

(15)  
**STATEMENT OF ECONOMIC INTERESTS**  
**COVER PAGE**

Date Received \_\_\_\_\_  
 Official Use Only  
 San Diego Unified Port District  
 Document No. 57431  
 Filed APR 01 2011  
 Office of the District Clerk

Please type or print in ink.

NAME OF FILER	(LAST)	(FIRST)	(MIDDLE)
	Brewer	Celia	A.

**1. Office, Agency, or Court**

Agency Name  
San Diego Unified Port District  
 Division, Board, Department, District, if applicable  
 Your Position  
Assistant Port Attorney

► If filing for multiple positions, list below or on an attachment.

Agency: King-Chavez Public Schools Position: Board President

**2. Jurisdiction of Office (Check at least one box)**

State  Judge (Statewide Jurisdiction)  
 Multi-County \_\_\_\_\_  County of San Diego  
 City of \_\_\_\_\_  Other \_\_\_\_\_

**3. Type of Statement (Check at least one box)**

**Annual:** The period covered is January 1, 2010, through December 31, 2010.  
 -or-  
 The period covered is 04 / 26 / 10, through December 31, 2010.  
 **Assuming Office:** Date \_\_\_\_\_  
 **Candidate:** Election Year \_\_\_\_\_ Office sought, if different than Part 1: \_\_\_\_\_  
 **Leaving Office:** Date Left \_\_\_\_\_ (Check one)  
 The period covered is January 1, 2010, through the date of leaving office.  
 The period covered is \_\_\_\_\_, through the date of leaving office.

**4. Schedule Summary**

Check applicable schedules or "None."

► Total number of pages including this cover page: 15

**Schedule A-1 - Investments** - schedule attached  
 **Schedule A-2 - Investments** - schedule attached  
 **Schedule B - Real Property** - schedule attached  
 **Schedule C - Income, Loans, & Business Positions** - schedule attached  
 **Schedule D - Income - Gifts** - schedule attached  
 **Schedule E - Income - Gifts - Travel Payments** - schedule attached

-or-  
 **None - No reportable interests on any schedule** \* SEE ATTACHED FPPCTR.

**5. Verification**

MAILING ADDRESS	STREET	CITY	STATE	ZIP CODE
<i>(Business or Agency Address Recommended - Public Document)</i>				
	<u>3165 Pacific Highway</u>	<u>San Diego</u>	<u>CA</u>	<u>92101</u>
DAYTIME TELEPHONE NUMBER	E-MAIL ADDRESS			
<u>( 619 ) 686-6386</u>				

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed March 24, 2011  
 (month, day, year)

Signature Celia Brewer  
 (File the originally signed statement with your filing official.)



RECEIVED

MAR 17 2011

San Diego Unified Port District  
Port Attorney

FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

March 15, 2011

Celia A. Brewer  
Assistant Port Attorney  
San Diego Unified Port District  
Port Attorney's Office  
3165 Pacific Highway  
P.O. Box 120488  
San Diego, CA 92112

Re: Your Request for Informal Assistance  
**Our File No. I-11-021**

Dear Ms. Brewer:

This letter responds to your request for advice regarding the gift provisions of the Political Reform Act (the "Act").<sup>1</sup> This letter is based on the facts presented. The Fair Political Practices Commission ("the Commission") does not act as a finder of fact when it renders assistance. (*In re Oglesby* (1975) 1 FPPC Ops. 71.) Please note that our advice is based solely on the provisions of the Act.

Because your question presents issues requiring a policy interpretation best made by the Commission, we decline to provide formal assistance pursuant to Regulation 18239(b)(8)(E). We do, however, offer informal assistance.<sup>2</sup>

**QUESTION**

Must you report on your statement of economic interests (Form 700) payments made to a nonprofit organization in your son's honor that may be used to reimburse you for qualified medical expenses related to your son's severe spinal cord injury?

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114, Regulation 18329(c)(3).)

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## CONCLUSION

Your question presents an issue requiring a policy interpretation best left to the Commission. It is anticipated that Commission staff will present a regulatory proposal to the Commission in the near future. In the interim, we recommend that you disclose the name of any person who is a reportable source of gifts, as specified in your agencies' respective conflict-of-interest codes, if you know that the person has made a payment or payments to the NTAF on your son's behalf aggregating \$50 or more, when combined with any gifts the person may have provided to you, as well as the amount of the payment if the amount is known.

## FACTS

You are the Assistant Port Attorney for the San Diego Unified Port District and also serve on the board of the King-Chavez Public Schools, which is a public nonprofit charter school management organization. In a telephone conversation on February 24, 2011, you confirmed that you are a designated employee of both public agencies and must report income and gifts from sources doing business in the agencies' respective jurisdictions.

Your son sustained a severe spinal cord injury on February 1, 2010, which left him with no feeling or movement below the chest level and dependent on a ventilator to breathe. Despite improvements including the ability to breathe without a ventilator and to stand and take a few steps during therapy, your son has years of therapy ahead of him. As a single mother, the financial costs have been substantial. Even with health insurance, your son still has many uninsured injury-related expenses including his rehabilitation program and in-home care, which currently total approximately \$50,000 a year. Your son is dependent on the generosity of the community to help raise funds to offset the uninsured expenses.

A fundraising campaign on your son's behalf was started last year with the Catastrophic Injury Program of the National Transplant Assistance Fund (the "NTAF"), a nonprofit 501(c)(3) fund. Contributions to the NTAF on your son's behalf are made by check written to NTAF Southwest Spinal Cord injury Fund. A notation that the donation is being made on behalf of your son is written in the memo section of the check. Donations can also be made in your son's honor by credit card on the NTAF's website, [www.ntafund.org](http://www.ntafund.org).

Donations are held by the NTAF. Receipts for qualified injury-related expenses may be submitted to the NTAF for payment on your son's behalf. Typically, you are the party submitting receipts, but any party may submit a receipt for a qualifying expense. Funds are strictly maintained by the NTAF for qualified expenses as determined by the Internal Revenue Service. If your son no longer needs the funds, donations made in his honor would not belong to either you or your son but would be used by the NTAF to continue its mission. In the event that you submit receipts exceeding the amount of donations received by the NTAF in your son's honor, NTAF may continue to pay qualified expenses so long as it had other funds available.

Donations to the NTAF in your son's honor have been made by family, friends, businesses, and strangers. While the NTAF will provide you with a donor list of those who have donated more than \$250, the NTAF does accept anonymous donations and it is the NTAF's policy not to disclose the names of donors providing less than \$250 or the amount of any specific donation. However, you note that in some circumstances you may have access to donor names and amounts if the donation was provided at a coordinated fundraising event.

### ANALYSIS

The term "gift" is defined in Section 82028(a) as:

"Any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status."<sup>3</sup>

In an effort to reduce improper influences on public officials,<sup>4</sup> the Act regulates the receipt of gifts by public officials in three ways:

First, the Act places limitations on the acceptance of gifts by certain public officials. The current limit is \$420 from a single source in a calendar year. (Section 89503; Regulation 18940.2.) This gift limit applies to all elected state and local officials or other individuals designated in Section 87200; all candidates for state, local, or judicial office; and any employee designated in his or her agency's conflict-of-interest code, as adopted pursuant to Section 87300, if the employee would be required to disclose the receipt of income or gifts from the source of the gift on his or her statement of economic interest. (Section 89503.)

Secondly, so that the public is made aware of any potential influences from gifts, the Act imposes reporting obligations on certain public officials requiring that any gift (or any gifts that aggregate to \$50 or more from the same source) received during the calendar year are disclosed on the officials' statements of economic interests. Reporting requirements apply to all officials listed in Section 87200 (Section 87202), all candidates for an office specified in Section 87200 (Section 87201), and employees designated in an agency's conflict-of-interest code as specified in the code (Section 87302(b)).

Finally, the Act prohibits any public official from making, participating in making, or using his or her position to influence the outcome of a governmental decision involving the

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<sup>3</sup> Section 82044 defines payment, in part, as any "rendering of . . . services or anything else of value, whether tangible or intangible."

<sup>4</sup> A "public official" is "every member, officer, employee, or consultant of a state or local governmental agency." (Section 82048.)

donor of a gift or gifts with an aggregate value of \$420 or more provided to, received by, or promised to the official within the 12 months prior to the date the decision is made. (Sections 87100, 87103(e), Regulations 18700, 18703.4.)

Notwithstanding these general rules, your question involves circumstances that do not clearly fall within the existing statutory framework and presents complex questions of interpretation regarding existing regulations applicable for determining (1) the source of a gift (see Regulation 18945) and (2) whether a gift to an official's child constitutes a gift to the official (see Regulation 18944). Accordingly, your question presents issues requiring a policy interpretation best left to the Commission. Addressing this question, it is anticipated that Commission staff will present a regulatory proposal to the Commission in the near future.

In the interim, we recommend that you disclose the name of any person who is a reportable source of gifts, as specified in your agencies' respective conflict-of-interest codes, if you know that the person has made a payment or payments to the NTAF on your son's behalf aggregating \$50 or more, when combined with any gifts the person may have provided to you, as well as the amount of the payment if the amount is known. For further clarification, this would include disclosing any person you know, based upon your participation in a fundraising event, who has provided payments to the NTAF on behalf of your son exceeding the \$50 reporting threshold for gifts and the amount of the payments, if known, as well as the list of all persons who have donated more than \$250 on behalf of your son as provided to you by the NTAF.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Scott Hallabrin  
General Counsel



By: Brian G. Lau  
Counsel, Legal Division

BGL:jgl

12.30.2010 Leone, Susan L.  
[REDACTED]  
[REDACTED]

12.29.2010 North, Joanne  
[REDACTED]  
[REDACTED]

Brewer, Lisa

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6

- 12.23.2010 [REDACTED]
- [REDACTED]
- Nelson, Robert D.
- 11.15.2010 [REDACTED]
- [REDACTED]
- Wolfe, Timothy
- 10.15.2010 [REDACTED]
- [REDACTED]
- Davis, Robert
- 10.12.2010 [REDACTED]
- [REDACTED]
- McCombs, Bradley
- 09.16.2010 [REDACTED]
- [REDACTED]
- Nichols, Paul M.
- 09.09.2010 [REDACTED]
- [REDACTED]
- Stewart, Nina S.
- 09.09.2010 [REDACTED]
- [REDACTED]
- Gardner, Sarah J.
- 09.03.2010 [REDACTED]
- [REDACTED]
- Howerton, Jason
- 09.03.2010 [REDACTED]
- [REDACTED]
- Pedersen, Harold
- 09.03.2010 [REDACTED]
- [REDACTED]
- Nye, Debra
- 08.30.2010 [REDACTED]
- [REDACTED]
- Brown & Winters
- 08.17.2010 [REDACTED]
- [REDACTED]
- Hart, Angi
- 08.13.2010 [REDACTED]
- [REDACTED]
- Jaastad, Marny
- 08.13.2010 [REDACTED]
- [REDACTED]
- Lea, Michael
- 08.13.2010 [REDACTED]
- [REDACTED]
- Nye, Debra D.
- 08.13.2010 [REDACTED]
- [REDACTED]
- Van Cleve, Derek
- 08.13.2010 [REDACTED]
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- Worthington, James
- 08.13.2010 [REDACTED]
- [REDACTED]
- Balch, Colleen A.
- 08.12.2010 [REDACTED]
- [REDACTED]
- Becknell, Jeffra A.
- 08.12.2010 [REDACTED]
- [REDACTED]
- Chappelow, Violet R.
- 08.12.2010 [REDACTED]
- [REDACTED]
- Eisher, Dennis L.
- 08.12.2010 [REDACTED]
- [REDACTED]
- 08.12.2010 Fundraiser - Spencer Fox
- Gallagher, Leslie
- 08.12.2010 [REDACTED]
- [REDACTED]

1

06/28/2010, CA 92050

08.12.2010 Haskell, Cynthia K.  
[Redacted]  
[Redacted]

08.12.2010 Hentschle, Daniel S.

Hohmeyer, Doan  
08.12.2010 [Redacted]  
[Redacted]

08.12.2010 Hohmeyer, Doan R.

Kratz, Peter  
08.12.2010 [Redacted]  
[Redacted]

Lyon, Mark  
08.12.2010 [Redacted]  
[Redacted]

Lyon, Mark  
08.12.2010 [Redacted]  
[Redacted]

McGraw, Heather  
08.12.2010 [Redacted]  
[Redacted]

The Matey Family Trust  
08.12.2010 [Redacted]  
[Redacted]

Thompson, Amy Jo  
08.12.2010 [Redacted]  
[Redacted]

Wagner, Wayne  
08.12.2010 [Redacted]  
[Redacted]

Willis, Anita C.  
08.12.2010 [Redacted]  
[Redacted]

Wurster, Charles D.  
08.12.2010 [Redacted]  
[Redacted]

Fox, Robert G.  
08.05.2010 [Redacted]  
[Redacted]

Schiffman, Dana  
08.04.2010 [Redacted]  
[Redacted]

Shirts, Phillip  
07.30.2010 [Redacted]  
[Redacted]

Moser, Gregory  
07.17.2010 [Redacted]  
[Redacted]

Ageless Living Inc.  
07.15.2010 [Redacted]  
[Redacted]

De La For, George  
07.15.2010 [Redacted]  
[Redacted]

Malkus, Todd  
07.15.2010 [Redacted]  
[Redacted]

Shear, Liz Warren  
07.13.2010 [Redacted]  
[Redacted]

Ray, Robert L.  
06.30.2010 [Redacted]  
[Redacted]

Lough, Jim  
06.18.2010 [Redacted]  
[Redacted]

Realty Connex  
06.08.2010 [Redacted]  
[Redacted]

[Redacted]  
06.08.2010 [Redacted]  
[Redacted]

[Redacted]  
06.08.2010 [Redacted]  
[Redacted]

8





- Weston, Mark  
04.26.2010 [REDACTED]
- Whittam, David S.  
04.26.2010 [REDACTED]
- Muir, Mark  
04.25.2010 [REDACTED]
- Golich, Thomas  
04.23.2010 [REDACTED]
- Chappelow, Violet R.  
04.22.2010 [REDACTED]
- Holmerud, David  
04.22.2010 [REDACTED]
- Clark, Dan  
04.20.2010 [REDACTED]
- Counsel Direct  
04.20.2010 [REDACTED]
- Crist, Aimee S.  
04.20.2010 [REDACTED]
- Deano, Jacqueline  
04.20.2010 [REDACTED]
- Lugo, Antonio F.  
04.20.2010 [REDACTED]
- Rosenbaum, S. Wayne  
04.20.2010 [REDACTED]
- Woolley, Dara and Dan  
04.20.2010 [REDACTED]
- Cook, Steven  
04.19.2010 [REDACTED]
- Steger, John A  
04.19.2010 [REDACTED]
- Banales, Jamie  
04.16.2010 [REDACTED]
- 04.16.2010 Bank Check - Spencer Fox
- 04.16.2010 Bank Check - Spencer Fox
- Brown, Jeffrey  
04.16.2010 [REDACTED]
- Brownstein Hyatt Ferber Schreck  
04.16.2010 [REDACTED]
- Carbaugh, James G.  
04.16.2010 [REDACTED]
- Crown Investment Group  
04.16.2010 [REDACTED]

10

04.16.2010 Fundraiser - Spencer Fox

Grace, Richard T.

04.16.2010 [Redacted]  
[Redacted]

Gross, Michael

04.16.2010 [Redacted]  
[Redacted]

Hoffman, Samuel F.

04.16.2010 [Redacted]  
[Redacted]

Knox, Morgan C.

04.16.2010 [Redacted]  
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Leak, James

04.16.2010 [Redacted]  
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O'Connor, Judith L.

04.16.2010 [Redacted]  
[Redacted]

Pierce, Donald H.

04.16.2010 [Redacted]  
[Redacted]

Pipes Cafe, Inc.

04.16.2010 [Redacted]  
[Redacted]

Sabine, Glenn

04.16.2010 [Redacted]  
[Redacted]

Shapiro, Saly

04.16.2010 [Redacted]  
[Redacted]

Simmes, Betty A.

04.16.2010 [Redacted]  
[Redacted]

Simmes, David R.

04.16.2010 [Redacted]  
[Redacted]

Taylor, James J.

04.16.2010 [Redacted]  
[Redacted]

Wilson, Robert S.

04.16.2010 [Redacted]  
[Redacted]

04.15.2010 Brandon, Troy

Carbaugh, Jim

04.15.2010 [Redacted]  
[Redacted]

04.15.2010 de Cordova, David

deAnda, Poppy

04.15.2010 [Redacted]  
[Redacted]

04.15.2010 Franco, Lois D.

Glenn, Peggy

04.15.2010 [Redacted]  
[Redacted]

04.15.2010 Gross, Albert C.

[Redacted]

04.15.2010 Lyon, Susan

[Redacted]

04.15.2010 McLeod, Melissa

[Redacted]

04.15.2010 Parker, Robert

[Redacted]

04.15.2010 Pinchin, Jody L.

04.15.2010 Pomeroy, Eric

11

- 04.14.2010 A., Melody  
████████████████████
- 04.14.2010 Apple, Steven A.  
████████████████████
- 04.14.2010 Bonderson, Jane  
████████████████████
- 04.14.2010 Carmona, Jacqueline  
████████████████████
- 04.14.2010 Dernetz, Elizabeth B.  
████████████████████
- 04.14.2010 Friehauf, Dana  
████████████████████
- 04.14.2010 Gardner, Sarah J.  
████████████████████
- 04.14.2010 Gary, Cheryl
- 04.14.2010 Goldsmith, Kathrina M.  
████████████████████
- 04.14.2010 Gonzalez, Shannon  
████████████████████
- 04.14.2010 Hammacher, Linda
- 04.14.2010 Hart, Angi
- 04.14.2010 Haskell, David Kris  
████████████████████
- 04.14.2010 Hassett, Brett
- 04.14.2010 Hensch, Nancy Ann  
████████████████████
- 04.14.2010 Hohmeyer, Doan  
████████████████████
- 04.14.2010 Horst, Eldon E.  
████████████████████
- 04.14.2010 Hull, Elizabeth  
████████████████████
- 04.14.2010 Huse, Michael W.  
████████████████████
- 04.14.2010 King, Richie  
████████████████████
- 04.14.2010 Martin, Rosanna  
████████████████████
- 04.14.2010 McGuire, Mary A.  
████████████████████
- 04.14.2010 Mooney, Kelly  
████████████████████
- 04.14.2010 Penunuri, Teresa D.  
████████████████████
- 04.14.2010 Pierce, Penelope P.
- 04.14.2010 Porillo, Mayda Z.  
████████████████████
- 04.14.2010 Razak, Halla H.  
████████████████████

12

- 04 14.2010 Rhodes, Kari  
Rodewald, Theresa A.
- 04 14.2010 [REDACTED]
- 04.14.2010 Rothbaler, Jane A.  
Rutan, Susan M.
- 04 14.2010 [REDACTED]
- 04 14 2010 Sandler, Eric  
[REDACTED]
- 04.14.2010 Schulman, Nebin  
Shank, David
- 04 14.2010 [REDACTED]
- 04.14.2010 Sherman, Susan  
[REDACTED]  
[REDACTED]
- 04 14.2010 Shumate, Michele  
[REDACTED]
- 04 14 2010 Thomas, Shannon  
Tomayko, Angela
- 04.14.2010 [REDACTED]
- 04.14.2010 Weary, Mark  
[REDACTED]
- 04 14.2010 Westford, Meena  
[REDACTED]
- 04.14.2010 Willen, Jennifer  
Wilson Ferrari, Sybil
- 04.14.2010 [REDACTED]
- 04.14.2010 Wilson, David  
[REDACTED]
- 04.13.2010 Giacomazzi, Annette  
[REDACTED]  
[REDACTED]
- 04 12.2010 Chappelow, William V.  
[REDACTED]  
[REDACTED]
- 04.12.2010 Dreisewerd, Daniel W.  
[REDACTED]  
[REDACTED]
- 04 12.2010 Goldstein, Robert E.  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 04 12.2010 L. M. Newman Family Foundation  
[REDACTED]  
[REDACTED]
- 04 12.2010 Neary, Mark P.  
[REDACTED]  
[REDACTED]
- 04 12 2010 Robin Eisman Interior Design  
[REDACTED]  
[REDACTED]
- 04 12 2010 Root, George L.  
[REDACTED]  
[REDACTED]
- 04 12 2010 Simon, Sara M.  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 04 12 2010 Stark, Frances G.  
[REDACTED]  
[REDACTED]

National Transplant Assistance Fund & C...

Weaver, Michael J.

04.12.2010 [Redacted]  
[Redacted]  
[Redacted]

Hostetler, John

04.11.2010 [Redacted]  
[Redacted]

04.10.2010 Anonymous

Clark, Aimee

04.10.2010 [Redacted]  
[Redacted]

Fisher, Jr., Dana B.

04.10.2010 [Redacted]  
[Redacted]

Lawson, Rebecca

04.09.2010 [Redacted]  
[Redacted]

Macy, Eric M.

04.08.2010 [Redacted]  
[Redacted]

McKenna Long & Aldridge LLP

04.08.2010 [Redacted]  
[Redacted]  
[Redacted]

Roberts, David

04.07.2010 [Redacted]  
[Redacted]

Colantuono & Levin, PC

04.06.2010 [Redacted]  
[Redacted]

04.06.2010 Dyson, Patricia Guerrero

Elias, Carol

04.06.2010 [Redacted]  
[Redacted]

Frain, A. K.

04.06.2010 [Redacted]  
[Redacted]

Hogan, Michael T.

04.06.2010 [Redacted]  
[Redacted]

Howard, Robert M.

04.06.2010 [Redacted]  
[Redacted]

Kerr Family Foundation

04.06.2010 [Redacted]  
[Redacted]

Peak, Helen Holmes

04.06.2010 [Redacted]  
[Redacted]

Sanderson, Philip

04.06.2010 [Redacted]  
[Redacted]

Tengberg, Van

04.06.2010 [Redacted]  
[Redacted]

Watton, Mark

04.06.2010 [Redacted]  
[Redacted]

Workman, Jeffery D.

04.06.2010 [Redacted]  
[Redacted]

Moss, Bonnie

04.05.2010 [Redacted]  
[Redacted]

04.03.2010 Anonymous

14

- 04.03.2010 **Moskoff, Mildred**  
[Redacted]
- 04.01.2010 **Allington, Walt**  
[Redacted]
- 04.01.2010 **Troche, Baldemar J.**  
[Redacted]
- 03.30.2010 **Friedenberg, David**  
[Redacted]
- 03.30.2010 **Kripke, Adrianna B.**  
[Redacted]
- 03.30.2010 **Mahe, Henry E.**  
[Redacted]
- 03.30.2010 **Minney, Paul C.**  
[Redacted]
- 03.30.2010 **Strayer, Jeanne**  
[Redacted]
- 03.30.2010 **The Law Offices Of MY&M, LLP**  
[Redacted]
- 03.29.2010 **Mackworth, Hugh**  
[Redacted]
- 03.26.2010 **Stefanko, Eiko**  
[Redacted]
- 03.25.2010 **Stone, Christa**  
[Redacted]
- 03.22.2010 **Brewer, Lisa**  
[Redacted]

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(<http://www.ntaff.org>)



<http://www.independentcharities.org/>  
<http://www.charitynavigator.org/index.cfm?bay=search.summary&orgid=5923>

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