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**Short Form
Return of Organization Exempt From Income Tax**

2009

**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
(except black lung benefit trust or private foundation)**

▶ Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(b)(13) must file Form 990. All other organizations with gross receipts less than \$500,000 and total assets less than \$1,250,000 at the end of the year may use this form.

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

Department of the Treasury
Internal Revenue Service

Open to Public Inspection

A For the 2009 calendar year, or tax year beginning 4/01, **2009, and ending** 3/31, **2010**

| | | | |
|---|--|---|--|
| <p>B Check if applicable:</p> <p><input type="checkbox"/> Address change</p> <p><input type="checkbox"/> Name change</p> <p><input type="checkbox"/> Initial return</p> <p><input type="checkbox"/> Termination</p> <p><input type="checkbox"/> Amended return</p> <p><input type="checkbox"/> Application pending</p> | <p>Please use IRS label or print or type. See Specific Instructions.</p> | <p>C</p> <p>BENEVOLENT&PROTECTIVE ORDER OF ELKS 1619 BOX 367 BELLOWS FALLS, VT 05101</p> | <p>D Employer identification number 03-0104295</p> <p>E Telephone number</p> <p>F Group Exemption Number ▶ 1156</p> |
|---|--|---|--|

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

G Accounting method: Cash Accrual
Other (specify) ▶

I Website: ▶ N/A

H Check if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)

J Tax-exempt status (check only one) — 501(c) (8) ◀ (insert no.) 4947(a)(1) or 527

K Check if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A Form 990-EZ or Form 990 return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts, if \$500,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ 196,913.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I.)

| | | | | |
|---------------|--|-----------------|----------|--|
| | 1 Contributions, gifts, grants, and similar amounts received | | 10,479. | |
| | 2 Program service revenue including government fees and contracts | | | |
| | 3 Membership dues and assessments | | 17,430. | |
| | 4 Investment income | | 337. | |
| REVENUE | 5a Gross amount from sale of assets other than inventory | | | |
| | 5b Less: cost or other basis and sales expenses | | | |
| | 5c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a) | | | |
| | 6 Special events and activities (complete applicable parts of Schedule G). If any amount is from gaming, check here <input type="checkbox"/> | | | |
| | a Gross revenue (not including \$ _____ of contributions reported on line 1) | 83,719. | | |
| | b Less: direct expenses other than fundraising expenses | 30,714. | | |
| | c Net income or (loss) from special events and activities (Subtract line 6b from line 6a) | | 53,005. | |
| | 7a Gross sales of inventory, less returns and allowances | 84,948. | | |
| | b Less: cost of goods sold | 40,655. | | |
| | c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a) | | 44,293. | |
| | 8 Other revenue (describe ▶ _____) | | | |
| | 9 Total revenue Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8 | | 125,544. | |
| EXPENSES | 10 Grants and similar amounts paid (attach schedule) | SEE STATEMENT 1 | 15,790. | |
| | 11 Benefits paid to or for members | | | |
| | 12 Salaries, other compensation, and employee benefits | | 49,966. | |
| | 13 Professional fees and other payments to independent contractors | | 2,750. | |
| | 14 Occupancy, rent, utilities, and maintenance | | 34,939. | |
| | 15 Printing, publications, postage, and shipping | | 2,334. | |
| | 16 Other expenses (describe ▶ SEE STATEMENT 2) | | 28,581. | |
| | 17 Total expenses. Add lines 10 through 16 | | 134,360. | |
| | 18 Excess or (deficit) for the year (Subtract line 17 from line 9) | | -8,816. | |
| IRZ-5-1000(A) | 19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return) | | 146,262. | |
| | 20 Other changes in net assets or fund balances (attach explanation) | | | |
| | 21 Net assets or fund balances at end of year Combine lines 18 through 20 | | 137,446. | |

Part II Balance Sheets. If Total assets on line 25, column (B) are \$1,250,000 or more, file Form 990 instead of Form 990-EZ

(See the instructions for Part II.)

| | (A) Beginning of year | (B) End of year |
|---|-----------------------|-----------------|
| 22 Cash, savings, and investments | 146,751. | 142,065. |
| 23 Land and buildings | 8,878. | 8,239. |
| 24 Other assets (describe ▶ SEE STATEMENT 3) | 6,900. | 6,137. |
| 25 Total assets | 162,529. | 156,441. |
| 26 Total liabilities (describe ▶ SEE STATEMENT 4) | 16,267. | 18,995. |
| 27 Net assets or fund balances (line 27 of column (B) must agree with line 21) | 146,262. | 137,446. |

BAA For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

Form 990-EZ (2009)

SCANNED AUG 25 2010

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Part V Other Information (Note the statement requirements in the instrs for Part V.) **SEE STATEMENT 7**

| | | Yes | No |
|------------|---|-----|----|
| 33 | Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' attach a detailed description of each activity | | X |
| 34 | Were any changes made to the organizing or governing documents? If 'Yes,' attach a conformed copy of the changes | | X |
| 35 | If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, attach a statement explaining why the organization did not report the income on Form 990-T. | | |
| 35a | Did the organization have unrelated business gross income of \$1,000 or more or was it subject to section 6033(e) notice, reporting, and proxy tax requirements? | | X |
| 35b | If 'Yes,' has it filed a tax return on Form 990-T for this year? | | |
| 36 | Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If 'Yes,' complete applicable parts of Schedule N | | X |
| 37a | Enter amount of political expenditures, direct or indirect, as described in the instructions | 0. | |
| 37b | Did the organization file Form 1120-POL for this year? | | X |
| 38a | Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the period covered by this return? | | X |
| 38b | If 'Yes,' complete Schedule L, Part II and enter the total amount involved | N/A | |
| 39 | Section 501(c)(7) organizations Enter: | | |
| 39a | Initiation fees and capital contributions included on line 9 | N/A | |
| 39b | Gross receipts, included on line 9, for public use of club facilities | N/A | |
| 40a | Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 <input type="checkbox"/> N/A ; section 4912 <input type="checkbox"/> N/A ; section 4955 <input type="checkbox"/> N/A | | |
| 40b | Section 501(c)(3) and 501(c)(4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year or is it aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If 'Yes,' complete Schedule L, Part I | | |
| 40c | Section 501(c)(3) and 501(c)(4) organizations Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 | 0. | |
| 40d | Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization | 0. | |
| 40e | All organizations At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If 'Yes,' complete Form 8886-T | | X |
| 41 | List the states with which a copy of this return is filed <input type="checkbox"/> NONE | | |

42a The organization's books are in care of KAREN PUTNAM Telephone no. _____
 Located at CHARLESTOWN NH ZIP + 4 03603

| | | Yes | No |
|------------|---|-----|----|
| 42b | At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If 'Yes,' enter the name of the foreign country: <input type="checkbox"/> _____ | | X |
| 42c | At any time during the calendar year, did the organization maintain an office outside of the U S ? If 'Yes,' enter the name of the foreign country: <input type="checkbox"/> _____ | | X |

43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of **Form 1041** — Check here and enter the amount of tax-exempt interest received or accrued during the tax year N/A N/A

| | | Yes | No |
|-----------|---|-----|----|
| 44 | Did the organization maintain any donor advised funds? If 'Yes,' Form 990 must be completed instead of Form 990-EZ | | X |
| 45 | Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)? If 'Yes,' Form 990 must be completed instead of Form 990-EZ | | X |

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only. All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 46-49b and complete the tables for lines 50 and 51.

| | Yes | No |
|--|------------|----|
| 46 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If 'Yes,' complete Schedule C, Part I | 46 | |
| 47 Did the organization engage in lobbying activities? If 'Yes,' complete Schedule C, Part II | 47 | |
| 48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If 'Yes,' complete Schedule E | 48 | |
| 49a Did the organization make any transfers to an exempt non-charitable related organization? | 49a | |
| 49b If 'Yes,' was the related organization a section 527 organization? | 49b | |

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter 'None'

| (a) Name and address of each employee paid more than \$100,000 | (b) Title and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account and other allowances |
|--|--|------------------|---|--|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

f Total number of other employees paid over \$100,000 ▶ _____

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter 'None'

| (a) Name and address of each independent contractor paid more than \$100,000 | (b) Type of service | (c) Compensation |
|--|---------------------|------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

d Total number of other independent contractors each receiving over \$100,000 ▶ _____

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

▶ *Karen A McCormick Putnam* Signature of officer 7-29-10 Date

▶ Karen A McCormick - Putnam - Treasurer Type or print name and title

Paid Preparer's Use Only

Preparer's signature ▶ JAMES M. PULS, CPA *James M Puls* Date 6/30/10

Firm's name (or yours if self-employed), address, and ZIP + 4 ▶ PIECIAK & COMPANY, P.C.
35 WESTMINSTER STREET
BELLOWS FALLS, VT 05101

Check if self-employed Preparer's Identifying Number (See instructions) ▶ N/A

EIN ▶ N/A

Phone no ▶ (802) 885-5560

May the IRS discuss this return with the preparer shown above? See instructions ▶ Yes No

BAA Form 990-EZ (2009)

SCHEDULE G
(Form 990 or 990-EZ)

**Supplemental Information Regarding
Fundraising or Gaming Activities**

OMB No 1545-0047

2009

Department of the Treasury
Internal Revenue Service

Complete if the organization answered 'Yes' to Form 990, Part IV, lines 17, 18, or 19, or if the organization entered more than \$15,000 on Form 990-EZ, line 6a.
▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

**Open to Public
Inspection**

Name of the organization

BENEVOLENT&PROTECTIVE ORDER OF ELKS 1619

Employer identification number

03-0104295

Part I Fundraising Activities. Complete if the organization answered 'Yes' to Form 990, Part IV, line 17
Form 990EZ filers are not required to complete this part.

1 Indicate whether the organization raised funds through any of the following activities. Check all that apply.

- Mail solicitations
- Internet and email solicitations
- Phone solicitations
- In-person solicitations
- Solicitation of non-government grants
- Solicitation of government grants
- Special fundraising events

2a Did the organization have written or oral agreement with any individual (including officers, directors, trustees or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? Yes No

b If 'Yes,' list the ten highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least \$5,000 by the organization

| (i) Name of individual or entity (fundraiser) | (ii) Activity | (iii) Did fundraiser have custody or control of contributions? | | (iv) Gross receipts from activity | (v) Amount paid to (or retained by) fundraiser listed in col.(i) | (vi) Amount paid to (or retained by) organization |
|---|---------------|--|----|-----------------------------------|--|---|
| | | Yes | No | | | |
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| Total ▶ | | | | | | |

3 List all states in which the organization is registered or licensed to solicit funds or has been notified it is exempt from registration or licensing

Part II Fundraising Events. Complete if the organization answered 'Yes' to Form 990, Part IV, line 18, or reported more than \$15,000 on Form 990-EZ, line 6a. List events with gross receipts greater than \$5,000.

| REVENUE | | (a) Event #1 | (b) Event #2 | (c) Other Events | (d) Total Events | |
|-----------------|----|--|--------------|------------------|---------------------------------|---------|
| | | CLUB ACTIVITIES (event type) | (event type) | (total number) | (Add col. (a) through col. (c)) | |
| REVENUE | 1 | Gross receipts | 83,719. | | 83,719. | |
| | 2 | Less: Charitable contributions | | | | |
| | 3 | Gross income (line 1 minus line 2) | 83,719. | | 83,719. | |
| DIRECT EXPENSES | 4 | Cash prizes | | | | |
| | 5 | Noncash prizes | | | | |
| | 6 | Rent/facility costs | | | | |
| | 7 | Food and beverages | | | | |
| | 8 | Entertainment | | | | |
| | 9 | Other direct expenses | 30,714. | | 30,714. | |
| | 10 | Direct expense summary. Add lines 4- through 9 in column (d) | | | ▶ | 30,714. |
| | 11 | Net income summary. Combine lines 3, column (d) and line 10 | | | ▶ | 53,005. |

Part III Gaming. Complete if the organization answered 'Yes' to Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

| REVENUE | | (a) Bingo | (b) Pull tabs/Instant bingo/progressive bingo | (c) Other gaming | (d) Total gaming | |
|-----------------|-----------------|---|---|---|---|--|
| | | (Add col. (a) through col. (c)) | | | | |
| REVENUE | 1 | Gross revenue | | | | |
| | DIRECT EXPENSES | 2 | Cash prizes | | | |
| | | 3 | Non-cash prizes | | | |
| | | 4 | Rent/facility costs | | | |
| | | 5 | Other direct expenses | | | |
| DIRECT EXPENSES | 6 | Volunteer labor | <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No | <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No | <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No | |
| | 7 | Direct expense summary. Add lines 2 through 5 in column (d) | | | ▶ | |
| | 8 | Net gaming income summary. Combine lines 1, column (d) and line 7 | | | ▶ | |

| | YES | NO |
|--|-----|----|
| 9 Enter the state(s) in which the organization operates gaming activities _____ | | |
| a Is the organization licensed to operate gaming activities in each of these states? | 9a | |
| b If 'No,' explain: ----- | | |
| 10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? | 10a | |
| b If 'Yes,' explain: ----- | | |
| 11 Does the organization operate gaming activities with nonmembers? | 11 | |
| 12 Is the organization a grantor, beneficiary or trustee of a trust or a member of a partnership or other entity formed to administer charitable gaming? | 12 | |

13 Indicate the percentage of gaming activity operated in:

- a** The organization's facility
- b** An outside facility

| | | |
|------------|--|---|
| 13a | | % |
| 13b | | % |

14 Enter the name and address of the person who prepares the organization's gaming/special events books and records:

Name: ▶ _____

Address: ▶ _____

15a Does the organization have a contact with a third party from whom the organization receives gaming revenue?

15a

b If 'Yes,' enter the amount of gaming revenue received by the organization \$ _____ and the amount of gaming revenue retained by the third party \$ _____.

c If 'Yes,' enter name and address of the third party

Name: ▶ _____

Address: ▶ _____

16 Gaming manager information

Name ▶ _____

Gaming manager compensation ▶ \$ _____

Description of services provided: ▶ _____

- Director/officer
 Employee
 Independent contractor

17 Mandatory distributions

a Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license?

17a

b Enter the amount of distributions required under state law to be distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year ▶ \$ _____

BENEVOLENT&PROTECTIVE ORDER OF ELKS 1619

03-0104295

STATEMENT 1
FORM 990-EZ, PART I, LINE 10
GRANTS AND SIMILAR AMOUNTS PAID

DONEE'S NAME: VAR LOCAL CHARITIES
 CASH AMOUNT GIVEN: \$ 15,790.

STATEMENT 2
FORM 990-EZ, PART I, LINE 16
OTHER EXPENSES

| | | |
|--|-----------|----------------|
| ADVERTISING | \$ | 324. |
| BANK CHARGES | | 301. |
| CASH OVER/SHORT | | -59. |
| CLEANING SUPPLIES | | 352. |
| CONFERENCES, CONVENTIONS, AND MEETINGS | | 5,077. |
| DEPRECIATION | | 932. |
| EQUIPMENT MAINTENANCE | | 227. |
| GRAND LODGE DUES | | 6,244. |
| INSTALATION OF OFFICERS | | 1,469. |
| INSURANCE | | 4,225. |
| INTERLODGE ACTIVITIES | | 50. |
| MISCELLANEOUS EXPENSE | | 1,065. |
| OFFICE EXPENSE | | 696. |
| OFFICE EXPENSES | | 270. |
| REPAIRS & MAINTENANCE | | 755. |
| RUBBISH & PEST CONTROL | | 1,309. |
| STATE DUES | | 1,561. |
| SUPPLIES | | 2,915. |
| TELEPHONE | | 815. |
| USE TAX | | 53. |
| TOTAL | \$ | 28,581. |

STATEMENT 3
FORM 990-EZ, PART II, LINE 24
OTHER ASSETS

| | <u>BEGINNING</u> | <u>ENDING</u> |
|---------------------------------------|------------------|------------------|
| FURNITURE AND FIXTURES | \$ 1,609. | \$ 1,316. |
| INVENTORIES | 4,460. | 4,248. |
| PREPAID EXPENSES AND DEFERRED CHARGES | 831. | 573. |
| TOTAL | \$ 6,900. | \$ 6,137. |

STATEMENT 4
FORM 990-EZ, PART II, LINE 26
TOTAL LIABILITIES

| | <u>BEGINNING</u> | <u>ENDING</u> |
|---------------------------------------|-------------------|-------------------|
| ACCOUNTS PAYABLE AND ACCRUED EXPENSES | \$ 10,284. | \$ 9,479. |
| DEFERRED REVENUE | 5,983. | 9,516. |
| TOTAL | \$ 16,267. | \$ 18,995. |

BENEVOLENT&PROTECTIVE ORDER OF ELKS 1619

03-0104295

**STATEMENT 5
FORM 990-EZ, PART III
ORGANIZATION'S PRIMARY EXEMPT PURPOSE**

TO PROMOTE FELLOWSHIP THROUGH PATRIOTIC AND CHARITABLE ACTIVITIES AND TO PROVIDE A MEETING PLACE FOR MEMBERS WHO SHARE A COMMON PHILOSOPHY AND CONCERN FOR THE COMMUNITY.

**STATEMENT 6
FORM 990-EZ, PART IV
LIST OF OFFICERS, DIRECTORS, TRUSTEES, AND KEY EMPLOYEES**

| <u>NAME AND ADDRESS</u> | <u>TITLE AND AVERAGE HOURS PER WEEK DEVOTED</u> | <u>COMPEN- SATION</u> | <u>CONTRI- BUTION TO EBP & DC</u> | <u>EXPENSE ACCOUNT/ OTHER</u> |
|-------------------------|---|---------------------------|---|---------------------------------------|
| KEVIN BUSH | EXALTED RULER 0 | \$ 0. | \$ 0. | \$ 0. |
| ' | | | | |
| ERNEST AUMAND, III | LEADING KNIGHT 0 | 0. | 0. | 0. |
| ' | | | | |
| PETER SQUIRES | LOYAL KNIGHT 0 | 0. | 0. | 0. |
| ' | | | | |
| MATTHEW SHANKS | LECTURE KNIGHT 0 | 0. | 0. | 0. |
| ' | | | | |
| LORI HASKINS | CHAPLAIN 0 | 0. | 0. | 0. |
| ' | | | | |
| RICHARD AUMAND, SR | INNER GUARD 0 | 0. | 0. | 0. |
| ' | | | | |
| RAYMOND ARCHAMBAULT | TILER 0 | 0. | 0. | 0. |
| ' | | | | |
| KAREN PUTNAM | TREASURER 0 | 0. | 0. | 0. |
| ' | | | | |
| GEORGE BENNETT | SECRETARY 0 | 0. | 0. | 0. |
| ' | | | | |
| PATRICK KINIRY | ESQUIRE 0 | 0. | 0. | 0. |
| ' | | | | |

BENEVOLENT&PROTECTIVE ORDER OF ELKS 1619

03-0104295

STATEMENT 6 (CONTINUED)
FORM 990-EZ, PART IV
LIST OF OFFICERS, DIRECTORS, TRUSTEES, AND KEY EMPLOYEES

| <u>NAME AND ADDRESS</u> | <u>TITLE AND AVERAGE HOURS PER WEEK DEVOTED</u> | <u>COMPEN- SATION</u> | <u>CONTRI- BUTION TO EBP & DC</u> | <u>EXPENSE ACCOUNT/ OTHER</u> |
|-------------------------|---|---------------------------|---|---------------------------------------|
| DAVID SMITH | TRUSTEE 0 | \$ 0. | \$ 0. | \$ 0. |
| ' | | | | |
| THOMAS DAVIS | TRUSTEE 0 | 0. | 0. | 0. |
| ' | | | | |
| MORRIS PUTNAM | TRUSTEE 0 | 0. | 0. | 0. |
| ' | | | | |
| GARY DAWKINS | TRUSTEE 0 | 0. | 0. | 0. |
| ' | | | | |
| STEPHEN THOMPSON | TRUSTEE 0 | 0. | 0. | 0. |
| ' | | | | |
| | TOTAL | \$ 0. | \$ 0. | \$ 0. |

STATEMENT 7
FORM 990-EZ, PART V
REGARDING TRANSFERS ASSOCIATED WITH PERSONAL BENEFIT CONTRACTS

(A) DID THE ORGANIZATION, DURING THE YEAR, RECEIVE ANY FUNDS, DIRECTLY OR INDIRECTLY, TO PAY PREMIUMS ON A PERSONAL BENEFIT CONTRACT? NO

(B) DID THE ORGANIZATION, DURING THE YEAR, PAY PREMIUMS, DIRECTLY OR INDIRECTLY, ON A PERSONAL BENEFIT CONTRACT? NO