

July 19, 2019

**RE: Tax Status of the University of Kentucky Research Foundation EIN 61-6033693**

To Whom It May Concern:

In response to your request, please accept this document as certification of the tax status of the University of Kentucky Research Foundation (“UKRF”).

UKRF was granted an initial tax exemption under Section 101(6) of the Internal Revenue Code of 1939 (which corresponds with section 501(c)(3) of the current Internal Revenue Service Code) in July 1947. On May 5, 2004, UKRF received approval changing from an organization under section 509(a)(1) to an organization under section 509(a)(3), a supporting organization.

Additionally, I am certifying that UKRF is a Type I support organization as denoted in Schedule A, Part IV of UKRF’s tax form 990. I base this determination on the relationship between the two organizations, starting with UKRF’s Articles of Incorporation and By-Laws, which indicate that its purpose is solely to support the University of Kentucky (“UK”), and also pursuant to the terms of its Articles and By-Laws specifying the directors and officers, it is “operated, supervised or controlled by” UK, as described in Treasury Regulation Section (“Reg.”) 1.509(a)-4(f)(4). This regulation provides a general description of the relationships under IRC Sec.509(a)(3) as follows:

*“In the case of supporting organizations which are operated, supervised, or controlled by one or more publicly supported organizations, the distinguishing feature of this type of relationship is the presence of a substantial degree of direction by the publicly supported organizations over the conduct of the supporting organization, as described in paragraph (g) of this section [Reg. 1.509(a)-4(g)]. In the case of supporting organizations which are supervised or controlled in connection with one or more publicly supported organizations, the distinguishing feature is the presence of common supervision or control among the governing bodies of all organizations involved, such as the presence of common directors, as described in paragraph (h) of this section [Reg. 1.509(a)-4(h)]. In the case of a supporting organization which is operated in connection with one or more publicly supported organizations, the distinguishing feature is that the supporting organization is responsive to, and significantly involved in the operations of, the publicly supported organization, as described in paragraph (i) of this section [Reg. 1.509(a)-4(i)].”*

As set forth in UKRF’s Articles and By-Laws, all UKRF directors are either appointed by the UK’s Board of Trustees or hold a director position by virtue of their position with UK. Specifically, UK’s President, Executive Vice President for Finance and Administration, Executive Vice President for Health Affairs, Provost, and Vice President for Research are all directors. The remaining directors are appointed by the UK Board of Trustees. Of those additional UKRF direct appointees, two must be members of the UK Board of Trustees and two must be UK faculty, and remaining appointees (up to two) must be recommended by UK’s President to the UK Board of Trustees. As such, UK’s Board of Trustees exercises clear control over UKRF.

UKRF has no employees of its own; it relies totally on UK employees. UK’s President is the President of UKRF. UKRF’s Executive Director is appointed by the UK Board of Trustees. Further, based upon my

**see blue.**

Finance and Administration Group | 301 Main Building | Lexington, KY 40506-0032  
Faculty, Students and Research Group | 304 Mathews Building | Lexington, KY 40506-0047  
Health Affairs Group | 321 Wethington Building | Lexington, KY 40506-0200  
P: 859-257-2936 | F: 859-323-1062 | [www.uky.edu/legal](http://www.uky.edu/legal)

knowledge of its actual operations, UKRF operates solely in support of UK. As a result of UK's direct control of all appointees to UKRF's board of directors, appointment of its senior officers, and employment of all individuals that perform functions for it, UKRF is "operated, supervised or controlled by" UK.

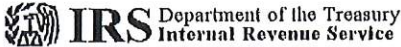
Please do not hesitate to contact me if further discussion would be helpful.

Sincerely,



David L. Kinsella  
Senior Associate General Counsel  
Office of Legal Counsel

Enclosure: August 9, 2016 IRS letter to UKRF



Department of the Treasury  
Internal Revenue Service

P.O. Box 2508, Room 4010  
Cincinnati OH 45201

In reply refer to: 4077552422  
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UNIVERSITY OF KENTUCKY RESEARCH  
FOUNDATION  
% CLAY MAUPIN  
301 PETERSON SERVICE BUILDING  
LEXINGTON KY 40506-0001



032057

Employer ID Number: 61-6033693  
Form 990 required: Yes

Dear Taxpayer:

This is in response to your request dated July 15, 2016, regarding your tax-exempt status.

We issued you a determination letter in July 1947, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

Our records also indicate you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Section 509(a)(3).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If a return is required, you must file Form 990, 990-EZ, 990-N, or 990-PF by the 15th day of the fifth month after the end of your annual accounting period. IRC Section 6033(j) provides that, if you don't file a required annual information return or notice for three consecutive years, your exempt status will be automatically revoked on the filing due date of the third required return or notice.

For tax forms, instructions, and publications, visit [www.irs.gov](http://www.irs.gov) or call 1-800-TAX-FORM (1-800-829-3676).

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

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FOUNDATION  
% CLAY MAUPIN  
301 PETERSON SERVICE BUILDING  
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Sincerely yours,



Jeffrey I. Cooper  
Director, EO Rulings & Agreement