

# Brain & Lung Tumor and Air Pollution Foundation

21865 Copley Drive ❖ Diamond Bar CA 91765

**Michael D. Antonovich, Chair**

**Robert Davidson, Vice Chair**

## Minutes February 22, 2005

Chairman Antonovich called the meeting of the Brain Tumor and Air Pollution Foundation to order at noon. Present by teleconference from the locations indicated were the following Directors (in alphabetical order):

Michael D. Antonovich - 500 W. Temple St., 869 Hall of Administration, Los Angeles CA  
Hal Bernson - 11280 Corbin Ace., Suite A, Porter Ranch CA  
Robert Davidson - 3360 E Pico Blvd., Los Angeles CA  
Beatrice LaPisto-Kirtley, ex officio - 4201 Wilshire Blvd., Suite 200, Los Angeles CA<sup>1</sup>

Not attending:  
James Silva

Also present by teleconference from AQMD Headquarters at 21865 Copley Dr., Diamond Bar CA 91765 were the following individuals (in alphabetical order):

Chery Cooper, Foundation Secretary  
Dr. Jean Ospital, SCAQMD Health Effects Officer  
Dr. Barry Wallerstein, Foundation Chief Executive Officer  
Kurt Wiese, Counsel

1. **APPROVE MINUTES OF MARCH 3, 2004 AND MARCH 5, 2004 MEETINGS**  
Moved (Davidson), seconded (Antonovich) and unanimously approved.
2. **ANNUAL MEETING OF THE BRAIN AND LUNG TUMOR AND AIR POLLUTION FOUNDATION, INCLUDING FINANCIAL REPORT, AND RECOMMENDATION THAT AQMD BOARD APPOINT BEATRICE LAPISTO-KIRTLEY TO THE BRAIN AND LUNG TUMOR AND AIR POLLUTION FOUNDATION BOARD OF DIRECTORS**  
Moved (Davidson), seconded (Antonovich) and unanimously approved.
3. **REPORT ON THE CALIFORNIA NON-PROFIT INTEGRITY ACT (SB1262) AND ITS IMPACT ON THE FOUNDATION**  
Counsel Kurt Wiese reported that this law applies to organizations with revenues exceeding \$2 million. If the Foundation were ever to be in a position to reach that threshold, Counsel would return with further guidance for the Board of Directors.

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<sup>1</sup> At the SCAQMD Governing Board's meeting on March 4, 2005, Beatrice LaPisto-Kirtley was formally appointed to the Board of the Brain & Lung Tumor and Air Pollution Foundation.

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Directors: Hal Bernson, James Silva

**4. STATUS REPORT ON THE FOUNDATION'S AUTHORITY TO FUND A MEDICAL DEVICE PROPOSAL SUBMITTED BY MICROSURGEON, INC.**

Counsel Kurt Wiese reported that the Foundation may not use its funds derived from SCAQMD for purposes that the SCAQMD would be prohibited from doing. An outside legal opinion was obtained and opines that this investment is prohibited. In granting \$1.5 million to the Foundation, the SCAQMD directed that the name and purpose of the Foundation be changed to include lung tumors and to return to AQMD a percentage of any royalties resulting from research funded by the Foundation. The proposed investment in MicroSurgeon to fund a medical device proposal may have generated royalties, but the issue is moot, given the opinion of outside counsel.

Counsel Kurt Wiese requested that, for purpose of clarity, the Foundation Board re-approve the change of name and purpose to include lung tumors. Moved (Davidson), seconded (Antonovich) and unanimously approved.

**4. REPORT ON CURRENT RESEARCH PROJECTS FUNDED BY THE FOUNDATION.**

Health Effects Officer Jean Ospital reported on promising results from studies underway pursuant to both grants and recommended that, if additional funding becomes available, the Foundation Board may wish to consider providing additional funding on both grants to continue the work in progress. Moved (Davidson), seconded (Antonovich) and unanimously approved the receipt of this report.

**5. FUTURE RESEARCH OPPORTUNITIES FOR THE FOUNDATION**

Health Effects Officer Jean Ospital reported on possible future research projects that the Foundation Board might consider. This included follow up studies in laboratory animals at Cedars-Sinai, as well as assessing exposure to air pollutants in the children's brain tumor study at USC. Staff recommended that the Board authorize the Executive Officer to work with the researchers to draft proposals for this research for consideration by the Foundation. The Board concurred with this recommendation.

**6. OTHER BUSINESS - None**

**7. NEXT MEETING - The next meeting will be a joint meeting with the South Coast Air Quality Management District on March 4, 2005.**

**8. PUBLIC COMMENT - There was no public comment.**

There being no further business, the meeting was adjourned.

Dated: February 22, 2005

  
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Chery Cooper, Foundation Secretary

APPROVAL OF MINUTES:

Date: 7-15-2005

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Directors: Hal Bernson, James Silva