

To: Jeffrey Epstein[jeevacation@gmail.com]
From: Terje Rod-Larsen
Sent: Sun 7/27/2014 5:24:17 PM
Subject: Fwd: U.S. charitable status for the new INGO

Sent from my iPhone

Begin forwarded message:

From: David Witt <[REDACTED]>
Date: July 25, 2014 at 5:07:00 PM EDT
To: Terje Rod-Larsen <[REDACTED]>, Andrea Pfanzelter
<[REDACTED]>
Subject: U.S. charitable status for the new INGO

The newly established INGO (international non-governmental organization) in Austria will require U.S. recognition of tax-exempt (501c3) and public-charity status to facilitate contributions by American foundations and individuals.

This recognition is typically obtained by an IRS ruling, but our attorneys in New York have advised that such a ruling cannot be made by year-end, given the IRS's current backlog of applications. An alternative is for an interested foundation to engage U.S. counsel (in-house or external) to make an "equivalency determination" based on the same criteria used by the IRS -- including standard language in the founding documents (articles of incorporation and/or bylaws) stating the organization's charitable purpose and compliance with relevant requirements for charitable organizations.

Such an equivalency determination may be made either directly for the foreign-based INGO, or for an affiliated ("friends of") U.S.-based organization established to receive donations on behalf of the foreign-based INGO. In the interest of time, our recommendation is that the U.S. counsel make the determination directly for the Austrian-based INGO, rather than creating a new organization in the U.S. for that purpose. With the Gates Foundation's extensive grantmaking experience (and especially very substantial giving), it seems likely that it may already have encountered this situation and engaged counsel accordingly.