EISNER AMPER

NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

FINANCIAL STATEMENTS

AUGUST 31, 2021



NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

Contents

	<u>Page</u>
Independent Accountants' Review Report	1
Financial Statements	
Statement of financial position as of August 31, 2021	2
Statement of activities for the year ended August 31, 2021	3
Statement of functional expenses for the year ended August 31, 2021	4
Statement of cash flows for the year ended August 31, 2021	5
Notes to financial statements	6



EisnerAmper LLP

733 Third Avenue New York, NY 10017 **T** 212.949.8700 **F** 212.891.4100

www.eisneramper.com

INDEPENDENT ACCOUNTANTS' REVIEW REPORT

Board of Directors National Center on Philanthropy and the Law, Inc.

We have reviewed the accompanying financial statements of the National Center on Philanthropy and the Law, Inc. (a wholly controlled entity) (the "Center"), which comprise the statement of financial position as of August 31, 2021, and the related statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of the Center's management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

The Center's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Accountants' Responsibility

Our responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

We are required to be independent of the National Center on Philanthropy and the Law, Inc. and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our review.

Accountants' Conclusion

Eisner Amper LLP

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

EISNERAMPER LLP New York, New York

June 9, 2022



"EisnerAmper" is the brand name under which EisnerAmper LLP and Eisner Advisory Group LLC provide professional services. EisnerAmper LLP and Eisner Advisory Group LLC are independently owned firms that practice in an alternative practice structure in accordance with the AICPA Code of Professional Conduct and applicable law, regulations and professional standards. EisnerAmper LLP is a licensed CPA firm that provides attest services, and Eisner Advisory Group LLC and its subsidiary entities provide tax and business consulting services. Eisner Advisory Group LLC and its subsidiary entities are not licensed CPA firms.

(a wholly controlled entity)

Statement of Financial Position

August 31, 2021 (See independent accountants' review report and notes to the financial statements.)

	August 31, 2021
ASSETS	
Due from investment manager and accrued income	\$ 40,002
Investments (see Note B)	9.072.977
	<u>\$ 9,112,979</u>
LIABILITIES AND NET ASSETS	
Liabilities:	
Due to New York University	\$ 158,076
Accrued expenses	18,000
	176,076
Net assets:	
Without donor restrictions	5.601.826
With donor restrictions: (see Note F)	
Perpetual in nature	2,285,400
Purpose and time restricted	1.049.677
Total net assets with donor restrictions	3.335.077
Total net assets	8,936,903
	<u>\$ 9,112,979</u>

NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

Statement of Activities

Year Ended August 31, 2021 (See independent accountants' review report and notes to the financial statements.)

		Year Ended August 31, 2021		
	Without Donor Restrictions	With Donor Restrictions	Total	
Support and revenue:				
Contributions	\$ 3,500	\$ 120,487	\$ 123,987	
Investment earnings, net	12,811	•	18,069	
Net realized and unrealized gains on investments	1,074,701	441,097	1,515,798	
Other income (see Note A[8]ii)	290.000	<u>-</u> _	290.000	
Support and revenue before net assets released from restrictions	1,381,012	566,842	1,947,854	
Net assets released from restrictions	<u>775.806</u>	(775.806)		
Total support and revenue	2,156,818	(208,964)	1,947,854	
Expenses:				
Program services	<u>718.197</u>		<u>718.197</u>	
Supporting services:				
General and administrative	84,313	-	84,313	
Fundraising	65.272	<u> </u>	<u>65.272</u>	
Total supporting services	149.585	<u>-</u>	149.585	
Total expenses	867.782		867.782	
Change in net assets	1,289,036	(208,964)	1,080,072	
Net assets - September 1	4.312.790	<u>3.544.041</u>	<u>7.856.831</u>	
Net assets - August 31	<u>\$ 5,601,826</u>	<u>\$ 3,335,077</u>	<u>\$ 8,936,903</u>	

NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

Statement of Functional Expenses
Year Ended August 31, 2021
(See independent accountants' review report and notes to the financial statements.)

		rogram ervices:		Supporting Services:				
	Edi	earch and ication on lanthropy	General and Administrative				_ <u>E</u>	Total xpenses
Salaries	\$	422,311	\$	32,870	\$	45,825	\$	501,006
Employee benefits	·	59,633	·	4,969	·	6,390		70,992
Pension contributions		40,877		3,406		4,380		48,663
Payroll taxes		27,848		2,321		2,983		33,152
Professional fees		-		163		-		163
Accounting		-		36,500		-		36,500
Library services		11,614		-		-		11,614
Books and periodicals		38,198		-		-		38,198
Office supplies and equipment		1,028		80		112		1,220
Postage		48		4		5		57
Stationery and printing		2,171		-		-		2,171
Meals and meetings		263		-		-		263
Information technology services		4,895		381		531		5,807
Rent		46,501		3,619		5,046		55,166
Memberships		3,163		-		-		3,163
Fellowships	<u> </u>	59.647						59.647
Total expenses	<u>\$</u>	718,197	\$	84,313	\$	65,272	<u>\$</u>	867,782

(a wholly controlled entity)

Statement of Cash Flows

Year Ended August 31, 2021

(See independent accountants' review report and notes to the financial statements.)

		ear Ended August 31, 2021
Cash flows from operating activities:		
Change in net assets	\$	1,080,072
Adjustments to reconcile change in net assets to net cash used in		
operating activities:		
Unrealized gains on investments		(1,455,408)
Realized gains on sales of investments		(60,390)
Changes in:		
Contributions receivable, net		579,513
Due from investment manager and accrued income		(39,999)
Due to New York University		(134,219)
Accrued expenses	_	8,500
Net cash used in operating activities	_	(21.93 <u>1</u>)
Cash flows from investing activities:		
Purchases of investments		(97,582)
Proceeds from sales of investments	_	99.513
Net cash provided by investing activities	_	1,931
Decrease in cash and cash equivalents		(20,000)
Cash and cash equivalents at beginning of year	_	20.000
Cash and cash equivalents at end of year	<u>\$</u>	

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

[1] Organization:

The National Center for Philanthropy and the Law, Inc. (the "Center") was incorporated in New York in July 1996. The Center operates exclusively for charitable and educational purposes, including the promotion, encouragement, and sponsorship of study, research, and other educational activities in the area of philanthropy and the law. The Center achieves its purpose by (i) conducting or supporting activities for the benefit of New York University (the "University"), (ii) performing various functions of the University, and (iii) carrying out the purposes of the University. Members of the Board of Directors of the Center are appointed by the New York University School of Law Foundation, and, accordingly, the Center is a wholly controlled entity of the University.

As a wholly controlled entity of the University, the Center has been determined by the Internal Revenue Service to qualify as a Type I supporting organization under Section 509(a)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), is exempt under 501(c)(3) of the Code from federal income taxes, and has been classified as an organization that is not a private foundation under Section 509(a) of the Code. In addition, the Center is exempt from state and local income taxes under comparable laws. The Center qualifies for the maximum charitable contribution deduction by donors.

[2] Basis of accounting:

The financial statements of the Center have been prepared using the accrual basis of accounting and conform to accounting principles generally accepted in the United States of America ("U.S. GAAP"), as applicable to not-for-profit entities.

[3] Use of estimates:

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amount of assets, liabilities, support and revenue, and expenses as well as the disclosure of contingent assets and liabilities. Actual results could differ from those estimates.

[4] Cash and cash equivalents/due to New York University:

Cash and cash equivalents include all highly-liquid debt instruments with a maturity of three months or less when purchased. As of August 31, 2021, the Center had a liability to the University for \$158,076.

[5] Due from investment managers and accrued income:

From time-to-time, investment transactions may be initiated prior to year-end, but may not be settled until the following year. Accordingly, amounts to be received by the Center are reported as "due from investment manager and accrued income" in the accompanying statement of financial position.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

[6] Investments:

Investments comprise mutual funds and a money-market account. The multi-asset mutual fund consists of underlying investments with readily determinable fair values, such as global stocks and commodities. Additionally, the Center invests in debt-based mutual funds. All mutual funds are reported at fair value as of fiscal-year end in the statements of financial position.

Investment transactions are recorded on a trade-date basis. Realized gains and losses on investments sold, and unrealized appreciation and depreciation on investments held, are reported on the statement of activities as increases and decreases in net assets without restrictions unless their use is restricted through donor stipulations. Realized gains and losses on investments are determined by comparison of the cost at acquisition to proceeds at the time of disposition. Unrealized gains and losses on investments are determined by comparing each investment's cost to the fair value at fiscal year-end. Investment expenses include the services of bank trustees, investment managers and custodians. The balance of investment management fees disclosed in Note B are those specific fees charged by the Center's investment managers in the fiscal year; however, they do not include those fees that are embedded in mutual fund transactions.

[7] Net assets:

(i) Net Assets Without Donor Restrictions:

Net assets without donor restrictions are the remaining net assets of the Center that are used to carry out the Center's mission and are not subject to donor-imposed restrictions.

(ii) Net Assets With Donor Restrictions:

Net assets with donor restrictions represent those resources that are subject to donor-imposed restrictions such as specific purposes and/or a specific period of time. Some donor-imposed restrictions are perpetual in nature, where the donor stipulates that resources be maintained permanently. These resources, as well as the earnings thereon, are subject to the requirements of the New York Prudent Management of Institutional Funds Act ("NYPMIFA"). The purposes for which the income and net capital appreciation arising from underlying assets may be used depend on the wishes of those donors.

Net assets released from restrictions represent one of the following: (i) appropriations for expenditure by the Board of Directors; (ii) the satisfaction of the restricted purposes specified by the donors; or (iii) the passage of time, and are reclassified as net assets without donor restrictions and are reported in the statement of activities as net assets released from restriction.

[8] Revenue recognition:

(i) Contributions:

Unconditional promises to contribute to the Center are recognized as revenue in the period the promise is received. Conditional contributions are recognized when the donor's conditions have been met by requisite actions of the Center's management or necessary events have taken place. Contributions receivable not expected to be collected within a year are reported at their discounted present values, at a rate commensurate with the risk involved.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

[8] Revenue recognition: (continued)

(ii) Other income:

During fiscal-year 2016, the Nonprofit Forum became a program of the Center. The funds contributed for this program are included in net assets with donor restrictions and released upon expenditure in satisfaction of the program's activities. The funds are deposited within the operating cash account held by the University. The Nonprofit Forum is a group of approximately two dozen academics and lawyers, specializing in legal issues affecting not-for-profit organizations, who meet five times each year to present and discuss prepared papers on nonprofit legal topics. This is a self-sustaining program whereby the contributions received cover all related programmatic costs, and, accordingly, these funds were fully expended during each fiscal year. In 2021, there were no revenues related to the program.

If the program were to be discontinued, the Center's annual revenues would continue to support its main program. Also included in other income is financial support from the University, based on a matching agreement as further described in Note E.

[9] Functional allocation of expenses:

The costs of providing the various programs and supporting services have been summarized on a functional basis in the statement of activities. The statement of functional expenses presents expenses by functional and natural classification. Natural expenses attributable to more than one functional expense category are allocated by management based on time and effort.

[10] Income taxes:

The Center is subject to the provisions of the Financial Accounting Standards Board's (the "FASB") Accounting Standards Codification ("ASC") Topic 740, *Income Taxes*, as it relates to accounting and reporting for uncertainty in income taxes. Because of the Center's general tax-exempt status, management believes ASC Topic 740 has not had, and is not anticipated to have, a material impact on the Center's financial statements.

[11] Adoption of accounting pronouncements:

(i) In August 2018, the FASB issued Accounting Standards Update ("ASU") 2018-13, Fair Value Measurement (Topic 820): Disclosure Framework - Changes to the Disclosure Requirements for Fair Value Measurement. The amendments in this update apply to all entities that are required to make disclosures about recurring or nonrecurring fair value measurements. Certain of the disclosures that are required by the amendments are not required for nonpublic entities. ASU 2018-13 eliminates, adds and modifies certain disclosure requirements for fair value measurements as part of its disclosure framework project. ASU 2018-13 is effective for fiscal years beginning after December 15, 2019 and interim periods within those fiscal years. The amendments on changes in unrealized gains and losses, the range and weighted average of significant unobservable inputs used to develop Level 3 fair value measurements, and the narrative description of measurement uncertainty should be applied prospectively for only the most recent annual period presented in the year of adoption. All other amendments should be applied retrospectively to each period for which the financial statements are presented. The Center has adopted this pronouncement for the year ended August 31, 2021 and this accounting guidance did not have a material effect on the Center's financial statements.

(a wholly controlled entity)

Notes to Financial Statements

August 31, 2021

(See independent accountants' review report.)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

[11] Adoption of accounting pronouncements: (continued)

(ii) In June 2018, the FASB issued ASU 2018-08, Not-for-Profit Entities, Clarifying the Scope and the Accounting Guidance for Contributions Received and Contributions Made (Topic 958). ASU 2018-08 clarifies and improves guidance concerning: 1) evaluating whether a transaction should be accounted for as an exchange transaction or as a contribution; and 2) determining whether a contribution received is conditional. ASU 2018-08 is effective for annual periods beginning after December 15, 2018 for entities that are resource recipients and periods beginning after December 15, 2019 for entities that are resource providers. ASU 2018-08 should be applied on a modified prospective basis. The resource recipient portion of the standard was adopted by the Center for its year ending August 31, 2020. The Center adopted the resource provider section of the standard for its year ending August 31, 2021 and this accounting guidance did not have a material effect on the Center's financial statements.

NOTE B - INVESTMENTS

At August 31, 2021, investments at fair value consisted of the following:

Money-market fund	\$ 341,605
Mutual funds	 8,731,372
	\$ 9,072,977

For the fiscal year ending August 31, 2021, investment earnings consisted of the following:

Interest and dividends	\$	20,598
Realized gains		60,390
Unrealized gains		1,455,408
		1,536,396
Investment fees		(2,529)
Net investment income	<u>\$</u>	1,533,867

Authoritative guidance for fair-value measurements, ASC Topic 820, *Fair Value Measurement*, establishes a hierarchy of valuation methodologies based on the extent to which asset valuations are observable in the marketplace. The following describes the hierarchy of methodologies used to measure fair value of investments:

Fair value for Level 1 is based on quoted prices in actively traded markets that the Center has the ability to access for identical assets. Market price data is generally obtained from exchange or dealer markets. The Center does not adjust the quoted price for such assets.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE B - INVESTMENTS (CONTINUED)

Fair value for Level 2 is based on quoted prices for instruments similar to those held by the Center in actively traded markets, quoted prices for identical instruments held by the Center in markets that are not actively traded and model-based valuation techniques for which all significant assumptions are observable in the market or can be corroborated by observable market data. Inputs are obtained from various sources, including market participants, dealers, and brokers.

Fair value for Level 3 is based on valuation techniques used to assess prices that are unobservable, as the assets trade infrequently or not at all.

The availability of observable market data is monitored to assess the appropriate classification of financial instruments within the fair-value hierarchy. Changes in economic conditions or valuation techniques may require the transfer of financial instruments from one level to another. In such instances, the transfer is reported at the beginning of the reporting period.

The Center's investments at August 31, 2021 were all considered to be in Level 1.

NOTE C - CONCENTRATION OF REVENUE

Approximately 70% of the Center's total support was provided by one donor during fiscal year 2021. Due to the Center's history of receiving contributions from various donors annually, the Center is not solely reliant on any particular donor.

NOTE D - RETIREMENT PLAN

The employees of the University who are affiliated with the Center participate in an Internal Revenue Service Section 403(b) defined-contribution plan with the University. Retirement plan costs charged to operations were \$48,663 for fiscal-year 2021.

NOTE E - RELATED-PARTY TRANSACTIONS

The Center rents a furnished office from the University, and utilizes various services of the University's School of Law, including library resources and computer technology. The Center reimburses the University for the costs of the office and related services, as well as for the compensation of Center employees who are paid directly by the University. The University also provides the Center with some immaterial administrative support. In addition, the Center receives financial support from the University, based on a matching agreement, the amount of which was \$290,000 for fiscal-year 2021, and which is included as other income in the accompanying statement of activities.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE F - NET ASSETS WITH DONOR RESTRICTIONS

At August 31, 2021, net assets with donor restrictions were associated with the following:

Perpetual in nature:	
Professorship	\$ 2,000,000
Other - general activities	285,400
•	
Total perpetual in nature	 2,285,400
Purpose restrictions:	
Scholarships and fellowships	280,026
Conferences	125,585
Scientific, literary, and education efforts	639
Professorship	643,427
Total purpose and time restricted	1,049,677
	\$ 3,335,077

During the fiscal year ending August 31, 2021, net assets released from restrictions as the result of satisfying donor restrictions were as follows:

Purpose restrictions satisfied:	
Scholarships and fellowships	\$ 59,647
Professorship	116,159
Time restrictions satisfied	 600,000
	\$ 775,806

NOTE G - ENDOWMENT

[1] The endowment:

The Center's endowment consists entirely of donor-restricted funds, of which \$2,000,000 was established for the purpose of a professorship and the balance was established to fund general activities. The Center does not have any funds designated by the Board of Directors to function as endowment.

[2] Interpretation of relevant law:

The terms of NYPMIFA are applicable to the Center. NYPMIFA principally addresses (i) the management and investment of all of a not-for-profit entity's "institutional funds" (which are mainly the financial assets of the entity and which exclude programmatic assets such as buildings or operating facilities), and (ii) the appropriations by the governing board of earnings derived from both donor-restricted and board-designated endowment funds. In essence, NYPMIFA requires all of the financial resources of the entity to be used in a "prudent" fashion, with the express approval and action of the governing board. The Board of Directors continues to adhere to NYPMIFA's requirements. Under NYPMIFA, the Center is not required to maintain the purchasing power of the original gift amount contributed to an endowment fund, unless a donor stipulates the contrary.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE G - ENDOWMENT (CONTINUED)

[3] Changes in endowment net assets with donor restrictions during the fiscal year ending August 31, 2021 were as follows:

Endowment net assets and the earnings	
thereon, beginning of the fiscal year	<u>\$ 2,598,631</u>
Investment return:	
Investment earnings, net	5,258
Net appreciation (realized and unrealized)	441,097
Total net investment return	446,355
Appropriation of endowment assets for expenditure	(116,159)
Endowment net assets and the earnings	
thereon, end of the fiscal year	\$ 2,928,827

[4] Endowment objectives:

The Board of Directors of the Center has adopted investment and spending policies for endowment assets that attempt to provide a predictable stream of funding to objectives supported by its endowment, while seeking to maintain the purchasing power of the endowment assets.

[5] Funds with deficiencies:

Due to unfavorable market fluctuations, from time-to-time the fair value of assets associated with individual donor-restricted endowment funds may decline below the historical dollar value of the donors' original restricted contributions, or the amount required to be maintained under state law, referred to as underwater endowment. As of August 31, 2021, there were no deficiencies in any of the donor-restricted endowment funds. Under the terms of NYPMIFA, the Center has no responsibility to restore such decreases in value.

[6] Spending policy and relationship to underwater endowments:

With respect to the \$2 million component of the endowment restricted for professorship, the donor has specified a spend policy whereby appropriation in each fiscal-year is to be the lesser of 5% of the beginning value of the endowment in a particular year, or the expense related to professorship. The Board of Directors of the Center adheres to this spend formula each year. For the remaining portion of the endowment, in 2012, the Board adopted a spending policy in the context of the Center's overall financial performance to maintain a prudent investment of the endowment assets. Each year, the Center's Board of Directors plans to appropriate for expenditure an amount from the Center's endowment funds that is determined to be prudent, after consideration of the eight factors listed in NYPMIFA. The Center has a policy that permits spending from underwater endowment funds depending on the degree to which the fund is underwater, unless otherwise precluded by donor intent. During fiscal-year 2021, there were no underwater endowment funds.

(a wholly controlled entity)

Notes to Financial Statements August 31, 2021

(See independent accountants' review report.)

NOTE H - LIQUIDITY AND AVAILABILITY OF RESOURCES

As of August 31, 2021, financial assets available within one year for general expenditure, such as operating expenses, were as follows:

Due from investment manager and accrued income	\$ 40,002
Investments	 9,072,977
Total financial assets available within one year	 9,112,979
Less: amounts unavailable for general expenditures within	
one year, due to:	
Restrictions by donors as follows:	
Perpetual in nature	(2,285,400)
Purpose and time restrictions	 (1,049,677)
Total amounts unavailable for general expenditure	
within one year	 (3,335,077)
Total financial assets available to meet cash needs for	
general expenditures within one year	\$ 5,777,902

Liquidity policy:

As part of the Center's liquidity management, it maintains a sufficient level of operating cash and investments to be available as its general expenditures come due.

NOTE I - SUBSEQUENT EVENTS

The Center performed an evaluation of subsequent events through June 9, 2022, which is the date the financial statements were available to be issued.

NOTE J - RISK AND OTHER UNCERTAINTY

The extent of the impact of the Coronavirus ("COVID-19") outbreak on the operational and financial performance of the Center will depend on the continued future developments, including the duration and spread of the outbreak and related travel advisories and restrictions and the impact of COVID-19 on the overall availability of contributions towards the Center's programs, all of which are highly uncertain and cannot be predicted. If contributions towards the Center's programs are impacted for an extended period, results of operations may be materially adversely affected.