

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Dignity of San Diego
P. O. Box 19071
San Diego, California 92119

Person to Contact:

Telephone Number:

Refer Reply to: E:EO:T:R:1:3-JL

Date: JUN 14 1976

Key District: Los Angeles
Accounting Period Ending: December 31

Gentlemen:

Based upon the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954. This ruling is based, in part, upon the understanding that you have accepted the following restrictions regarding the educational and social activities of the organization. These restrictions are secular and are not infringements or limitations upon the rights of the members to exercise their Constitutional right to freedom of religion:

(1) The organization will refrain from using or supporting the use of public broadcast media for the development or presentation of any advocacy of the position that homosexuality is a mere preference, orientation or propensity which is on a par with heterosexuality or should otherwise be regarded as normal.

(2) The organization will abstain in all ex parte educational programs and materials from the inclusion of any substantial advocacy of the position that homosexuality is a mere preference, orientation or propensity which is on a par with heterosexuality or should otherwise be regarded as normal.

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(3) The organization will provide professional supervision for all of its discussion and counseling sessions.

(4) The organization will comply with the expenditure control requirements of Rev. Rul. 68-489, 1968-2 C.B. 210 with respect to all funds turned over to the national organization.

We have further determined you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 170(b)(1)(A)(vi) and 509(a)(1).

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

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

If your purposes, character, or method of operation is changed, you must let your key District Director know so he can consider the effect of the change on your exempt status. Also, you must inform him of all changes in your name or address.

You are required to file Form 990 only if your gross receipts each year are normally more than \$5,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, for failure to file the return on time.

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

Please use your employer identification on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status and your foundation status, please keep it in your permanent records.

Thank you for your cooperation.

Sincerely yours,


Jeanne S. Gessay
Chief, Rulings Section 1
Exempt Organizations
Technical Branch