

1-3-1980

## Alcohol Energy

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

June 13, 1980

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENTS

FROM: CASHMERE M. APPERSON - ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the herein-after named proposed Initiative Statute filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

TITLE: ALCOHOL ENERGY

SUMMARY DATE: JANUARY 3, 1980

PROPONENT: WILLIAM B. BRAICOV, JR.

The petition has failed and no further action is necessary.



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

January 3, 1980

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

ALCOHOL ENERGY -- INITIATIVE STATUTE

Circulating and Filing Schedule

- 1. Minimum number of signatures required ..... 346,119  
Constitution II, 8(b).
- 2. Official Summary Date ..... Thursday, 1/03/80  
Elections Code Section 3513.
- 3. Petition Section:
  - a. First day Proponent can circulate  
Sections for signatures. .... Thursday, 1/03/80  
Elections Code Section 3513.
  - b. Last day Proponent can circulate and  
file with the county. All Sections  
are to be filed at the same time within  
each county. .... Monday, 6/02/80+\*
  - c. Last day for county to determine total  
number of signatures affixed to petition  
and to transmit total to the Secretary  
of State. .... Monday, 6/09/80

(If the Proponent files the petition with the county on a date prior to 6/02/80, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)  
Elections Code Section 3520(b).

+ Date adjusted for official deadline which falls on Sunday.  
Elections Code Section 60.

\* PLEASE NOTE: To Proponents who wish to qualify for the 1980 General Election. The law allows up to 55 days to county election officials for checking and reporting petition signatures. The law also requires that this process be completed 131 days before the election in which the people will vote on any initiative. It is possible that the county may not need the whole 55 days. But if you want to be sure that this initiative qualifies for the 1980 General Election, you should file this petition with the county by May 1, 1980.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Tuesday, 6/24/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 6/09/80, the last day is not later than the fifteenth day after the notification). Elections Code Section 3520(d), (e).

- e. If the signature count is between 311,507 and 380,731 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Thursday, 7/24/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 6/24/80, the last day is not later than the thirtieth day after the notification). Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 6/30/80 ..... Monday, 7/07/80

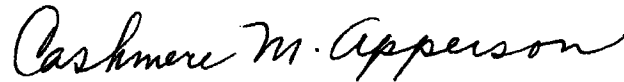
(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 6/02/80, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline). Government Code Section 84204.

5. The proponent of the above named measure is:

William B. Braicov, Jr.  
P.O. Box 220  
Norwalk, CA 90650  
(213) 868-5061

Sincerely,

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
for Elections and Political Reform



CASHMERE M. APPERSON  
Elections Technician

CMA/slh

NOTE TO PROPONENT(S): Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974, Government Code Sections 81000 et seq.

Your attention is also directed to the last page which lists the revisions to the text.

INSTRUCTION SHEET: REVISION TO BRAICOU STATE OF  
CALIFORNIA ALCOHOL ENERGY  
ACT

TO WHICH IT MAY CONCERN:

PLEASE DISCARD ORIGINAL PAGE 9 AND REPLACE  
IT WITH NEW PAGE 9 WITH REVISIONS OF  
THE ACT PRINTED ON THE REVERSE SIDE. IF  
THERE ARE ANY QUESTIONS PLEASE BE FREE TO CALL  
ME AT 213-924-3066 (DAYS). THANK YOU FOR YOUR  
TROUBLE

SINCERELY,

WILLIAM B. BRAICOU, JR., AUTHOR  
*William B. Braicou, Jr.*

CLEAN FUEL =

CLEAN AIR

THAT'S WHAT THE BRAICOU STATE  
CALIFORNIA ENERGY ACT  
IS ALL ABOUT....

NOVEMBER 6, 1979  
P.O. Box 220  
NORWALK, CALIF.  
90650

GEORGE DEUKMEJIAN,  
ATTORNEY GENERAL, STATE OF CALIFORNIA  
555 CAPITOL MALL, SUITE 350  
SACRAMENTO, CALIFORNIA  
95814

DEAR MR. ATTORNEY GENERAL,

I, WILLIAM B. BRAICOV, JR., AUTHOR OF CALIFORNIA STATE PEOPLES' INITIATIVE WHOS PROPOSED TITLE IS, "BRAICOV STATE OF CALIFORNIA ALCOHOL E N E R G Y ACT," AM REQUESTING AN OFFICIAL TITLE AND SUMMARY OF THIS MEASURE FROM YOU OR YOUR OFFICE. A \$200.00 DOLLAR MONEY ORDER ACCOMPANIES MY DRAFT WHICH IS ENCLOSED. THIS PROCEDURE IS IN ACCORDANCE WITH CAL. CONT. II., 10d. IN ADDITION, I WOULD LIKE A STATEMENT FROM YOU WHETHER THIS PROPOSED INITIATIVE SHOULD BE A STATUTE OR A CONSTITUTIONAL AMENDMENT.

MY HOPE IS HAVING COLLECTED ENOUGH VOTER SIGNATURES IN TIME FOR THIS MEASURE TO QUALIFY FOR THE NOVEMBER 1980 GENERAL ELECTION. FURTHERMORE, BOTH A FISCAL IMPACT STUDY AND AN ENVIRONMENTAL IMPACT STUDY WILL PROBABLY BE REQUIRED FOR THIS INITIATIVE. I WILL BE GLAD TO ANSWER ANY QUESTIONS THAT MAY ARISE THE BEST OF MY KNOWLEDGE ABOUT THIS PROPOSED INITIATIVE. I WILL GREATLY APPRECIATE AN EXPEDIENT REPLY TO MY REQUESTS.

THANK YOU FROM A PERSON CONCERNED ABOUT CALIFORNIA'S ENVIRONMENTAL AND ECONOMIC FUTURE.

YOURS SINCERELY,

*William B. Braicov, Jr.*

WILLIAM B. BRAICOV, JR.



State of California  
Department of Justice  
George Deukmejian  
(PRONOUNCED DUKE-MAY-GIN)  
Attorney General

555 CAPITOL MALL, SUITE 350  
SACRAMENTO 95814  
(916) 445-9555

January 3, 1980

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, Calif. 95814

Attention: Rico Nannini

Re: INITIATIVE STATUTORY AMENDMENT -  
ALCOHOL ENERGY

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed to William B. Braicov, Jr., as proponent, the following title and summary:

ALCOHOL ENERGY - INITIATIVE STATUTORY AMENDMENT.  
Establishes Department of Alcohol Energy and Development (DAED) as successor to Energy Commission. Farmers shall not receive federal subsidies for not growing certain crops. DAED has responsibility to buy crops through specified bidding procedures, for production of ethyl alcohol. DAED shall request federal permission to manufacture, distill and sell alcohol for use as motor vehicle fuel. DAED shall receive 1% of state's current sales tax for 6 months and \$.01 per gallon of fuel tax to finance implementation of measure. State shall encourage and regulate conversion of motor vehicles to use alcohol instead of gasoline. Fiscal impact on state and local governments: Indeterminable.

Enclosed herewith is a declaration of mailing and a copy of the proposed measure.

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN-3 1980

MARCH FONG EU, Secretary of State

By *Cashman M. Apperson*  
Deputy



Honorable March Fong Eu

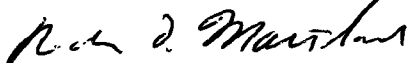
-2-

January 3, 1980

According to information available in our records the address and phone number of the proponent of this measure are as stated on the declaration of mailing.

Very truly yours,

George Deukmejian  
Attorney General

  
Richard D. Martland  
Assistant Attorney General

RDM:ac  
Encl.

BRAICOV STATE OF CALIFORNIA ALCOHOL  
ENERGY ACT

PART 1. Act Objective

The objective of this act is to promote economic growth to the general public and to the State of California. In addition, this act will try to enhance our dear regard for the environment by promoting clean fuel for clean air with water and land accordingly. Most of all, the Braicov State of California Alcohol Energy Act shall provide a better environment for the State and the people who live in it.

PART 2. Department of Alcohol Energy and Development (DAED)

There shall be in the Business and Transportation Agency, the Department of Alcohol Energy and Development. This department shall be responsible for the manufacture, distribution and sale of this state's self produced Ethyl Alcohol Public Utility.

PART 3. Office of the Department

The Department of Alcohol Energy and Development shall maintain it's main office in Sacramento.

PART 4. Successor to Department of Alcohol Energy and Development

The department is the successor to and is vested with the duties, powers, responsibilities, and jurisdiction of the former State Energy Resources Conservation and Development Commission, and of the officers and employees thereof.

PART 5. Ownership of Property

The department has the possession and control of all records, books, papers, offices, or equipment, and all other property,

real or personal, now or hereafter held for the benefit or use of the former State Energy Resources Conservation and Development Commission.

PART 6. Director of Alcohol Energy and Development

The department is under the control of a civil executive officer known as the Director of Alcohol Energy and Development. He shall be appointed by the governor with the advice and consent of the Secretary of the Business and Transportation Agency and the consent of the Senate to serve at the pleasure of the governor. He shall have resided in the state for at least (5) five years immediately preceding his appointment. Before entering upon duties of his office, he shall execute and deliver, as provided by law, an official bond in the sum of \$25,000.00.

PART 7. Appointment of Subordinates

The director shall organize the department in such a manner as he or she deems necessary to conduct the work of the department. The director may appoint and in accordance with law, fix the salaries of:

- a) A deputy director
- b) Such other officers, deputies, technical experts, transportation drivers in direct connection with this department, and employees as may be necessary for the proper discharge of the duties of this department and act.

PART 8. Rights to Employment

Former employees of the former State Energy Resources Conservation and Development Commission shall have seniority in applying for jobs and positions of this newly formed department. The State

Personnel Board shall be responsible for these applicants, their tests and evaluations, and selecties. The people of this state will, if they qualify, have the next priority.

PART 9. Relinquish Rights for Federal Subsidy to Farmers in the Agriculture of Protein and Carbohydrate Crops

This act will restrict the use of federal subsidizing to farmers that do not grow their maximum crop per acre for portion there of. This restriction is stated herein.

The farmers or persons whose main source of lively-hood is the product of agriculture, of high quantity protein and carbohydrate crops, will not be eligible for federal subsidy not to grow a full crop on their land. In effect, agriculture will not be paid for in barren land or undeveloped land.

High quantity protein crops are herein stated as those plants of corn, wheat, rice, oats, barley, hops, and all other grains.

High quantity carbohydrate crops are herein stated as those plants of sugar beets, sugar cane, molasses, and other plants whose prime end product is raw sugar.

Part N i n e of this act shall be in affect at 12 o'clock midnight of the day it is voted as law by the electors of California.

PART 10. Dispute or in Exception with Part N i n e of the Braicov State of California Alcohol Energy Act

A dispute may arise over specific terms of this act such as crops which are considered to contain substantial quantities of protein or carbohydrates. Part Ten (PART 10) of this act will allow the granting of a waiver from Part Nine (PART 9) of the Braicov State of California Alcohol Energy Act. This waiver will be granted

by, a newly formed state department, The Department of Alcohol Energy and Development, as stated herein. With assistance of the State Food and Agriculture Department, the Department of Alcohol Energy and Development will have the authority to grant such a waiver. This state department will adopt laws with the consent of the Assembly to implement these waivers.

To obtain a waiver of Part Nine (PART 9) of this act, a farmer must obtain it through application provided by the Department of Alcohol Energy and Development. This waiver will be granted for a period of not more than (5) five years. Cost of this application and waiver will not exceed the amount of ten dollars for a period of (5) five years. A new application must be submitted at the expiration of the waiver.

#### PART 11 Use of State Bought Crops

The department of Alcohol Energy and Development will have the right, duty, and responsibility to buy or obtain certain crops for it's production of Ethyl Alcohol as a public utility energy source. To acquire those crops needed in the production of Ethyl Alcohol, the DAED (Department of Alcohol Energy and Development), with the assistance and written consent of the Secretary of Business and Transportation and the Assembly, will select the lowest bids with respect to the percent needed to accomplish the years allotment of this state manufactured Public Utility. The obtaining and purchasing of these crops shall be as follows:

- a) The DAED shall post by means of a state bulletin at all state offices and departments, a notice of bids for the general public to supply the State of California with crops needed in the manufacture of Ethyl Alcohol as a fuel source. Applications shall be maintained at these offices for the general public to cast their bids on the different categories at the benefit of both the state and the general

public.

- b) After a sufficient time has passed as perscribed by the Director of Alcohol Energy and Development. The time should not exceed one fiscal year.
- c) After a decision of how much raw crops are needed and the number of suppliers needed to deliver this amount, the main office of the DAED shall notify these persons of the decision by registered mail. This notice will include an information sheet to be filled out by the supplier or farmer. The information sheet is to include questions on such topics as: name in full, date, address, acreage, type(s) of crop, proposed harvest start date, proposed harvest and date, estimated amount of season raw crop(s), estimated cost of transportation used in direct connection with the raw crops, including to and from the fuel processing plant, and other pertinent information as advised by this department's director.
- d) Delivery of the said crop(s) and its' transportation is the responsibility of the supplier. The state shall reimburse to the supplier this cost by means of receipts, statements, and or allocations. Reimbursement money to be included in final crop payment by the State Treasury by check. This money may be mailed to the supplier or obtained in person at the DAED's main office in Sacramento.

PART 12. Current Legal and Regulatory Requirements for ETHYL ALCOHOL Production for Fuel Use In The State of California.

All operations in this act will conform specifically to the

Federal laws governing such an operation of this type. This act will be in reference to Federal Pamphlet: Ethyl Alcohol for Fuel Use; Applicable Exerpts from twenty-seven (27) CFR Part 201-Distilled Spirits Plants, 211-Distribution and Use of Denatured Alcohol and Rum, 212-Formulas for Denatured Alcohol and Rum.

The Department of Alcohol Energy and Development of the State of California shall file all of the necessary forms with the federal authorities and will ask the Director of Alcohol, Tobacco and Firearms Bureau to permit this state to manufacture, distill, and sell plain Ethyl Alcohol of between 140-199 proof by volume as a motor fuel for state and public or private transportation.

PART 13. Appropriations

In order to execute this act and make it effective in a positive way, it is essential that there are appropriations to finance this act's objectives. Therefore, it shall be stated that the DAED shall receive from the State Treasury (1%) one percent of the state's current sales tax for a period of six months. In addition, the DAED is also authorized to receive \$.01 per gallon or 3.7853 liters of this state's fuel tax. This shall include road fuels of gasoline, L.P.G., diesel, and other fuels taxed accordingly. These appropriations shall be used to finance all avenues of this act.

This part of this act shall be in affect at twelve midnight of the day it is voted as law by the electors of California.

PART 14. Revenue and Future Self Appropriation

Revenue for this act shall be obtained by levying a set price for each gallon or liter of state manufactured Ethyl Alcohol Fuel. As of effective date of this act, the standard price for one gallon of 120-170 proof state manufactured Ethyl Alcohol shall

be \$.50 fifty cents. This price for this public utility shall be standard statewide. Price changes shall now come under the duties and responsibilities of the Public Utilities Commission for this particular state manufactured product for sale to the general public. Alcohol proofs other than those stated above may have justifiable price differences. The director of the DAED shall have authority in setting those prices so as long as the supply and demand is satisfied for the 120-170 proof fuel. The Public Utilities Commission shall govern overpricing of this fuel sold to the general public.

Self appropriation shall be in effect when the sales of this state manufactured public utility becomes enough to fund all of this acts' requirements including its payroll. At that time, the one percent of this state's sales tax shall be lifted and be dropped from the current sales tax rate.

PART 15. Vehicle Conversion for the Use of Ethyl Alcohol as a Fuel Source

The State of California shall introduce and endorse all motor vehicles to convert their fuel to power itself from gasoline to Ethyl Alcohol as an energy source alternative. This state shall not incur any cost of such conversion. But instead, this state shall regulate such conversions making sure the safety and well being of the consumer and this state, is a safeguarded environment. The cost of this one time conversion in this state shall not exceed that of \$35.00 dollars, not to be increased in any one (1) calendar year more than five (5) percent. These conversions shall be accomplished at Blue Shield Service Station of Department of Motor Vehicles State Inspection Station. The state shall design and test these conversion devices. The state shall ask for bids from private industry to build these such said devices. The bids shall be handled in the same manner as the former stated raw crop bids.



In accordance with this act, it shall be determined and researched by state tests to investigate the possibility of removing smog emission equipment from Ethyl Alcohol converted vehicles that formerly operated on fuel known as gasoline. If it can be determined that this such said equipment, which include the devices of catalitic converters, air reactor dump equipment, exhaust gas recirculation equipment or NOX renovated equipment are now rated ineffective, then the vehicle will operate at acceptable emission levels for its' said model and year. The owner/operator of a newly converted vehicle shall have the right to remove the ineffective smog emission equipment without criminal prosecution. This right will only apply to converted vehicles, non converted vehicles do not apply.

All manufacturers' of new vehicles, shall have a mandate of new model year, starting on or before September 1, 1981 and shall operate on alternate fuels other than gasoline. Diesel operated vehicles will not be affected by this act. Gasoline as a fuel source shall be phased out in the operation of newly manufactured vehicles on or before September 1, 1984.

PART 16. Regulation Authority

The Department of Alcohol Energy and Development shall have the authority and jurisdiction to establish rules, guidelines, and regulations to implement the full impact of the purpose of this act. The DAED shall do so through the same channels as other departments of the Business and Transportation Agency. Other departments and agencies of the state of California shall give their full cooperation for the objectives of this act.

PART 17. Amendment or Repeal of the Braicov State of California Alcohol Energy Act

An amendment or repeal of this act stated herein, will only be allowed and be legitimate with the consent of the majority of

the registered and qualified voters of California of the day it is voted as law by the electors of California.

PART 18. Act Effective Date Disclosed

This act shall be, unless otherwise stated, in affect thirty (30) days after it is voted as law by the electors of the State of California.

PART 19. Private Enterprise Involvement in Association With The Public Utilities Commission.

Private enterprise shall be encouraged at the state and local level to investigate, design, experiment and manufacture devises which will implement the objective of this act. These investors shall be governed by all state and local laws governing their operations in business.

The general public shall have rights to buy all by-products that are associated with the manufacture of Ethyl Alcohol of 120 to 200 proof. The general public shall retain the means of obtaining the proper permits from the federal government and the state of California to make Ethyl Alcohol fuel for non-drinking purposes for their own use and will not be taxed on that amount they use themselves for internal combustion and heating purposes. Any other use shall be subject to tax or heavy prosecution, whichever prevails.

It is hereby stated that from now until amendment changes the objective of the act, Ethyl Alcohol shall be known as a Public Utility as a fuel energy source. The use of Ethyl Alcohol for medical purposes will be exempt from this act, including its regulated manufacture. All commercially sold Ethyl Alcohol for use as fuel, shall be regulated by the Public Utilities Commission.

-END-

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REVISIONS CURRENT TO STATE INITIATIVE:

BRAICOV STATE OF CALIFORNIA ALCOHOL  
ENERGY ACT

REVISION DATE: 11/7/79

P. 2, PART 6, Para I, add after last line; "The salary and term of office shall be the same as that of the Director of the Dept. of Motor Vehicles."

P. 6, PART 13, after first paragraph add new paragraph; "The Department of Alcohol Energy and Development shall obtain funds released from the state Treasury as stated herein to obtain the the necessary resources to manufacture, distill, transport, sell, all needed in the result of producing satisfactory proof Ethyl Alcohol Fuel (Ethanol) as a Public Utility by the state of California. These funds include monies for the purchasing of land for distilling plants, raw grain processing plants, transportation, trucks and equipment, sales stations which include the dispensing of the fuel at D.M.V. certification stations and all other equipment necessary to execute the objectives of this act.

Funds collected by the sale of Ethyl Alcohol fuel by the state shall be distributed in proper proportion as gasoline fuel is presently except as stated herein. All excess funds shall be put in trust to this department stated herein in order to carry out this departments' duties. Private enterprise shall concur the same proportions except excess funds shall remain with them known as profit.

P. 8, line 6; delete the word, "dump" and insert the word "pump".

DECLARATION OF SERVICE BY MAIL

I, Anne Chapman, declare as follows: I am over the age of 18 years, and not a party to the within action; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On January 3, 1980, I served the attached letter to Honorable March Fong Eu, Secretary of State, dated January, 1980, re: Initiative Statutory Amendment-- Alcohol Energy (our file No. SA79RF0119),

by placing a true copy thereof in an envelope addressed to each of the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

William B. Braicov, Jr.  
P.O. Box 220  
Norwalk, CA 90650  
213/868-5061

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 3, 1980, at Sacramento, California.

Anne Chapman  
Declarant