Rose-Johnston, Tanya M (ATG)

From:	Shirey, Kay (ATG)
Sent:	Tuesday, February 16, 2016 10:21 AM
То:	Watson, Laura (ATG)
Subject:	FW: Global Warming Legal Action Project Update Feb 2016

[2d]

Kay

From: Clark, Stuart (ECY) Sent: Tuesday, February 16, 2016 10:16 AM To: Shirey, Kay (ATG) Subject: FYI: Global Warming Legal Action Project Update Feb 2016

From: Matt Pawa [mailto:mp@pawalaw.com] Sent: Tuesday, February 16, 2016 8:34 AM To: Clark, Stuart (ECY) <<u>scla461@ECY.WA.GOV</u>> Subject: Global Warming Legal Action Project Update Feb 2016



Dear Friends of the Global Warming Legal Action Project -

I wanted to take this opportunity to update you on our work – which is exploding. We are faced with a unique opportunity on global warming liability and are doing everything we can to seize this moment.

You may have seen the news over the last few months that "Exxon Knew." Two news outlets have disclosed internal Exxon documents from the 1970s and 1980s demonstrating that Exxon scientists knew the key information on global warming a long time ago and informed the company's management. We have been deeply engaged on this issue. We are partnering with Sharon Eubanks

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From: Matt Pawa [mailto:mp@pawalaw.com]
Sent: Tuesday, February 16, 2016 8:34 AM
To: Clark, Stuart (ECY) <<u>scla461@ECY.WA.GOV</u>>
Subject: Global Warming Legal Action Project Update Feb 2016



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(the former federal government lawyer who led the tobacco litigation) and other highly reputable law firms. We are making sure attorneys general offices are aware of the issue and we have provided extensive factual and legal resources to attorneys general (and their staffs) and other government officials. Obviously, our work is confidential in this regard but suffice it to say that we are busier than we ever have been.

Here are some examples of what is in these newly disclosed documents:

 To:
 Lemuel Srolovic[Lemuel.Srolovic@ag.ny.gov]

 From:
 Matt Pawa[mp@pawalaw.com]

 Sent:
 Tue 2/16/2016 1:05:34 PM (UTC-05:00)

 Subject:
 Global Warming Legal Action Project Update Feb 2016

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Dear Friends of the Global Warming Legal Action Project – I wanted to take this opportunity to update you on our which is exploding. We are f



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Here are some examples of what is in these newly disclosed documents:

• 1978 Presentation to Exxon Management Committee:

– "[T]here is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels. A doubling of carbon dioxide

is estimated to be capable of increasing the average global temperature by from 1°C to 3°C, with a 10°C rise predicted at the poles."

- the use of fossil fuels "should not be encouraged."

– 1978 "Man can afford 5-10 yr. time window to establish what must be done."

• 1980 presentation to the American Petroleum Institute by Standford professor API describes as a "recognized expert in the field of CO2 and climate." Presentation informs API that there is a "Scientific Consensus on the Potential for Large Future Climatic Response to Increased CO2 Levels" and says "2.5°C rise (2038): major economic consequences" and "5°C Rise (2067): Globally Catastrophic Effects."

• 1981 Memo by Exxon scientist Roger Cohen: "it is distinctly possible that [EXXDI'S 10009021 122319 tion] 000039

scenario will later produce effects which will indeed be catastrophic (at least for a substantial fraction of the earth's population)" `

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1982 Letter from Exxon scientist Roger Cohen to Exxon headquarters:

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– "over the past several years a clear scientific consensus has emerged regarding the expected climatic effects of increased atmospheric CO2," i.e., "that a doubling of atmospheric CO2 from its pre-industrial revolution value would result in an average global temperature rise of (3.0 ± 1.5) °C."

- "There is unanimous agreement in the scientific community that a temperature increase of this magnitude would bring about significant changes in the earth's climate, including rainfall distribution and alterations in the biosphere."

 1982 Briefing Document that was "given wide circulation to Exxon management": "Mitigation of the 'greenhouse effect' would require major reductions in fossil fuel combustion."

Despite this internal knowledge, Exxon spent the next decades engaged in a campaign of deception and denial on global warming. In fact, as the LA Times disclosed, Exxon used scientific projections of global warming in the 1980s to protect its own business assets in the frozen north even as it spent the next decades publicly seeking to discredit those very projections.

There is a striking similarity between Exxon's campaign to convince people that it was safe to purchase and use fossil fuels and the tobacco companies' campaign to convince people that cigarettes are safe. In fact, Exxon and the fossil fuel industry used some of the same consultants, scientists and themes to manufacture a sense of scientific uncertainty on global warming that the tobacco companies had used.

In response to these disclosures, there has been an outcry to investigate Exxon and determine whether it has violated any laws. Hillary Clinton and Bernie Sanders have called for the federal government to investigate Exxon, as has Senator Sheldon Whitehouse. Secretary of State John Kerry has spoken out in strong terms as well. See also links to articles below. You can see Senator Whitehouse's powerful argument that global warming is like tobacco here: https://www.youtube.com/watch?v=s8tbzTrVElg (see 1:16:30 - 1:26:27). I had the privilege of serving on the panel last week where Senator Whitehouse spoke (see 35:40 - 44:14).

Two state attorneys general have now opened investigations of Exxon. New York Attorney General Eric Schneiderman (our climate hero of the 21st century?) was the first to act; his office issued subpoenas under the state's securities law (the Martin Act) in November 2015. See

http://insideclimatenews.org/news/05112015/new-york-attorney-general-eric-schneiderman-subpoena-Exxon-climate-documents. The California Attorney General, Kamala Harris, is also investigating. See http://www.latimes.com/business/la-fi-exxon-global-warming-20160120-story.html.

Stay tuned for more developments along these lines.

Meantime, think about this: if a court finds that Exxon violated laws that prohibit false, deceptive or misleading statements with respect to a commercial product or sale of securities, it could order Exxon to make decades of internal documents publicly available (like the tobacco documents, which showed the world that the industry FOIL G000902-122319 000 lied for profit and ignited a firestorm of outrage). A court could also order Exxon to admit that it deceived the 000040

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public about global warming (again, as in the tobacco case). And it could require Exxon to make corrective statements in media buys (ditto, tobacco). I think you can imagine the importance of an admission by Exxon that not only is global warming a dire threat but that in order to avert unacceptable risks to human lives and safety we must rapidly reduce greenhouse gas emissions from fossil fuels.

For those interested in more information, at the bottom of this email I have provided some additional information and links.

All best,

Matt

Notable Statements and Links

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Secretary of State John Kerry said in December, 2015, that if allegations that Exxon misrepresented its
knowledge about the damage its product is doing to the planet "turns out to be true, I'd be outraged, furious. I
mean, I would be as angry as I was about people selling cigarettes and pretending they don't know it gives them
cancer. It's the same thing. It's immoral and incredibly damaging to everybody's global interests. It's a
betrayal." http://www.rollingstone.com/politics/news/john-kerry-on-climate-change-the-fight-of-our-time20151201#ixzz3tqEHvRgd

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 Senator Sheldon Whitehouse has repeatedly called for federal and state investigations of Exxon. http://www.dailykos.com/story/2015/10/21/1436553/-Sanders-wants-DOJ-Exxon-probe-Whitehouse-renews-call-for-RICO-investigation-over-climate-fraud;

http://www.providencejournal.com/article/20151116/OPINION/151119620

.

 Senator Bernie Sanders stated that recently released information "about Exxon's past activities raises potentially serious concerns that should be investigated." http://www.sanders.senate.gov/newsroom/pressreleases/sanders-calls-for-probe-into-exxon-mobil-claims-on-climate-change

 Hillary Clinton was asked about the issue at a campaign event and said that the Department of Justice should investigate: "There's a lot of evidence that they misled people." http://thehill.com/policy/energy-

environment/259436-pressure-builds-to-probe-exxon-climate-claims

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The lead attorney for the U.S. Department of Justice in its RICO (racketeering) lawsuit against the tobacco companies, Sharon Eubanks, is now in private practice and has stated publicly that she believes Exxon could be held liable under RICO. http://thinkprogress.org/climate/2015/10/20/3713761/exxon-climate-denial/

L.A. Times stories

http://graphics.latimes.com/exxon-arctic/

http://graphics.latimes.com/exxon-research/

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http://graphics.latimes.com/oil-operations/

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http://insideclimatenews.org/news/15092015/Exxons-own-research-confirmed-fossil-fuels-role-in-globalwarming

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http://insideclimatenews.org/news/16092015/exxon-believed-deep-dive-into-climate-research-would-protectits-business

http://insideclimatenews.org/news/18092015/exxon-confirmed-global-warming-consensus-in-1982-with-inhouse-climate-models

http://insideclimatenews.org/news/08102015/Exxons-Business-Ambition-Collided-with-Climate-Change-Under-a-Distant-Sea

http://insideclimatenews.org/news/08102015/highlighting-allure-synfuels-exxon-played-down-climate-risks

http://insideclimatenews.org/news/22102015/Exxon-Sowed-Doubt-about-Climate-Science-for-Decades-by-Stressing-Uncertainty

http://insideclimatenews.org/news/25112015/exxon-deep-cuts-climate-change-research-budget-1980s-globalwarming

http://insideclimatenews.org/news/01122015/documents-exxons-early-co2-position-senior-executives-engageand-warming-forecast

http://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-changedangers-1970s-american-petroleum-institute-api-shell-chevron-texaco

http://insideclimatenews.org/news/04022016/oil-industry-report-shows-early-knowledge-climate-changeimpact-api-american-petroleum-institute

New Yorker article

http://www.newyorker.com/news/news-desk/will-the-tobacco-strategy-work-against-big-oil

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Search

Search Results for: "Global Warming Legal Action Project"

HOME / SEARCH RESULTS FOR "GLOBAL WARMING LEGAL ACTION PROJECT"

Not so happy with results? Search for a new keyword

Search site

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GLOBAL WARMING LEGAL ACTION PROJECT/SUSTAINABLE MARKETS FOUNDATION

By Elisa Cheng On April 27, 2018 In 2016

\$75,000

Support for work holding liable the corporations most responsible for the rapidly changing climate and its impacts on people and property. [...]

GLOBAL WARMING LEGAL ACTION PROJECT

By Ruchika Muchhala On July 18, 2014 In 2014

\$45,000

Support for work to hold liable the corporations most responsible for the rapidly changing climate and its impacts on people and property.

CLIMATE CRIMES?

By jmorgan On October 26, 2016





\$75,000 for 1 year Awarded: April 28, 2016 SUSTAINABLE DEVELOPMENT

Public and Policymaker Awareness of Climate Change For its Global Warming Legal Action Project.

EXTENSION ATTACHED

Return of Private Foundation

or Section 4947(a)(1) Trust Treated as Private Foundation

Do not enter social security numbers on this form as it may be made public.
 Information about Form 990-PF and its separate instructions is at www.irs.gov/form990pf.

For calendar year 2016 or tax year beginning	, 2016,	and ending						
Name of foundation			A	Employer identification num	nber			
Rockefeller Brothers Fund, Inc.		13-1760106						
Number and street (or P O box number if mail is not delivered to street address)		Room/suite	B	Telephone number (see instru	ictions)			
475 Riverside Drive		900		(212) 812-420	0			
City or town, state or province, country, and ZIP or foreign postal code					and an abasil base .			
New York	NY	10115	C	If exemption application is	pending, check here.			
	al return of a forme ended return	er public charity	D	1 Foreign organizations, che	ck here			
	ne change			2 Foreign organizations meet	ung the 85% test, check			
H Check type of organization X Section 501(c)(3)	CONTRACT PRESERVATION CONTRACTOR CONTRACTOR		1	here and attach computation	onĭ			
Section 4947(a)(1) nonexempt charitable trust		24.5	E	If private foundation status	was terminated			
	<u> </u>	rivate foundation		If private foundation status under section 507(b)(1)(A),	check here			
I Fair market value of all assets at end of year J Accountin (from Part II, column (c), line 16)		ash X Accrual						
	(specify)		F	F If the foundation is in a 60-month termination				
	n (d) must be on c	ash basis)	<u> </u>	under section 507(b)(1)(B),	check here			
columns (b), (c), and (d) may not neces- sarily equal the amounts in column (a)	Revenue and enses per books	(b) Net investmen income	ıt	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)			
(see instructions))	0.000.000							
1 Contributions, gifts, grants, etc., received (attach schedule)	9,389,388.							
2 Check f the foundation is not required to attach Sch B								
3 Interest on savings and temporary cash investments	192,729.	192,72	29.		- ×			
4 Dividends and interest from securities Schedule 1B	2,634,030.	10,690,38	37.		¥ 1			
5 a Gross rents								
b Net rental income or (loss)	, .	×						
R 6 a Net gain or (loss) from sale of assets not on line 10	3,320,742.			•				
E b Gross sales price for all 473 579 310		,		· · · · · ·				
V assets on line ba <u>17575757570</u>		10 544 00	7		· · · · · · · · · · · · · · · · · · ·			

Department of the Treasury Internal Revenue Service

Form 990-PF

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Open to Public Inspection

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1 Haight Street San Francisco, CA 94102 For its Business Ethics Network project						
Stand 1 Haight Street San Francisco, CA 94102 For general support	P	С	\$0 \$1	100,000 \$0	\$50,000	9
Stichting European Climate Foundation Riviervismarkt 5 The Hague, 2513 AM Netherlands For the Pooled Fund for International E		C \$100	,000	\$0 \$0	\$100,000	
Stichting The Rights Forum Gatwickstraat 11 Amsterdam, 1043 GL The Netherlands For general support	Р	С	\$0 5	\$40,000 \$0	\$40,000	
Sustainability Accounting Standards I 1045 Sansome Street, Suite 450 San Francisco, CA 94111 For general support	Board P	С	\$0 \$1	150,000 \$0	\$60,000	S
Sustainable Markets Foundation 45 West 36th Street, 6th Floor New York, NY 10018-7635 For its Global Warming Legal Action Pr		С	\$0 5	\$75,000 \$0	\$75,000	
The Synergos Institute, Inc. 3 East 54th Street, 14th Floor New York, NY 10022 To advance philanthropic exchanges bet world		С	\$0 5	\$50,000 \$0	\$29,000	\$
The Tahrir Institute for Middle East H 1140 Connecticut Avenue, NW Suite 505 Washington, D.C 20036 For its Egypt work.	Policy P	С	\$0 5	\$75,000 \$0) \$75,000 `	

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Page 103 of 109 Page 29 of 33

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Form990	Return of Organization Exemp	t From Incon	ne Tax	OMB No 1545-0047
Form JJJU 9	Under section 501(c), 527, or 4947(a)(1) of the Inte foundations)	e 2016		
Department of the Treasury Internal Revenue Service	 Do not enter social security numbers on this for Information about Form 990 and its instruction 			Open to Public Inspection
	endar year, or tax year beginning 09-01-2016 , and en	ling 08-31-2017	D Employe	r identification number
 Address change Name change 	SUSTAINABLE MARKETS FOUNDATION		13-4188	
□ Initial return Final	Doing business as			
<pre>Ideturn/terminated</pre>	Number and street (or P O box if mail is not delivered to street addres 45 WEST 36TH STREET	5) Room/suite	E Telephone (212) 76	
□ Application pending	City or town, state or province, country, and ZIP or foreign postal code NEW YORK, NY 10018			eipts \$ 12,814,284
	F Name and address of principal officer ELIZABETH HITCHCOCK 45 WEST 36TH ST NEW YORK, NY 10018	su H(b) Ar	this a group ret bordinates? e all subordinate cluded?	🗌 Yes 🗹 No
I Tax-exempt status	✓ 501(c)(3) □ 501(c)() ◀ (Insert no) □ 4947(a)(1) or	□ 527 If	"No," attach a li	st (see instructions)
J Website:► N/A		H(c) Gr	roup exemption	number 🕨
K Form of organization	✓ Corporation □ Trust □ Association □ Other ►	L Year of fo	ormation 2001	M State of legal domicile NY
Part I Summ	ary			
THE MISSIO	ribe the organization's mission or most significant activities ON OF THE ORGANIZATION IS TO PROMOTE ENVIRONMENTAL O SAFETY, AND GOOD GOVERNMENT	PROTECTION, ENERG	Y EFFICIENCY, (CONSUMER PROTECTION,

Section B. Independent Contractors	
1 Complete this table for your five highest compensated independent contractors from the organization Report compensation for the calendar year ending with or source of the calendar year ending with or the calendar year ending with or source of the calendar year ending with or the calendar year ending with or source of the calendar year ending with or the calendar year ending with or source of the calendar year ending with or the calendar year ending with	
(A) Name and business address	
OUR NEXT ECONOMY LLC	
8419 WEST BLVD DRIVE ALEXANDRIA, VA 22308	
FENTON COMMUNICATIONS INC	
1000 VERMONT AVENUE WASHINGTON, DC 20005	
PAWA LAW GROUP PC	
120 CENTRE ST NEWTON CENTRE, MA 02459	
CENTER FOR CLIMATE & SECURITY LLC	
11185 GREENSBORO RD DENTON, MD 21629	
TOXICS TARGETING	
215 N CAYUGA ST ITHACA, NY 14850	
2 Total number of independent contractors (including but not limited to those listed	а

compensation from the organization **>** 15

hat received more than \$100,000 of compensation r within the organization's tax year (B) (C) Description of services Compensation PROGRAM COORDINATION 1,561,000 604,700 PROJECT COMMUNICATIO LEGAL SERVICES 370,500 PROJECT COORDINATION 340,928 188,300 PROGRAM COORDINATION above) who received more than \$100,000 of

Form **990** (2016)

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return/	ntial return nal /terminated nended return plication pending	300 WILDWOO	street (or P O bo OD AVENUE NO 2 state or province	250				.oom/suit	e	(617	7)928	number 28-3408		
	F Name and address of principal officer H(a) Is this a group resubordinates? PAM SOLO 300 WILDWOOD AVENUE SUITE 250 No WOBURN, MA 01801 Is this a group resubordinates? No I Tax-exempt status ✓ 501(c)(3) 501(c)() < (insert no) 4947(a)(1) or 527								up retu ? dinate ch a lis	eturn for Ves 🔽				
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Activities	The second contract of the							a-a-mi harroran			5			2
Vctiv	 5 Total number of individuals employed in calendar year 2015 (Part V, line 2a) 6 Total number of volunteers (estimate if necessary) 									6			6	
4	7a Total unrelated business revenue from Part VIII, column (C), line 12								7a	t I		0		
	b Net unrela	ted business	taxable incor	ne from F	form 990-1	7, line 34	(ii) (•	7b	2		0
									Р	rior Year		Cu	rrent Yea	r
	8 Contrit	outions and gi	rants (Part VI	III, line 1	lh)			enti ne		4,589	9,047		6,83	966,966
enueve	9 Progra	m service rev	venue (Part V	III, line 2	2g)		× .	ŝ. 1			0			0
ēΛċ	10 Invest	ment Income	(Part VIII, co	olumn (A), lines 3, 4	l, and 7d)	• •		351	L,692		13	85,801
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	12 Total r 12)	evenue—add	lines 8 throug	gh 11 (m	ust equal P	art VIII,	column (A), line		4,940),739		6,97	1,767

	13	Grants and similar amounts paid (Part IX, column (A), lines 1–3)	3,143,278	1,936,741
	14	Benefits paid to or for members (Part IX, column (A), line 4)	0	0
ક્ષ	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	1,005,902	558,491
ษเร	16a	Professional fundraising fees (Part IX, column (A), line 11e)	0	0
Expenses	b	Total fundraising expenses (Part IX, column (D), line 25)		
	17	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	1,296,722	1,105,427
	18	Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	5,445,902	3,600,659
	19	Revenue less expenses Subtract line 18 from line 12	-505,163	3,371,108
Net Assets or Fund Balances			Beginning of Current Year	End of Year
ssel Bala	20	Total assets (Part X, line 16)	3,626,551	6,782,619
And	21	Total liabilities (Part X, line 26)	155,439	90,250
Ž,	22	Net assets or fund balances Subtract line 21 from line 20	3,471,112	6,692,369
Pa	rt II	Signature Block	aanse waande bijwerke finne de ommen die soon oorde wegeneerd bij oor	

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

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art VIII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)										
(A) Name and Title	(B) Average hours per week (list any hours for related	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W- 2/1099-MISC)	(E) Reportable compensation from related organizations (W-	(F) Estimated amount of other compensation from the organization and
	for related organizations below dotted line)		Institutional Trustee		key employee	Highest compensated employee	Former	2,1033 1130,	2/1099-MISC)	related organizations
	-1 7									
	ż		2							
	-									
1b Sub-Total						3				
c Total from continuation sheet d Total (add lines 1b and 1c) .								392,012	0	48,612
2 Total number of individuals (including but not limited to those listed above) who received more than										

100,000 of reportable compensation from the organization **>** 1

			Yes	No
3	Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual	3		No
4	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If "Yes," complete Schedule J for such individual	4	Yes	
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>	5		No

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
THE HASTINGS GROUP	CONSULTING	397,875
1911 N FORT MEYER DR STE 700 ARLINGTON, VA 22209		
PAWA LAW GROUP PC	CONSULTING/LEGAL	125,000
1280 CENTRE ST STE 230 NEWTON CENTRE, MA 02459		
LAKE RESEARCH PARTNERS	CONSULTING	104,377
1101 17TH STREET NW SUITE 30 WASHINGTON, DC 20036		
2 Total number of independent contractors (including but not limited to those listed above \$100,000 of compensation from the organization ► 3) who received more than	
		Form 990 (2015)
Form 990 (2015)		Page 9
Part VIII Statement of Revenue		3
Check if Schedule O contains a response or note to any line in this Part VIII		