

# Form 1023 Checklist

(Revised June 2006)

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

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**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.
- |            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Schedule A | Yes ___ No <u>x</u> | Schedule E | Yes ___ No <u>x</u> |
| Schedule B | Yes ___ No <u>x</u> | Schedule F | Yes ___ No <u>x</u> |
| Schedule C | Yes ___ No <u>x</u> | Schedule G | Yes ___ No <u>x</u> |
| Schedule D | Yes ___ No <u>x</u> | Schedule H | Yes ___ No <u>x</u> |

- ☒ 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) Pg 1, Article IV
  - Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law Pg 6, Article XIII
- ☒ 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

May 11, 2009

Internal Revenue Service  
P.O. Box 12192  
Covington, Kentucky 41012-0192

Re: Husky Swimming Foundation  
701 Fifth Avenue, Suite 4785  
Seattle, Washington 98104  
EIN: 26-4828642

**FORM 1023, EXPEDITE REQUEST**

Dear Sir or Madam:

We are writing to request an expedited processing of our Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.

Although the Husky Swimming Foundation is a new entity, we have generated considerable interest from potential donors. However, these donors are reluctant to make contributions before our receipt of our certificate of exemption under §501(c)(3). One particular donor, ONTRACC, has committed to providing the Husky Swimming Foundation with a donation that will allow our program to begin operations and will help sustain fundraising efforts for several months. Without this initial donation, our Foundation may not have adequate funding to begin our charitable efforts.

We have asked ONTRACC to provide written confirmation of their donation commitment and have attached their notification to our letter. We hope this documentation will help provide you with enough reasonable cause to make a beneficial decision for the Husky Swimming Foundation.

Based on the information discussed above, we respectfully request an expedited processing of our Form 1023. If there are any questions or if additional information is needed, please contact me at (208) 861-0879.

Sincerely,

Ryan E. Stratton,  
Director/Treasurer

Enclosures:

-As stated



12233 W Olympic Blvd Suite 152  
Los Angeles, CA 90064  
United States of America  
[assistant@ontracc.com](mailto:assistant@ontracc.com)  
<http://www.ontracc.com>

May 8, 2009

Catherine Clark,  
President  
Husky Swimming Foundation  
701 Fifth Avenue, suite 4785  
Seattle, Washington 98104

Re: Charitable Donation

Dear Ms. Clark,

I am writing to let you know that we are interested in providing the Husky Swimming Foundation with a donation to be used by your organization during the 2009 calendar year.

Before making such a donation, we require a copy of your certificate of exemption from the IRS. Once we have received this documentation from you, we will begin processing our donation to your organization.

If you have any questions, please give me a call at (310) 207-7600.

Sincerely,

*Sean Jump*

Sean Jump

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

OMB No. 1545-0056

*Note: If exempt status is approved, this application will be open for public inspection.*

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at **www.irs.gov** for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

<b>1</b> Full name of organization (exactly as it appears in your <b>organizing document</b> )		<b>2</b> c/o Name (if applicable)
Husky Swimming Foundation		
<b>3</b> <b>Mailing address</b> (Number and street) (see instructions)	Room/Suite	<b>4</b> Employer Identification Number (EIN)
701 Fifth Avenue	4785	26-4828642
City or town, state or country, and ZIP + 4		<b>5</b> Month the annual accounting period ends (01 - 12)
Seattle, WA 98104		12
<b>6</b> Primary contact (officer, director, trustee, or <b>authorized representative</b> )		<b>b</b> Phone: 208-409-2293
<b>a</b> Name: Ryan Stratton		<b>c</b> Fax: (optional) 208-336-4953
<b>7</b> 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, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>8</b> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>9a</b> Organization's website: HTTP://WWW.HUSKYSWIMMINGFOUNDATION.COM		
<b>b</b> Organization's email: (optional)		
<b>10</b> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) 01/03/2008		
<b>12</b> Were you formed under the laws of a <b>foreign country</b> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the country.		

**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 1, Article IV ☒
- 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 6, Article XIII
- 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.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
See Attached			

**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.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A		-----	
		-----	
		-----	
		-----	
		-----	

- 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.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A		-----	
		-----	
		-----	
		-----	
		-----	

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)**

- d** Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements? ☒ **Yes** ☐ **No**
- e** 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. ☒ **Yes** ☐ **No**
- f** Do you or will you record in writing both the information on which you relied to base your decision and its source? ☒ **Yes** ☐ **No**
- g** 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.

- 5a** 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. ☒ **Yes** ☐ **No**
- 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. ☐ **Yes** ☒ **No**
- 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. ☐ **Yes** ☒ **No**

- 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. ☐ **Yes** ☒ **No**
- 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 you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales. ☐ **Yes** ☒ **No**

- 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. ☐ **Yes** ☒ **No**
- 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. ☐ **Yes** ☒ **No**



**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 or 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**

☒ mail 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 See Attached

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.

**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. ☐ **Yes** ☒ **No**
- 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.
- 
- 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. ☐ **Yes** ☒ **No**
- 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. ☐ **Yes** ☒ **No**
- 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. ☐ **Yes** ☒ **No**
- 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. ☐ **Yes** ☐ **No**
- 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. ☐ **Yes** ☐ **No**
- 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. ☐ **Yes** ☐ **No**
- 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)**

- |           |  |   |
|-----------|--|---|
| <b>15</b> | Do you have a <b>close connection</b> with any organizations? If "Yes," explain.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>16</b> | Are you applying for exemption as a <b>cooperative hospital service organization</b> under section 501(e)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>17</b> | Are you applying for exemption as a <b>cooperative service organization of operating educational organizations</b> under section 501(f)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>18</b> | Are you applying for exemption as a <b>charitable risk pool</b> under section 501(n)? If "Yes," explain.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>19</b> | Do you or will you operate a <b>school</b> ? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>20</b> | Is your main function to provide <b>hospital or medical care</b> ? If "Yes," complete Schedule C.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>21</b> | Do you or will you provide <b>low-income housing</b> or housing for the <b>elderly</b> or <b>handicapped</b> ? If "Yes," complete Schedule F.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>22</b> | Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H. | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |

**Note:** Private foundations may use Schedule H to request advance approval of individual grant procedures.

**Part IX Financial Data**

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

**A. Statement of Revenues and Expenses**

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years			(e) Provide Total for (a) through (d)
		(a) From <u>1/09</u> To <u>12/09</u>	(b) From <u>1/2010</u> To <u>12/2010</u>	(c) From <u>1/2011</u> To <u>12/2011</u>	(d) From _____ To _____	
<b>Revenues</b>	<b>1</b> Gifts, grants, and contributions received (do not include unusual grants)	1,000,000	5,000,000	5,000,000		11,000,000
	<b>2</b> Membership fees received					0
	<b>3</b> Gross investment income					0
	<b>4</b> Net unrelated business income					0
	<b>5</b> Taxes levied for your benefit					0
	<b>6</b> 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)					0
	<b>7</b> Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)					0
	<b>8</b> Total of lines 1 through 7	1,000,000	5,000,000	5,000,000		11,000,000
	<b>9</b> 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)					0
	<b>10</b> Total of lines 8 and 9	1,000,000	5,000,000	5,000,000		11,000,000
	<b>11</b> Net gain or loss on sale of capital assets (attach schedule and see instructions)					0
	<b>12</b> Unusual grants					0
	<b>13</b> Total Revenue Add lines 10 through 12	1,000,000	5,000,000	5,000,000		11,000,000
<b>Expenses</b>	<b>14</b> Fundraising expenses	10,000	50,000	50,000		
	<b>15</b> Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)					
	<b>16</b> Disbursements to or for the benefit of members (attach an itemized list)					
	<b>17</b> Compensation of officers, directors, and trustees					
	<b>18</b> Other salaries and wages					
	<b>19</b> Interest expense					
	<b>20</b> Occupancy (rent, utilities, etc.)					
	<b>21</b> Depreciation and depletion					
	<b>22</b> Professional fees	5,000	100,000	100,000		
	<b>23</b> Any expense not otherwise classified, such as program services (attach itemized list)	12,500	40,000	82,500		
	<b>24</b> Total Expenses Add lines 14 through 23	27,500	190,000	232,500		

**Part IX Financial Data (Continued)****B. Balance Sheet (for your most recently completed tax year)**Year End: **5/2009**

<b>Assets</b>		(Whole dollars)
<b>1</b>	Cash .....	<b>1</b> 850
<b>2</b>	Accounts receivable, net .....	<b>2</b>
<b>3</b>	Inventories .....	<b>3</b>
<b>4</b>	Bonds and notes receivable (attach an itemized list) .....	<b>4</b>
<b>5</b>	Corporate stocks (attach an itemized list) .....	<b>5</b>
<b>6</b>	Loans receivable (attach an itemized list) .....	<b>6</b>
<b>7</b>	Other investments (attach an itemized list) .....	<b>7</b>
<b>8</b>	Depreciable and depletable assets (attach an itemized list) .....	<b>8</b>
<b>9</b>	Land .....	<b>9</b>
<b>10</b>	Other assets (attach an itemized list) .....	<b>10</b>
<b>11</b>	Total Assets (add lines 1 through 10) .....	<b>11</b> 850
<b>Liabilities</b>		
<b>12</b>	Accounts payable .....	<b>12</b>
<b>13</b>	Contributions, gifts, grants, etc. payable .....	<b>13</b>
<b>14</b>	Mortgages and notes payable (attach an itemized list) .....	<b>14</b>
<b>15</b>	Other liabilities (attach an itemized list) .....	<b>15</b>
<b>16</b>	Total Liabilities (add lines 12 through 15) .....	<b>16</b> 0
<b>Fund Balances or Net Assets</b>		
<b>17</b>	Total fund balances or net assets .....	<b>17</b> 850
<b>18</b>	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17) .....	<b>18</b> 850
<b>19</b>	Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**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.)

<b>1a</b>	Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>b</b>	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. Go to line 2.	<input type="checkbox"/>
<b>2</b>	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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>3</b>	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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>4</b>	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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>5</b>	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.	
	The organization is not a private foundation because it is:	
<b>a</b>	509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.	<input type="checkbox"/>
<b>b</b>	509(a)(1) and 170(b)(1)(A)(ii)—a <b>school</b> . Complete and attach Schedule B.	<input type="checkbox"/>
<b>c</b>	509(a)(1) and 170(b)(1)(A)(iii)—a <b>hospital</b> , a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.	<input type="checkbox"/>
<b>d</b>	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.	<input type="checkbox"/>

**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](http://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)

Ryan Stratton

(Type or print name of signer)

(Date)

Director/Treasurer

(Type or print title or authority of signer)

For IRS Use Only

IRS Director, Exempt Organizations

(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. \_\_\_\_\_

(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 \$750. 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 \$300. 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](http://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 \$300 (Subject to change—see above)  
If "No," check the box on line 3 and enclose a user fee payment of \$750 (Subject to change—see above)
- 2 Check the box if you have enclosed the reduced user fee payment of \$300 (Subject to change). ☐
- 3 Check the box if you have enclosed the user fee payment of \$750 (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)

Ryan Stratton

(Type or print name of signer)

(Date)

Director/Treasurer

(Type or print title or authority of signer)

**Reminder:** Send the completed Form 1023 Checklist with your filled-in-application.

Form **1023** (Rev. 6-2006)



**HUSKY SWIMMING FOUNDATION**

**EIN: 26-4828642**

# **ARTICLES OF INCORPORATION**

UNITED STATES OF AMERICA

The State of Washington

Secretary of State

I, **SAM REED**, Secretary of State of the State of Washington and custodian of its seal,  
hereby issue this

**CERTIFICATE OF INCORPORATION**

to

**HUSKY SWIMMING FOUNDATION**

a/an WA Non-Profit Corporation. Charter documents are effective on the date indicated  
below.

Date: 1/3/2008

UBI Number: 602-813-454

APPID: 1043913



Given under my hand and the Seal of the State  
of Washington at Olympia, the State Capital

Sam Reed, Secretary of State

# **HUSKY SWIMMING FOUNDATION**

## **ARTICLES OF INCORPORATION**

The undersigned, being over the age of eighteen (18) years, for the purpose of forming a corporation under the provisions of the Washington Nonprofit Corporation Act, Chapter 24.03 of the Revised Code of the State of Washington (hereinafter called "RCW"), adopts these articles of incorporation:

### **ARTICLE I**

#### **Name**

The name of the corporation shall be:

HUSKY SWIMMING FOUNDATION

### **ARTICLE II**

#### **Duration**

The duration of the corporation shall be perpetual.

### **ARTICLE III**

#### **Registered Office and Agent**

The initial registered office of the corporation is 6703 S. 234<sup>th</sup> Street, Suite 300, Kent, Washington, 98032, and the initial registered agent at such address is MARK W. PROTHERO.

### **ARTICLE IV**

#### **Purposes**

4.1. This corporation, in partnership with public or governmental agencies, shall represent fans, friends, supporters, and former members of the University of Washington Husky swimming program, with a mission to build a new aquatic facility at the University of Washington. A new aquatic facility will provide health, safety, recreational, educational, and athletic benefits for the students at the UW as well as the families and people in the surrounding communities.

4.2. This corporation is organized and shall be operated exclusively within the meaning of Internal Revenue Code §501(c)(3) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any subsequent Federal tax laws (hereinafter collectively called "Internal Revenue Code"), and Treasury Regulations issued thereunder.

4.3. This corporation shall serve the public interest, and no part of its assets or the income therefrom shall inure to the benefit of any private individual, except for payment of reasonable compensation for services rendered to the corporation.

4.4. This corporation shall in addition perform any and all lawful activities which may be necessary, useful or desirable for the furtherance, accomplishment, fostering or attainment of the foregoing purposes, either directly or indirectly and either alone or in conjunction or cooperation with others, whether such others be persons or organizations of any kind or nature, such as corporations, firms, associations, trusts, institutions, foundations, or governmental bureaus, departments or agencies.

## **ARTICLE V**

### **Powers**

In general, and subject to such limitations and conditions as are or may be prescribed by law, or in the corporation's Articles of Incorporation or Bylaws, the corporation shall have all powers which now or hereafter are conferred by law upon a corporation organized for the purpose set forth above, or are necessary or incidental to the powers so conferred, or are conducive to the attainment of the corporation's purpose.

## **ARTICLE VI**

### **Limitations**

6.1. The corporation shall have no capital stock, and no part of its net earnings shall inure to the benefit of any director, officer, or member of the corporation, or of any private individual.

6.2. No director, officer, member of the corporation (other than a corporate member exempt under Section 501(c)(3) of the Internal Revenue Code), or any private individual shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation, or upon the winding up of its affairs. Upon such dissolution or winding up, all the remaining assets of the corporation shall be distributed by the board of directors for identical uses and purposes, to any other organization that would then qualify for exemption under the provisions of Section 501(c)(3) of the Internal Revenue Code, as now stated or as hereafter amended, or any successor code.

6.3. Notwithstanding any other provision of these Articles, the corporation shall not conduct or carry on activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code, as now stated or as hereafter amended, or any successor code.

## **ARTICLE VII**

### **Members**

The qualifications of members, if any, the application process, the property, voting and other rights and privileges of members and their liability for dues and assessments, and the method of collection thereof, shall be set forth in the Bylaws of the corporation.

## **ARTICLE VIII**

### **Directors**

8.1 The management of this corporation shall be vested in a board of directors whose number, qualifications, terms of office, manner of election, time and place of meetings, and powers and duties shall be prescribed in the bylaws.

8.2 The initial board of directors shall consist of five (5) members who shall serve until the first meeting of directors and thereafter until their successors are elected and qualified. The name and post office address of the initial directors are:

<u>Name</u>	<u>Address</u>
Mark W. Prothero	6703 S. 234 <sup>th</sup> St. Suite 300 Kent, WA 98032
Catherine Clark	701 Fifth Avenue, Suite 4785 Seattle, WA 98104
Ron Van Pool	11940 Riviera Place NE Seattle, WA 98125-5963
Wm. Kelly Sterling	7525 SE 24th Street, Suite 110 Mercer Island, WA 98040
Rick Colella	217 19 <sup>th</sup> Place Kirkland, WA 98033

## **ARTICLE IX**

### **Limitations of Director Liability**

9.1. A director shall have no liability to the corporation or its members for monetary damages for conduct as a director, except for acts or omissions that involve intentional misconduct by the director, or a knowing violation of law by the director, or for any transaction from which the director will personally receive a benefit in money, property or services to which the director is not legally entitled.

9.2. If the Washington Nonprofit Corporation Act is hereafter amended to authorize corporate action further eliminating or limiting the personal liability of directors,

then the liability of a director shall be eliminated or limited to the full extent permitted by the Washington Nonprofit Corporation Act, as so amended.

9.3. Any repeal or modification of this Article shall not adversely affect any right or protection of a director of the corporation existing at the time of such repeal or modification for or with respect to an act or omission of such director occurring prior to such repeal or modification.

## **ARTICLE X**

### **Indemnification of Directors and Officers**

10.1. Right to Indemnification. Each person who was, or is threatened to be made a party to or is otherwise involved (including, without limitation, as a witness) in any actual or threatened action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of fact that he or she is or was a director or officer of the corporation or, while a director or officer, he or she is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation or of a partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, whether the basis of such proceeding is alleged action in an official capacity while serving as a director, officer, employee or agent or in any other capacity while serving as a director, officer, employee or agent, shall be indemnified and held harmless by the corporation, the full extent permitted by applicable law as then in effect, against all expense, liability and loss (including attorney's fees, judgments, fines, ERISA excise taxes or penalties and amounts to be paid in settlement) actually and reasonably incurred or suffered by such person in connection therewith, and such indemnification shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of his or her heirs, executors and administrators; provided, however, that except as provided in Section 2 of this Article with respect to proceedings seeking solely to enforce rights to indemnification, the corporation shall indemnify any such person seeking indemnification in connection with a proceeding (or part thereof) initiated by such person only if such proceeding (or part thereof) was authorized by the board of directors of the corporation. The right to indemnification conferred in this Section 1 shall be a contract right and shall include the right to be paid by the corporation the expenses incurred in defending any such proceeding in advance of its final disposition; provided, however, that the payment of such expenses in advance of the final disposition of a proceeding shall be made only upon delivery to the corporation of an undertaking, by or on behalf of such director or officer, to repay all amounts so advanced if it shall ultimately be determined that such director or officer is not entitled to be indemnified under this Section 1 or otherwise.

10.2. Right of Claimant to Bring Suit. If a claim for which indemnification is required under Section 1 of this Article is not paid in full by the corporation with sixty (60) days after a written claim has been received by the corporation, except in the case of a claim for expenses incurred in defending a proceeding in advance of its final disposition, in which case the applicable period shall be twenty (20) days, the claimant may at any time thereafter bring suit against the corporation to recover the unpaid

amount of the claim and, to that extent successful in whole or in part, the claimant shall be entitled to be paid also the expense of prosecuting such claim. The claimant shall be presumed to be entitled to indemnification under this Article upon submission of a written claim (and, in an action brought to enforce a claim for expenses incurred in defending any proceeding in advance of its final disposition, where the required undertaking has been tendered to the corporation), and thereafter the corporation shall have the burden of proof to overcome the presumption that the claimant is not so entitled. Neither the failure of the corporation (including its board of directors, independent legal counsel or its members) to have made a determination prior to the commencement of such action that indemnification of or reimbursement or advancement of expenses to the claimant is proper in the circumstances nor an actual determination by the corporation (including its board of directors, independent legal counsel or its members) that the claimant is not entitled to indemnification or to the reimbursement or advancement of expenses shall be a defense to the action or create a presumption that the claimant is not so entitled.

10.3. Nonexclusivity of Rights. The right to indemnification and the payment of expenses incurred in defending a proceeding in advance of its final disposition conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the Articles of Incorporation, Bylaws, agreement, vote of members or disinterested directors or otherwise.

10.4. Insurance, Contracts and Funding. The corporation may maintain insurance at its expense, to protect itself and any director, officer, employee or agent of the corporation or another corporation, partnership, joint venture, trust or other enterprise against any expense, liability or loss, whether or not the corporation would have the power to indemnify such person against such expense, liability or loss under the Washington Business Corporation Act, as applied to nonprofit corporations. The corporation may, without further membership action, enter into contracts with any director or officer of the corporation in furtherance of the provisions of this Article and may create a trust fund, grant a security interest in or use other means (including, without limitation, a letter of credit) to ensure the payment of such amounts as may be necessary to effect indemnification as provided in this Article.

10.5. Indemnification of Employees and Agents of the Corporation. The corporation may, by action of its board of directors from time to time, provide indemnification and pay expenses in advance of the final disposition of a proceeding to employees and agents of the corporation with the same scope and effect as the provisions of this Article with respect to the indemnification and advancement of expenses of directors and officers of the corporation or pursuant to rights granted pursuant to, or provided by, the Washington Business Corporation Act, as applied to nonprofit corporations, or otherwise.

**ARTICLE XI  
Amendment of Articles**

This corporation reserves the right to amend, alter, change or repeal any provisions contained in these articles of incorporation in any manner now or hereafter prescribed or permitted by statute.

**ARTICLE XII  
Amendment of Bylaws**

The authority to make, alter, amend or repeal Bylaws is vested in the board of directors, and may be exercised at any regular or special meeting of the board.

**ARTICLE XIII  
Dissolution**

In the event of termination, dissolution or liquidation of this corporation, the net assets remaining after payment of or adequate provision for all debts and obligations of the corporation shall be transferred and conveyed exclusively to or among one or more domestic funds, foundations, corporations, societies or organizations with an exempt purpose which have established tax-exempt status under Internal Revenue Code §501(c)(3) as the board of directors may then direct.

**ARTICLE XIV  
Incorporator**

The name and address of the incorporator is:

Name

Address

MARK W. PROTHERO

6703 S. 234<sup>th</sup> St. #300  
Kent, Washington, 98032

**IN WITNESS WHEREOF**, the incorporator has signed these articles of incorporation this \_\_\_\_\_ day of December, 2007.

\_\_\_\_\_  
MARK W. PROTHERO, Incorporator



**HUSKY SWIMMING FOUNDATION**

**EIN: 26-4828642**

# **BYLAWS**

**BYLAWS**  
**of**  
**HUSKY SWIMMING FOUNDATION**

**ARTICLE I. OFFICES**

**Section 1. Principal Office.** The principal office of the Husky Swimming Foundation, a Washington corporation ("Foundation"), shall be located at 701 Fifth Avenue, Suite 4785, Seattle, Washington, 98104. The Foundation may have such other offices as the Husky Swimming Foundation Board of Directors may designate or as the business of the Foundation may require from time to time.

**Section 2. Registered Office.** The registered office of the Foundation required by the Washington Nonprofit Corporation Act, Chapter 24.03 of the Revised Code of the State of Washington (the "RCW"), to be maintained in the State of Washington shall be located at 701 Fifth Avenue, Suite 4785, Seattle, Washington, 98104, and may be changed from time to time by the Board of Directors.

**ARTICLE II. BOARD OF DIRECTORS**

**Section 1. General Powers and Standard of Care.** All 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, the Board of Directors except as may be otherwise provided in the Act or the Articles. If any such provision is made in the Articles, the powers and duties conferred or imposed upon the Board of Directors by the Act shall be exercised or performed to such extent and by such person or persons as shall be provided in the Articles.

A Director shall perform such Director's duties as a Director, including such Director's duties as a member of any committee of the Board upon which such Director may serve, in good faith, in a manner such Director reasonably believes to be in the best interests of the Foundation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing such Director's duties, a Director 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:

- (a) One (1) or more officers or employees of the Foundation whom the Director reasonably believes to be reliable and competent in the matters presented;
- (b) Counsel, public accountants or other person as to matters that the Director reasonably believe to be within such person's professional or expert competence; or

- (c) A committee of the Board upon which such Director does not serve, duly designated in accordance with a provision of these Bylaws, as to matters within its designated authority, which committee the Director reasonably believes to merit confidence; but such Director shall not be considered to be acting in good faith if such Director has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs such duties shall have no liability by reason of being or having been a Director of the Foundation.

**Section 2. Presumption of Assent.** A Director of the Foundation who is present at a meeting of its Board of Directors at which any action on any corporate matter is taken shall be presumed to have assented to the action unless such Director's dissent shall be entered in the minutes of the meeting or unless such Director shall file such Director's written dissent to such action with the Secretary of the meeting before the adjournment thereof or shall forward such dissent by certified or registered mail to the Secretary of the Foundation within three (3) days after the adjournment of the meeting. Such right of dissent shall not apply to a Director who voted in favor of such action.

**Section 3. Number, Appointment and Qualifications of Directors.** The Board of Directors of the Foundation shall consist of no less than three (3) nor more than eleven (11) members who shall each serve for a term of three (3) years, except, as set forth in the Articles, the terms of the initial Board of Directors shall be staggered. The names and addresses of the members of the first Board of Directors have been stated in the Articles. On or before a Director's term expires, the Husky Swimming Foundation, a Washington nonprofit corporation, Board of Directors ("Husky Swimming Foundation Board of Directors") shall appoint an individual to serve as successor Director for the three year term following the expiration of the term of the initial Director, and the Husky Swimming Foundation Board of Directors shall likewise appoint successor Directors thereafter as needed to maintain a full complement of Directors. Each Director shall hold office for the term for which such Director is appointed and until such Director's successor shall have been appointed and qualified.

Directors need not be residents of the state of Washington.

**Section 4. Vacancies.** Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the Board of Directors. A Director elected to fill a vacancy shall be elected for the unexpired term of such Director's predecessor in office. Any directorship to be filled by reason of an increase in the number of Directors may be filled by the Board of Directors for a term of office continuing only until the next regular appointment of Directors.

**Section 5. Committees.** The Board of Directors, by a resolution adopted by a majority of the full Board of Directors, may designate one (1) or more committees each of which, to the extent provided in such resolution shall have and may exercise all of the authority of the Board of Directors in the management of the Foundation. Each such committee shall consist of two (2) or more persons, a majority of whom are Directors; the remainder need not be Directors. The designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it

or such Director by law. Any non-director who becomes a member of any such committee shall have the same responsibility with respect to such committee as a Director who is a member thereof.

Other committees not having and exercising the authority of the Board of Directors in the management of the corporation may be designated and appointed by a resolution adopted by a majority of the Directors at a meeting at which a quorum is present, or by the President thereunto authorized by a like resolution of the Board of Directors. Membership on such committees need not be limited to Directors.

**Section 6. Directors' and Committee Meetings.** Meetings of the Board of Directors, regular or special, or meetings of any committee designated thereby, may be held either within or without the State of Washington. Unless otherwise specified in this Section or in the notice for such meeting, all meetings shall be held at the principal office of the Foundation.

Except as otherwise provided in this Section, regular or special meetings of the Board of Directors or any committee designated thereby may be called by or at the request of the President, any Director or the chairman of the committee, as applicable, upon written or verbal notice thereof given to each Director and other committee members, if applicable, at least three (3) days before the meeting. A regular meeting of the Board of Directors shall be held, without other notice than this Bylaw, at least annually on the Wednesday immediately preceding each anniversary of the date of incorporation of the Foundation. The Board of Directors may provide by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution.

Members of the Board of Directors or any committee designated thereby may participate in a meeting of the Board or such committee by conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear such other at the same time, and the participation by such means shall constitute presence in person at a meeting.

The attendance at or participation of a Director or committee member in any meeting shall constitute a waiver of notice of such meeting, except where a Director attends or participates for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors or any committee designated thereby need be specified in the notice of waiver of notice of such meeting.

**Section 7. Waiver of Notice.** Whenever any notice is required to be given to any Director or committee member under the provisions of the Act, the Articles or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

**Section 8. Quorum and Voting Requirements.** A majority of the number of Directors fixed by Section 3 of this Articles shall constitute a quorum for the transaction of business at

meetings of the Board of Directors. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors. A majority of the number of committee members fixed and appointed by the Board of Directors or the President, as the case may be shall constitute a quorum for the transaction of business at a meeting of such committee. The act of the majority of the committee members present at a meeting at which a quorum is present shall be the act of the committee.

**Section 9. Action Without a Meeting.** Any action required by the Act to be taken at a meeting of the Directors of the Foundation, or any action which may be taken at a meeting of the Directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the actions so taken, shall be signed by all of the Directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

**Section 10. Compensation.** No Director or committee member shall receive a salary or other compensation for service in that capacity but may be reimbursed for actual expenses incurred in the performance of such service. This provision shall not preclude any Director from serving the Foundation in any other capacity and receiving additional compensation therefor.

**Section 11. Director Conflicts of Interest.** No contract or other transaction between the Foundation and one or more of its Directors or any other corporation, firm, association or entity in which one or more of its directors are Directors or officers or are financially interested, shall be either void or voidable because of such relationship or interest or because such Director or Directors are present at the meeting of the Board of Directors or a committee thereof which authorizes, approves or ratifies such contract or transaction or because such Director's or Directors' votes are counted for such purposes, if:

- (a) The fact of such relationship or interest is disclosed or known to the Board of Directors or committee which authorizes, approves or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the vote or consent of such interested Directors; or
- (b) The contract or transaction is fair and reasonable to the Foundation and the fact of such relationship or interest is fully and fairly disclosed or known to the Foundation.
- (c) The transaction does not subject the Foundation or any other person to liability for any federal excise taxes imposed by Sections 4941-4945 of the Internal Revenue Code of 1986.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or a committee thereof which authorizes, approves or ratifies such contract or transaction.

**Section 12. Loans to Directors.** The Foundation shall not lend money to or use its credit to assist its Directors or officers.

**Section 13. Liability of Directors for Wrongful Distribution of Assets.** In addition to any other liabilities imposed by law upon the Directors of the Foundation, the Directors who vote for or assent to any distribution of assets other than in payment of its debts, when the Foundation is insolvent or when such distribution would render the Foundation insolvent, or during the liquidation of the Foundation without the payment and discharge of or making adequate provisions for all known debts, obligations and liabilities of the Foundation, shall be jointly and severally liable to the Foundation for the value of such assets which are thus distributed, to the extent that such debts, obligations and liabilities of the Foundation are not thereafter paid and discharged.

A Director shall not be liable under this section if, in the exercise of ordinary care, such Director relied and acted in good faith upon written financial statements of the Foundation represented to such Director to be correct by the President or by the officer of the Foundation having charge of its books of account, or certified by an independent licensed or certified public accountant or firm of such accountants fairly to reflect the financial condition of the Foundation, nor shall such Director be so liable if, in the exercise of ordinary care and good faith, in determining the amount available for such distribution, such Director considered the assets to be of their book value.

A Director shall not be liable under this section, if, in the exercise of ordinary care, such Director acted in good faith and in reliance upon the written opinion of an attorney for the Foundation.

A Director against whom a claim shall be asserted under this section and who shall be held liable thereon shall be entitled to contribution from persons who accepted or received such distribution knowing such distribution to have been made in violation of this section in proportion to the amounts received by them respectively.

### **ARTICLE III. OFFICERS**

**Section 1. Number.** The officers of the Foundation shall consist of a President, a Secretary and a Treasurer, each of whom shall be elected by the Board of Directors. Such other vice-presidents, officers, and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary.

**Section 2. Election and Term of Office.** The officers of the Foundation shall be elected annually at the meeting of the Board of Directors held on the Wednesday immediately preceding each anniversary of the date of incorporation of the Foundation. If the election of officers shall not be held at such meeting, such election shall be held as soon as practicable thereafter. Each officer shall hold office until a successor shall have been duly elected and shall have qualified, until such officer's death, or until such officer shall resign or shall have been removed in the manner hereinafter provided.

**Section 3. Removal.** Any officer or agent may be removed by the Board of Directors whenever in its judgment the best interests of the Foundation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

**Section 4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

**Section 5. President.** The President shall be the principal executive officer of the Foundation and, subject to the control of the Board of Directors, shall in general supervise and control all of the business and affairs of the Foundation. The President shall, when present, preside at all meetings of the Board of Directors. The President may sign, with the Secretary/Treasurer or any other proper officer of the Foundation thereunto authorized by the Board of Directors, any promissory notes, deeds, mortgages, leases, contracts, or other instruments that the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other officer or agent of the Foundation, or shall be required by law to be otherwise signed or executed; shall co-sign all checks or other deposit account withdrawals in excess of one thousand dollars (\$1,000.00); and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

**Section 6. Secretary/Treasurer.** The Secretary/Treasurer shall attend all meetings of the Board of Directors and shall prepare and maintain proper minutes of those meetings. The Secretary/Treasurer shall cause notice to be given of all meetings of the Board of Directors as required by these Bylaws. The Secretary/Treasurer shall be the custodian of the official seal of the Foundation, if any, and shall affix that seal on all documents executed on behalf of the Foundation, pursuant to due authorization by the Board of Directors. The Secretary/Treasurer shall have the custody of and properly protect all executed deeds, leases, agreements and other legal documents and records to which the Foundation is a party or by which it is legally affected. The Secretary/Treasurer shall be the principal financial officer of the Foundation and shall have charge and custody of and be responsible for all funds of the Foundation. The Secretary/Treasurer shall sign all checks and promissory notes of the Foundation and shall receive and give receipts for moneys due and payable to the Foundation from any source whatsoever and deposit all such moneys in the name of the Foundation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article IV of these Bylaws. The Secretary/Treasurer shall keep or cause to be kept, adequate and correct accounts of the Foundation, including accounts of its assets, liabilities, receipts and disbursements. The Secretary/Treasurer shall submit to the Board of Directors and the President when required statements of the financial affairs of the Foundation. The Secretary/Treasurer shall in general perform all of the financial duties incident to the office of Secretary/Treasurer and such other duties as from time to time may be assigned to the Secretary/Treasurer by the President or by the Board of Directors. If required by the Board of Directors, the Secretary/Treasurer shall give a bond for the faithful discharge of the Secretary/Treasurer's duties in such sum and with such surety or sureties as the Board of Directors shall determine.

**Section 7. Salaries.** The salaries, if any, of the officers shall be fixed from time to time by the Board of Directors, and no officer shall be prevented from receiving such salary by reason of the fact that such officer is also a Director of the Foundation.

## **ARTICLE IV. MISCELLANEOUS**

**Section 1. Books and Records.** At its registered office or principal place of business, the Foundation shall keep: (i) correct and complete books and records of account; and (ii) minutes of the proceedings of its Board of Directors. Any books, records and minutes may be in written form or in any other form capable of being converted into written form within a reasonable time.

**Section 2. Loans.** No loans shall be contracted on behalf of the Foundation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

**Section 3. Checks, Drafts, etc.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Foundation, shall be signed by such officers, agent or agents of the Foundation as provided in these Bylaws or in such manner as shall from time to time be determined by the Board of Directors.

**Section 4. Deposits.** All funds of the Foundation not otherwise employed shall be deposited from time to time to the credit of the Foundation in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 5. Annual Financial Statements.** The Board of Directors shall cause a balance sheet as of the closing date of the last fiscal year, together with a statement of income and expenditures for the year ending on that date, to be prepared.

**Section 6. Fiscal Year.** The fiscal year of the Foundation shall begin on the first day of January and end on the last day of December in each year, except that the first fiscal year shall begin on the date of incorporation.

**Section 7. Corporate Seal.** The Board of Directors may provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the Foundation, the state of incorporation and the words "Corporate Seal."

**Section 8. Amendments.** These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by the Board of Directors of the Foundation at any regular or special meeting, called for that purpose by a sixty-five percent (65%) vote of the Directors present, in person or by proxy, provided that notice is sent to each Director not less than ten (10) days prior to such meeting, and provided a quorum is present. Such notice shall state in a general way the nature of the proposed change.



We, the undersigned, being the members of the Board of Directors and the duly elected Secretary of the Husky Swimming Foundation, do hereby certify that the foregoing Bylaws were duly adopted as the official Bylaws of that Foundation by unanimous consent of the Directors of that Foundation on the 8th day of May 2009.

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CATHERINE CLARK  
Director/President

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WM. KELLY STERLING  
Director/Secretary

---

RYAN E. STRATTON  
Director/Treasurer

---

RON VAN POOL  
Director

---

RICK COLELLA  
Director

---

MARK PROTHERO  
Director

---

MEGAN WOLFE  
Director

**HUSKY SWIMMING FOUNDATION**

**EIN: 26-4828642**

**EXPLANATIONS & FINANCIAL DATA**

ATTACHMENT TO FORM 1023  
PART IV  
NARRATIVE DESCRIPTION OF ACTIVITIES

---

**ABOUT THE HUSKY SWIMMING FOUNDATION**

The Husky Swimming Foundation (the "Foundation") is a non-profit organization with a mission to provide local, national, and international swimmers the opportunity to compete at a collegiate level in the Pacific Northwest. The Foundation's main goals consist of the following:

1. Raise funds necessary to provide an annual operating budget for an intercollegiate swimming program at the University of Washington;
2. Raise funds for the exploration of, feasibility study of, and acquisition and/or construction of an aquatic facility;
3. Create an endowment capable of providing multiple annual scholarships of collegiate swimmers at the University of Washington;
4. Provide an opportunity for local youth to participate in the sport of swimming through the creation of continuing aquatics programs using facilities at the University of Washington or otherwise obtained by the efforts of the Foundation; and/or
5. Provide funds to the University of Washington for the continuance and/or reinstatement of its swimming programs.

**PAST AND PRESENT ACTIVITIES**

In 2000, the University of Washington cut the swimming programs from its athletic department, citing both financial and facilities issues. Through the efforts of alumni, the swimming community and the local Seattle community, the program was reinstated before the 2000-2001 season.

For the past eight years, the alumni have rallied around the program to help provide funds for operations and scholarships and to raise awareness of the sport's importance in the community. As part of these efforts, a small group formed the Husky Swimming Foundation and filed Articles of Incorporation with the State of Washington in January 2008 under the Washington Nonprofit Corporation Act. The stated purpose of the organization is to build an aquatics facility at or near the University of Washington. The formation of the entity was done in anticipation of today's current events, which recently included the discontinuation of swimming as a sport at the University of Washington.

There has been no activity, financial or otherwise, within the corporation from inception until the date of this application.

The Foundation's current efforts are focused at mobilizing the swimming community, including the alumni of the University of Washington, through the use of online communities and our website, <http://www.huskyswimmingfoundation.com>.

ATTACHMENT TO FORM 1023  
PART IV  
NARRATIVE DESCRIPTION OF ACTIVITIES (Continued)

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**FUTURE PLANS**

The Foundation will begin focusing on solicitation of financial support for the purpose of program reinstatement, feasibility studies, and procuring or building an aquatics facility near the University of Washington. It is anticipated that the completion of a study and the accumulation of the appropriate funds will take 24-48 months.

The Foundation will readdress various avenues of support, including, but not limited to: city, state and local government, public support, solicitation of grants from like-minded organizations, and negotiations with the athletic department of the University of Washington.

The Foundation will create and maintain an endowment capable of sustaining annual athletic scholarships for swimmers at the University of Washington. In addition, the Foundation will continue to own and operate the facility for the benefit of the local community.

**PROGRAM COSTS**

The costs of operating the Foundation are limited. To date, all operating and administrative expenses have been donated. It is anticipated that costs will be associated with any feasibility study performed for the procurement or construction of a facility. In addition, fees may be associated with the maintenance and management of bank and investment accounts.

Once the Foundation has successfully acquired or built an aquatics facility, normal operating and administrative expenses are anticipated.

ATTACHMENT TO FORM 1023  
PART V  
QUESTION 1A: LIST OF OFFICERS/DIRECTORS

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NAME	TITLE	ADDRESS	COMPENSATION
Catherine Clark	DIRECTOR/ PRESIDENT	701 Fifth Avenue, Ste. 4785, Seattle, WA 98104	NONE
Wm. Kelly Sterling	DIRECTOR/ SECRETARY	7525 SE 24 <sup>th</sup> Street Ste. 110, Mercer Island, WA 98040	NONE
Ryan Stratton	DIRECTOR/ TREASURER	398 S. 9 <sup>th</sup> Street Ste. 290 Boise, ID 83702	NONE
Rick Colella	DIRECTOR	217 19 <sup>th</sup> Place Kirkland, WA 98033	NONE
Mark Prothero	DIRECTOR	6703 S. 234 <sup>th</sup> St. Ste. 300 Kent, WA 98032	NONE
Ron Van Pool	DIRECTOR	11940 Riviera Place Seattle, WA 98125	NONE
Megan Wolfe	DIRECTOR	1036 NE 102 <sup>nd</sup> St. Seattle, WA 98125	NONE

NOTE: The board members have changed from the members listed in the Articles of Incorporation.

ATTACHMENT TO FORM 1023  
PART V  
QUESTION 3A: DIRECTOR QUALIFICATIONS

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NAME	QUALIFICATIONS	HOURS WORKED	DUTIES
Catherine Clark	Attorney: Catherine Clark PLLC	10 hours/month	Director/Officer duties as outlined in Bylaws
Wm. Kelly Sterling	CPA: Sterling, Kuder & Company	10 hours/month	Director/Officer duties as outlined in Bylaws
Ryan Stratton	CPA/ABV: Stratton & Associates	10 hours/month	Director/Officer duties as outlined in Bylaws
Rick Colella	Engineer: Boeing	10 hours/month	Director duties as outlined in Bylaws
Mark Prothero	Attorney: Hanis Irvine Prothero PLLC	10 hours/month	Director duties as outlined in Bylaws
Ron Van Pool	Former President, USA Swimming	10 hours/month	Director duties as outlined in Bylaws
Megan Wolfe	County Planner: King County Transportation	10 hours/month	Director duties as outlined in Bylaws

Husky Swimming Foundation

EIN: 26-4828642

ATTACHMENT TO FORM 1023  
PART V  
QUESTIONS 5B AND 5C: CONFLICT OF INTEREST

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See Article II, Section 11 of the Bylaws.

ATTACHMENT TO FORM 1023

PART VI

QUESTION 1B: PROVIDE FUNDS AND/OR SERVICES TO ORGANIZATIONS

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As part of the Foundation's community outreach, funds and/or services may be provided to swim clubs or community programs, provided that the recipient organization is exempt from tax under Section 501(c)(3) of the Internal Revenue Code.

Services provided may include swimposiums, swim clinics, administrative reviews, etc.



ATTACHMENT TO FORM 1023  
PART VIII  
QUESTION 4A: FUNDRAISING

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Solicitations - Contacting individuals, businesses, private foundations, government, and others for donations through mail, email, phone and web solicitations.

Fundraising Activities – Events will be organized for the purpose of raising funds for the benefit of the Foundation and its goals, such as swim clinics, auctions, and other events.

ATTACHMENT TO FORM 1023  
PART VIII  
QUESTION 7A: FACILITY DEVELOPMENT

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Part of our exempt purpose is to procure or build an aquatics facility. At such time that our fundraising success can allow us to begin the development and/or construction of the facility, the Foundation will contract out necessary work to appropriate engineers, developers, contractors, etc. These positions will be filled in consideration of the Foundations conflict of interest policy as stated in the Bylaws.

ATTACHMENT TO FORM 1023  
PART VIII  
QUESTION 11: CONTRIBUTIONS

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Part of our exempt purpose is to procure or build an aquatics facility. If real property can be obtained by donation or by way of a conservation easement for the purpose of a site for the facility, the Foundation will accept such a contribution.

ATTACHMENT TO FORM 1023  
PART IX  
FINANCIAL DATA - DETAIL FOR LINE 23

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## LINE 23-ITEMIZED EXPENSES:

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Swim Clinics:	\$ 5,000.00	\$20,000.00	\$50,000.00
Community Outreach:	5,000.00	15,000.00	25,000.00
Miscellaneous:	<u>2,500.00</u>	<u>5,000.00</u>	<u>7,500.00</u>
	\$12,500.00	\$40,000.00	\$82,500.00

Husky Swimming Foundation

EIN: 26-4828642

ATTACHMENT TO FORM 1023  
PART IX  
FINANCIAL DATA - BALANCE SHEET

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The Foundation had no cash or other assets as of 12/31/08. The Balance Sheet as of 5/11/09 included Cash of \$850, zero Liabilities and a Net Fund Balance of \$850.