to the maximum one year in jail. Min immediately instructed his lawyers to appeal his conviction.

Min spent the next nine months in solitary confinement in a six-by-eight-foot windowless cell in the Multnomah County Jail. He was not allowed to leave his cell to bathe or even exercise for the first month and a half of his confinement. Min was not allowed scissors to cut his hair or fingernails nor razors to shave. Sometime after Christmas, he was taken out of his cell for the first time since his sentencing to bathe, shave, and have his hair cut. During the remainder of his confinement at the Multnomah County Jail, Min was only allowed to bathe and shave once a month. In spite of these barbarous conditions, Min never wavered in his conviction that he would be vindicated.

The Ninth Circuit Court of Appeals certified Min's appeal directly to the U.S. Supreme Court. The Supreme Court reversed the findings of Judge Fee. The Court found that the lower court erred in its finding that Minoru Yasui had lost his United States citizenship. It also found that the lower court erred in ruling the curfew order unconstitutional as applied to United States citizens. Consistent with its analysis, the Court then upheld the lower court's conviction of Min and the fine of $5,000, but freed him from further incarceration.

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In September 1944, Min moved to Denver, Colorado. He sat for the Colorado bar examination in 1945. Although he received the highest scores among the group of candidates that sat for the bar examination that year, Min was denied admission to the Colorado bar because of his criminal conviction. Represented by Samuel L. Menin of the American Civil Liberties Union, Min appealed to the Colorado Supreme Court. Min was admitted to practice law in Colorado in January 1946.

[Min was heavily involved in a vast range of community activities, including approximately seventy-five organizations. Among his involvements were: serving as Chairman of the National JACL Redress Committee to provide redress, reparation, and an official apology from the government Japanese Americans incarcerated or relocated under duress during World War II; lobbying for passage of the McCarran-Walter Act of 1952, which removed the prohibition on Japanese aliens applying for U.S. citizenship; becoming a founding member of the Urban League of Denver, a group dedicated to addressing issues of concern to the African-American community; assisting in founding the Latin American Research and Service Agency ("LARASA") and Denver Native Americans United; serving as District Governor of the Mountain-Plains District for the Japanese American Citizens League ("JACL").]

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The government did not oppose the vacation of Min's conviction, but it opposed all the other claims for relief sought by Min. On January 26, 1984, Judge Robert C. Belloni issued his ruling on the writ. He vacated Min's conviction, but agreed with the government and dismissed the petition as to the remaining issues. Min believed that the mere reversal of his conviction was not sufficient, and he appealed Judge Belloni’s decision concerning the dismissal of the remainder of his writ.

While the appeal was pending before the Ninth Circuit Court of Appeals, Min passed away. The government immediately moved to dismiss the appeal on the grounds that the plaintiff was deceased and, therefore, the case was moot. The Ninth Circuit granted the government's motion to dismiss, and the case was appealed to the U.S. Supreme Court. On October 5, 1987, the Court upheld the lower court's ruling and ended Min's dream of complete vindication.

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THE ANHEUSER-BUSCH MINORU YASUI LAW SCHOOL SCHOLARSHIP
University of Denver School of Law Applicant

(Please print or type)

Applicant’s Name: ____________________________ Telephone day: ____________

Address: ___________________________________

____________________________________________

____________________________________________

E-mail: ______________________________________ Expected date of graduation: ____

How best to contact me: ________________________

I. INSTRUCTIONS

Please complete the following and attach all documents to this form:

1. An essay, NOT TO EXCEED 500 WORDS, on the following topic:

   After reading the brief biography of Minoru Yasui set forth in Part IV of this application, discuss one aspect of this history in relation to your own personal or professional experiences, aspirations, and/or involvement with minority communities.

2. A copy of the Applicant’s current resume.

3. A copy of the Applicant’s law school transcript(s). (An unofficial copy is acceptable)

4. A copy of the Applicant’s college transcript(s). (Unofficial or copy is acceptable)

5. One letter of recommendation, preferably from a person who knows the Applicant well. (need not be a professor)


7. The Application Form and all required supporting materials must be postmarked no later than Friday, March 11, 2005. The completed application should be mailed to:

   [Address]

8. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED BY THE SCHOLARSHIP SELECTION COMMITTEE.

9. Please direct any questions to ________________
II. SELECTION PROCESS

1. A member of the Minoru Yasui Scholarship Committee will contact each Applicant to arrange an interview, which will be scheduled to take place the week of April 3-10, 2005.

2. One Scholarship will be awarded to a University of Denver School of Law student and will be presented at the Asian Pacific American Bar Association Annual Banquet on April 15, 2005.

3. THE ESSAY, TOGETHER WITH THE SUBSEQUENT INTERVIEW(S), WILL CARRY THE GREATEST WEIGHT IN THE EVALUATION OF YOUR APPLICATION.

III. CERTIFICATION

I, the undersigned Applicant, understand that if I am awarded a Colorado Asian American Bar Foundation Scholarship, I must be enrolled and in good standing at least half time at an AALS-accredited law school.

I understand that I must comply with all stated policies and conditions of the Scholarship, and that the funds awarded are to be used only for tuition, course-related expenses, or reasonable living expenses while enrolled in law school.

I understand that my failure to comply with all Colorado Asian American Bar Foundation Scholarship policies and conditions will result in the forfeiture of the entirety or a portion of the Scholarship award. In such event, I will return the entirety or required portion of the Scholarship monies to the Colorado Asian American Bar Foundation ("Foundation") promptly upon written demand. Failure to return these monies may result in collection efforts and legal action against me. To the extent allowable by law, the recipient will be responsible for all costs, fees and expenses incurred by the Foundation in seeking recovery of the award monies.

I understand that officers and directors of the Foundation, members of the Scholarship committee and their immediate families are ineligible for the Scholarship. I also understand that all materials submitted to the Foundation will become the property of the Foundation and that the Foundation reserves the right to issues public announcements regarding Scholarship award winners.

I certify that all statements and information contained herein and in all Application materials submitted by me are true, correct and accurate to the best of my knowledge. I certify that the essay attached hereto was written by me and is my original work.

_________________________________________  ________________________________
Applicant  Date
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