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CALIFORNIA  
**G.A.S.P.**  
GROUP AGAINST SMOKING POLLUTION

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May 21, 1978

Mr. Alan Herndon  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, California 95804

78-219

Dear Mr. Herndon:

Following our most recent conversation, I spoke to Mr. William Durley in the Secretary of State's office and explained GASP's problem with respect to our filing status. He assured me that if we filed as a recipient committee retroactively, we would in all likelihood receive a waiver. I have decided to file as a recipient committee as of September 1, 1977, since I believe this is the "neatest" solution and the one which will avoid any future problems.

I am enclosing a copy of my letter to Mr. Durley outlining the reasons why we feel a waiver is appropriate, including the details of our correspondence and telephone conversations. I trust that I have accurately reflected the chain of events.

Thank you for your attention. I hope this matter can now finally be laid to rest!

Sincerely,

*Peter Hanauer*

Peter Hanauer  
Treasurer

Encl.  
PH/ht

*[Handwritten notes]*

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Mr. William N. Durley  
Office of the Secretary of State  
Political Perform Division  
111 Capitol Mall, Room 200  
P.O. Box 1467  
Sacramento, California 95807

Dear Mr. Durley:

As per our phone conversations on May 19, I am enclosing a Statement of Organization (Form 410) for California Group Against Smoking Pollution (GASP) and an amended Campaign Statement for the filing period ending on March 10. The amendment reflects the change in our status from an Expenditure Committee filing Form 461 to a Recipient Committee filing Form 420. Our change in status is for the sole purpose of complying with 2 Cal Adm Code Section 18215(d), an administrative regulation of the Fair Political Practices Commission, as it pertains to dues and other contributions to membership organizations, and in no way reflects any activities by GASP to raise funds directly for the Clean Indoor Air Act Initiative.

We have decided to change our status and file these forms after lengthy discussion and correspondence with Mr. Alan Herndon of the Fair Political Practices Commission regarding the applicability of the above-mentioned regulation to GASP. We feel very strongly that any fine that would normally be levied against us due to late filing should be waived for the following reasons:

- 1) As a result of our initial discussion with persons at the FPPC in the spring of 1977, it was our impression that with the formation of the Clean Indoor Air Committee (now the Campaign for Clean Indoor Air) to be the recipient committee during our campaign, GASP would be an expenditure committee only, and that it would be proper for GASP to mention the Initiative as one of its activities as long as we did not ask people to contribute to GASP in direct support of the initiative.
- 2) During the entire campaign, we have consistently made the distinction to both our members and the general public between GASP as an ongoing membership organization and the Clean Indoor Air Committee as the organization directing the initiative campaign and to which initiative contributions should be given.

- 3) After filing our first campaign statement on March 12, our status was questioned by the Los Angeles County Registrar's Office, which subsequently contacted the FPPC. Mr. Herndon in turn contacted us, and it was only then that we became aware of the FPPC regulation in question.
- 4) Further discussions with Mr. Herndon led to a letter from him on April 20, indicating that the FPPC had determined that we were not a recipient committee.
- 5) Within a few days thereafter, I contacted Mr. Herndon to inform him that contrary to one of the assumptions made in his letter, GASP has mentioned the Clean Indoor Air Act in letters to members asking them to renew their memberships (but not in our basic brochure used to attract new members). I then sent copies of proposed new renewal letters which I had hoped would obviate any problem with respect to our status while still mentioning the Initiative.
- 6) Mr. Herndon informed me on May 15 that even these proposed letters would not prevent us from being a recipient Committee. Rather than continue to attempt to split hairs over the precise language of our letters, we feel it will be better for all concerned to change our status, and to do so retroactively so as to be sure to cover all periods during which the letters in question have been used.
- 7) We have at all times attempted to comply with the requirements of the Political Reform Act and to cooperate with the governing agencies. We do not feel that we should be penalized because of a misunderstanding resulting from being unaware of a regulation, particularly in light of our good faith efforts to clarify the situation upon learning of the misunderstanding.

Although not directly related to the waiver issue, I might point out that in a further attempt to alert our members to the distinction between GASP and the Campaign for Clean Indoor Air, the GASP Board of Directors adopted a resolution at its regular meeting on May 22 to the effect that all funds raised between now and November, 1977, for memberships, shall go to the Campaign for Clean Indoor Air.

At your request, I am also enclosing the renewal letter which I recently used for about six months, and which was the first to mention the Initiative. Because we use the same letter for a long period of time, we do not date them, and I therefore cannot state the precise date on which we began to use it. I do know, however, that we began in the late summer of 1977, and thus I am choosing September 1, 1977, as the date on which GASP became a recipient committee, for purposes of Form 410.

Mr. William N. Durley

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I hope that this letter and the enclosed forms will satisfactorily clarify our situation. I would appreciate a response as to our request for a waiver at your earliest convenience. Of course, if you have further questions, please do not hesitate to contact me.

Thank you for your attention.

Sincerely,

*Peter Hanauer*

Peter Hanauer  
Treasurer

Encl.

cc: Mr. Alan Herndon  
Registrar-Recorder of Los Angeles County  
Registrar of Voters, City and County of San Francisco

PH:ht