



CITY COUNCIL AGENDA ITEM

Date: April 13, 2010

To: John Szerlag, City Manager

From: Tonni L. Bartholomew, City Clerk

Subject: Request for Recognition as a Nonprofit Organization Status from Kathy Derderian, President of *Deaf Arts Festival*

Background

Attached is a request from Kathy Derderian, President of *Deaf Arts Festival* seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.

Recommendation

It has been City Management's practice to support the approval of such requests.

Fund Availability

There are no financial considerations associated with this item.

City Attorney's Review as to Form and Legality

There are no legal considerations associated with this item.

Deaf Arts Festival

P.O. Box 99038 Troy, Michigan 48099
Website: www.deafartsfestival.org

Executive Board

Kathy Derderian
President

Judy Lowrie
Vice President

Rosemary Kuplicki
Secretary

Paul J. Kuplicki
Treasurer

Board

James Allen
Terri Fear
Joanna Forbes
Monica Imielowski
Roman Imielowski
Carol Kuplicki
Kathryn Kinville
Aaron Langevin
Rudy Luna
Debbie Mitre-Smith
Heba Samona
John Snook
Judy Varolon

Honorary Committee

Jill Gaus
Chuck Baird
Fr. Michael Depcik, O.S.F.S.
Ardis Gardella
Monique Holt
Camille Jeter-Lorello
Fr. Kenneth McKenna, O.S.F.S.

State of Michigan
Bureau of State of Lottery
101 E. Hillsdale
Lansing, Michigan 48909

March 25, 2011

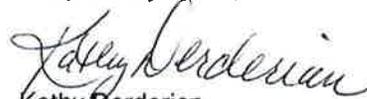
Dear Mayor Schilling and Honorable Members of Troy City Council:

Deaf Arts Festival respectfully requests that the Troy City Council pass a resolution recognizing Deaf Arts Festival as a nonprofit organization operating within the Troy community for the purposes of obtaining a charitable gaming license from the State of Michigan, pursuant to MCL432.103(K)(ii).

Deaf Arts Festival (DAF) would like to request a Charitable Gaming License from the State of Michigan for the purpose of holding a Raffle from which 5 prizes will be given to five winners and rest of proceeds will benefit Deaf Arts Festival to support the festival which will held on September 17, 2011.

In order to obtain a Charitable Gaming License from the State of Michigan, DAF must submit a resolution passed by the Troy City Council stating that Deaf Arts Festival is a recognized nonprofit organization in the community. We appreciated your consideration of this matter. If you have any further questions, you may contact me at 248-218-1322

Respectfully Yours,


Kathy Derderian
President of Deaf Arts Festival


Paul J Kuplicki
Treasurer of Deaf Arts Festival

Mission Statement:

The Mission of the Deaf Arts Festival is to celebrate the arts by exhibiting diverse, quality visuals and performing arts through the support of the deaf and hard of hearing population. The essence of this organization is to enrich and educate the audience through personal interaction among deaf and hard of hearing artists.



Charitable Gaming Division
 Box 30023, Lansing, MI 48909
 OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing MI 48933
 (517) 335-5780
 www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
 adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
 PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 19 2004

DEAF ARTS FESTIVAL
PO BOX 99581
TROY, MI 48099-9581

Employer Identification Number:
57-1199308
DLN:
17053205003034
Contact Person:
TRISHONE M SKINNER ID# 75079
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990 Required:
Yes
Effective Date of Exemption:
December 15, 2003
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2007

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

DEAF ARTS FESTIVAL

Sincerely,

A handwritten signature in dark ink, appearing to read "Lois G. Lerner". The signature is somewhat stylized and includes a small circular mark below the "o" in "Lois".

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Form 872-C



P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248662390
May 07, 2010 LTR 4168C E0
57-1199308 000000 00
00033808
BODC: TE

DEAF ARTS FESTIVAL
% FREIDA MORRISON
PO BOX 99038
TROY MI 48099-9038



018643

Employer Identification Number: 57-1199308
Person to Contact: Mr. Patterson
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Apr. 28, 2010, request for information regarding your tax-exempt status.

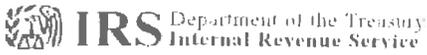
Our records indicate that your organization was recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in November 2004.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(2).

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

Beginning with the organization's sixth taxable year and all succeeding years, it must meet one of the public support tests under section 170(b)(1)(A)(vi) or section 509(a)(2) as reported on Schedule A of the Form 990. If your organization does not meet the public support test for two consecutive years, it is required to file Form 990-PF, Return of Private Foundation, for the second tax year that the organization failed to meet the support test and will be reclassified as a private foundation.

If you have any questions, please call us at the telephone number shown in the heading of this letter.



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

018643.696453.0109.003 1 AT 0.357 532



DEAF ARTS FESTIVAL
% FREIDA MORRISON
PO BOX 99038
TROY MI 48099-9038

018643

CUT OUT AND RETURN THE VOUCHER AT THE BOTTOM OF THIS PAGE IF YOU ARE MAKING A PAYMENT,
EVEN IF YOU ALSO HAVE AN INQUIRY.

The IRS address must appear in the window.

Use for payments

BODCD-TE

0248662390

Letter Number: LTR4168C
Letter Date : 2010-05-07
Tax Period : 000000



571199308

INTERNAL REVENUE SERVICE
P.O. Box 2508
Cincinnati OH 45201


DEAF ARTS FESTIVAL
% FREIDA MORRISON
PO BOX 99038
TROY MI 48099-9038

571199308 KC DEAF 00 2 000000 670 000000000000

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES BUREAU OF COMMERCIAL SERVICES	
Date Received	(FOR BUREAU USE ONLY)
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name	Deaf Arts Festival
Address	PO Box 99581
City	Troy
State	Michigan
Zip Code	48099-9581

Tran Info: 8789243-1 12/01/03
 Ch#: 3159 Amt: \$20.00
 ID: DE SALES CENTER

FILED
DEC 15 2003
 Adm. Center
 BUREAU OF COMMERCIAL SERVICES
 EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
 If left blank document will be mailed to the registered office.

781-838

ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations
 (Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:
 Deaf Arts Festival ✓

ARTICLE II

The purpose or purposes for which the corporation is organized are: The mission of the Deaf Arts Festival is to celebrate the arts by exhibiting diverse, quality visuals and performing arts through the support of the deaf and hard of hearing population. The essence of this organization is to enrich and educate the audience through personal interaction among the deaf and hard of hearing artists.

ARTICLE III

1. The corporation is organized upon a nonstock basis.
 (Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

5

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

- II Upon dissolution of Deaf Arts Festival, any remaining assests will be distributed to another organization that is exempt under section 501(C)3 of the Internal Revenue Code of 1954 as amended.

I, (We), the incorporator(s) sign my (our) name(s) this 20th day of November, 2003.

Freida Morrison

Kathy Terdeman

Paul J. Kupluch

6. (For a nonprofit corporation whose Articles state the corporation is organized on a directorship basis.)

The foregoing amendment to the Articles of Incorporation was duly adopted on the 25 day of October, 2004 by the directors of a nonprofit corporation whose articles of incorporation state it is organized on a directorship basis (check one of the following)

- at a meeting the necessary votes were cast in favor of the amendment
- by written consent of all directors pursuant to Section 525 of the Act.

Signed this 25 day of October, 2004

By Freida Morrison
(Signature of President, Vice-President, Chairperson or Vice-Chairperson)

Freida Morrison
(Type or Print Name)

President
(Type or Print Title)

By-Laws of Deaf Arts Festival

Article I: Name

1. The name of the organization shall be “Deaf Arts Festival”, hereafter referred to as the DAF (Corporation).

Article II: Mission Statement

1. The mission of the Deaf Arts Festival is to celebrate the arts by exhibiting diverse, quality visuals and performing arts through the support of the deaf and hard of hearing population. The essence of this organization is to enrich and educate the audience through personal interaction among deaf and hard of hearing artists.

Article III: Membership

1. Membership shall consist of the Board of Directors.
2. Resignation from the Board must be in writing and received by the secretary.
3. A Board member shall be terminated from the Board due to excess absences, more than three unexcused absences from board meetings in a year.
4. A Board member may be removed for any reason by three-fourths (3/4) vote from the entire Board of Directors.

Article IV: Board of Directors

1. The Board shall have up to 20, but not fewer than 16 members. The total of which the majority will be deaf members.
2. The Board is responsible for overall policy and direction of the organization, and delegates responsible to committees.
3. The Board receives no compensation other than reasonable expenses.

Article V: Board Selection

1. Vacancies on the Board of Directors shall be filled by appointment by the Executive Committee, with approval of the Board.
2. Any member of the organization may nominate oneself or any other member to be a candidate for an open board position.
3. Nominees for the board must be:
 - a. Willing to serve.
 - b. Hold to heart the purposes of the organization and its best interests.
 - c. Have a reasonable history of participation in organizational activities.
 - d. Bring with them a contribution of tangible or intangible resources or skills that will further the purposes of DAF.

Article VI: Officers and Duties

1. The Officers of DAF shall be the President , Vice -President, Treasurer and a Secretary.
2. Officers are elected within 3 months after every festival by majority vote of the Board of Directors.
3. Their duties are as follows:
 - a. The President shall convene regular scheduled board meetings, shall preside or arrange for other members of the Executive Committee to preside at each meeting in the following order: Vice President, Treasurer, and Secretary.
 - b. The Vice-President shall chair committees on special subjects as designated by the board.
 - c. The Treasurer shall make a report at each meeting. The Treasurer shall assist in the preparation of the budget, and make financial information available to board members.
 - d. The Secretary shall be responsible for keeping records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate (organization) records are maintained.

Article VII: Meetings

1. Regular Meetings shall be held at such time and that place will be designated by the Board.
2. Special meetings of the board shall be called upon at the request of the President, or one-third vote of the Board. Notices of special meetings shall be sent out by the Secretary to each board member at least two weeks in advance.

Article VIII: Committees

1. Committee formation:
 - a. The Board may create committees as needed , such as fundraising, public relations, data collection, etc.
 - b. The Executive Committee appoints all committee chairs.
2. Executive Committee:
 - a. The four officers serve as the members of the Executive Committee.
 - b. Except for the power to amend the articles of incorporation and bylaws, the Executive Committee shall have all the powers and authority of the board of directors in the intervals between meetings of the board of directors, and is subject to the direction and control of the full board.
3. Budget and Financial :
 - a. The Board must approve the budget and all expenditures must be within budget.
 - b. Any major change in the budget must be approved by the board or the Executive Committee.
 - c. The fiscal year shall be the calendar year.
 - d. Annual reports are required to be submitted to the board showing income, expenditures, and pending income.

Article IX: Indemnification

1. The Board of Directors and the Officers within DAF will indemnify and hold harmless each Board member, Officer, Volunteer, and also relatives and heirs of the named Board members, Officers and Volunteers, from all loss, cost and reasonable expenses hereafter incurred in the payment, settlement and defense of any claim, suit or proceeding brought against an elected official of DAF or former elected official because of any action alleged to have been taken or omitted as an elected or former official.

Article X: Amendments

1. These bylaws may be amended at any meeting of the Board of Directors by a majority vote of the entire Board provided that the amendment has been previously submitted in writing to all members of the Board.

Article XI: Dissolution

1. In the event of dissolution of DAF, the dissolution will be in accordance with all applicable state statutes and IRS Codes. Upon dissolution, the assets of the organization shall be distributed to the St. John Foundations – Holley Ear Institute (Summer Programs) or to another nonprofit organization (associated with deaf community) that is exempt under section 501(c)(3) of the Internal Revenue Code.

These By-Laws were approved at a meeting of the Board of Directors of Deaf Arts Festival on March 6, 2004.

Deaf Art Festival - Fiscal Year 2010 Report

Prepared by Paul J. Kuplicki

Revised Date: December 31, 2010

INCOMES:		
Balance Forward from DAF 2009 (December 31, 2009)		5,971.70
Donations		463.15
Fundraising Events		
ASL Films - Gerald	786.00	
Yankee Candle Fundraising I	877.36	
Worlds Play- "See what I am saying"	1,007.54	
Yankee Candle Fundraising II	525.39	
ASL Films - Black Sands	132.11	
Walk / Run September 2010	556.04	
Red Hat Christmas Tea Party	201.60	
Yankee Candle Fundraising III	370.35	
New Year's Eve Party	(400.00)	
Festival 2011	(747.38)	
Subtotal - Fundrasing Events	3,309.01	3,309.01
PayPal		0.33
TOTAL INCOMES		\$ 9,744.19
EXPENSES:		
Bank Service		
Check printing	111.49	
Bank Charge or Fee	-	
Subtotal - Bank Service	111.49	111.49
Donations		
Chuck Baird Foundation	500.00	
Subtotal - Donations	500.00	500.00
Incorporation (filing and franchise fee)		20.00
Interpreting Services		
Grants (Application Fee)		
Michigan Council for Arts and Cultural Affairs	50.00	
Subtotal - Grants	50.00	50.00
Office Supplies		250.69
Postages		
Post Office Box rental	58.00	
Overnight UPS (Chuck Barid CD)	40.20	
Stamps	15.84	
Subtotal - Postages	114.04	114.04
Promotions		
FAD	30.00	
DAD 2010 CSBA/CSWBAD AD	35.00	
DeafNation Expo -Chicago (Booth Display)	250.00	
Subtotal - AD Program Book	315.00	315.00
Website - Domain name (annually)		15.00
Website Designer		
Janson Schwebke	150.00	
Nicholas A Costa	500.00	
	650.00	650.00
Tax Preparer (Better Business Tax & Accounting)		412.50
Community Outreach		
Halloween's Party (children)		76.38
TOTAL EXPENSES		\$ 2,515.10
OVERALL TOTAL		\$ 7,229.09