

Return of Organization Exempt From Income Tax

2004

Department of the Treasury Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2004 calendar year, or tax year beginning APR 1, 2004 and ending MAR 31, 2005

B Check if applicable: Address change, Name change, Initial return, Final return, Amended return, Application pending. C Name of organization: BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION. D Employer identification number: 95-4137742. E Telephone number: 310-289-2551. F Accounting method: Accrual.

G Website: WWW.BEINGALIVELA.ORG. J Organization type: 501(c)(3). K Check here if the organization's gross receipts are normally not more than \$25,000. M Check if the organization is not required to attach Sch B.

L Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12: 520,597.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

Table with 21 rows for Revenue, Expenses, and Net Assets. Includes sub-rows for contributions, program service revenue, membership dues, investment income, sales of assets, special events, and fundraising. Total revenue is 490,165. Total expenses are 442,021. Net assets at end of year are 169,274.

SCANNED OCT 17 2005

RECEIVED SEP 29 2005 OGDEN, UT

BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION

95-4137742

<b>Part II Statement of Functional Expenses</b>		All organizations must complete column (A) Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others			
<i>Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.</i>		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22	Grants and allocations (attach schedule)				
	(cash \$ _____ noncash \$ _____)				
23	Specific assistance to individuals (attach schedule)				
24	Benefits paid to or for members (attach schedule)				
25	Compensation of officers, directors, etc	65,000.	54,600.	6,500.	3,900.
26	Other salaries and wages	133,225.	111,909.	13,322.	7,994.
27	Pension plan contributions				
28	Other employee benefits	24,986.	20,988.	2,499.	1,499.
29	Payroll taxes	17,617.	14,798.	1,762.	1,057.
30	Professional fundraising fees				
31	Accounting fees	12,934.	0.	12,934.	0.
32	Legal fees				
33	Supplies	7,867.	6,608.	787.	472.
34	Telephone	5,113.	4,295.	511.	307.
35	Postage and shipping	4,427.	3,718.	443.	266.
36	Occupancy				
37	Equipment rental and maintenance	21,115.	17,736.	2,112.	1,267.
38	Printing and publications	2,171.	1,824.	217.	130.
39	Travel	2,408.	2,408.	0.	0.
40	Conferences, conventions, and meetings				
41	Interest				
42	Depreciation, depletion, etc (attach schedule)	965.	811.	96.	58.
43	Other expenses not covered above (itemize)				
	a _____				
	b _____				
	c _____				
	d _____				
	e SEE STATEMENT 3				
44	Total functional expenses (add lines 22 through 43) Organizations completing columns (B)-(D), carry these totals to lines 13-15	442,021.	344,672.	57,051.	40,298.

Joint Costs. Check  if you are following SOP 98-2

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services?  Yes  No

If "Yes," enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_, (ii) the amount allocated to Program services \$ \_\_\_\_\_,

(iii) the amount allocated to Management and general \$ \_\_\_\_\_, and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_

**Part III Statement of Program Service Accomplishments**

What is the organization's primary exempt purpose?

**AN AGENCY BY AND FOR PEOPLE LIVING WITH HIV/AIDS**

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

**Program Service Expenses**  
(Required for 501(c)(3) and (4) orgs. and 4947(a)(1) trusts, but optional for others)

a	SEE STATEMENT A				
		(Grants and allocations \$ _____)			344,672.
b					
		(Grants and allocations \$ _____)			
c					
		(Grants and allocations \$ _____)			
d					
		(Grants and allocations \$ _____)			
e	Other program services (attach schedule)				
		(Grants and allocations \$ _____)			
f	Total of Program Service Expenses (should equal line 44, column (B), Program services)				344,672.

BEING ALIVE / PEOPLE WITH AIDS ACTION  
COALITION

Form 990 (2004)

95-4137742 Page 3

**Part IV Balance Sheets**

Note: Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year	(B) End of year
Assets	45 Cash - non-interest-bearing	61,100.	94,106.
	46 Savings and temporary cash investments		11,895.
	47 a Accounts receivable	57,279.	
	b Less allowance for doubtful accounts		
		55,161.	57,279.
	48 a Pledges receivable		
	b Less allowance for doubtful accounts		
	49 Grants receivable		
	50 Receivables from officers, directors, trustees, and key employees		
	51 a Other notes and loans receivable		
	b Less allowance for doubtful accounts		
	52 Inventories for sale or use		
	53 Prepaid expenses and deferred charges	7,754.	12,509.
	54 Investments - securities		
	55 a Investments - land, buildings, and equipment basis		
b Less accumulated depreciation			
56 Investments - other			
57 a Land, buildings, and equipment basis	17,868.		
b Less accumulated depreciation	11,063.		
58 Other assets (describe )	1,800.	6,805.	
59 Total assets (add lines 45 through 58) (must equal line 74)	125,815.	182,594.	
Liabilities	60 Accounts payable and accrued expenses	2,023.	1,503.
	61 Grants payable		
	62 Deferred revenue		
	63 Loans from officers, directors, trustees, and key employees	581.	4,743.
	64 a Tax-exempt bond liabilities		
	b Mortgages and other notes payable		
	65 Other liabilities (describe ► ACCRUED VACATION )	2,081.	7,074.
66 Total liabilities (add lines 60 through 65)	4,685.	13,320.	
Net Assets or Fund Balances	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74		
	67 Unrestricted	121,130.	113,553.
	68 Temporarily restricted	0.	55,721.
	69 Permanently restricted		
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74		
	70 Capital stock, trust principal, or current funds		
	71 Paid-in or capital surplus, or land, building, and equipment fund		
	72 Retained earnings, endowment, accumulated income, or other funds		
	73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)	121,130.	169,274.
	74 Total liabilities and net assets / fund balances (add lines 66 and 73)	125,815.	182,594.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.



**BEING ALIVE / PEOPLE WITH AIDS ACTION  
COALITION**

Form 990 (2004)

95-4137742 Page 5

<b>Part VI Other Information</b>		Yes	No
<b>76</b>	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	<b>76</b>	<b>X</b>
<b>77</b>	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes	<b>77</b>	<b>X</b>
<b>78 a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?	<b>78a</b>	<b>X</b>
<b>b</b>	If "Yes," has it filed a tax return on Form 990-T for this year? <span style="float: right;">N/A</span>	<b>78b</b>	
<b>79</b>	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement	<b>79</b>	<b>X</b>
<b>80 a</b>	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	<b>80a</b>	<b>X</b>
<b>b</b>	If "Yes," enter the name of the organization <span style="float: right;">▶</span> _____ and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt		
<b>81 a</b>	Enter direct or indirect political expenditures See line 81 instructions <span style="float: right;"><b>81a</b> 0.</span>		
<b>b</b>	Did the organization file Form 1120-POL for this year?	<b>81b</b>	<b>X</b>
<b>82 a</b>	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	<b>82a</b>	<b>X</b>
<b>b</b>	If "Yes," you may indicate the value of these items here Do not include this amount as revenue in Part I or as an expense in Part II (See instructions in Part III) <span style="float: right;"><b>82b</b> 275,269.</span>		
<b>83 a</b>	Did the organization comply with the public inspection requirements for returns and exemption applications?	<b>83a</b>	<b>X</b>
<b>b</b>	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	<b>83b</b>	<b>X</b>
<b>84 a</b>	Did the organization solicit any contributions or gifts that were not tax deductible?	<b>84a</b>	<b>X</b>
<b>b</b>	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? <span style="float: right;">N/A</span>	<b>84b</b>	
<b>85</b>	<b>501(c)(4), (5), or (6) organizations.</b> <b>a</b> Were substantially all dues nondeductible by members? <span style="float: right;">N/A</span>	<b>85a</b>	
<b>b</b>	Did the organization make only in-house lobbying expenditures of \$2,000 or less? If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year <span style="float: right;">N/A</span>	<b>85b</b>	
<b>c</b>	Dues, assessments, and similar amounts from members <span style="float: right;"><b>85c</b> N/A</span>		
<b>d</b>	Section 162(e) lobbying and political expenditures <span style="float: right;"><b>85d</b> N/A</span>		
<b>e</b>	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices <span style="float: right;"><b>85e</b> N/A</span>		
<b>f</b>	Taxable amount of lobbying and political expenditures (line 85d less 85e) <span style="float: right;"><b>85f</b> N/A</span>		
<b>g</b>	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f? <span style="float: right;">N/A</span>	<b>85g</b>	
<b>h</b>	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? <span style="float: right;">N/A</span>	<b>85h</b>	
<b>86</b>	<b>501(c)(7) organizations.</b> Enter <b>a</b> Initiation fees and capital contributions included on line 12 <span style="float: right;"><b>86a</b> N/A</span>		
<b>b</b>	Gross receipts, included on line 12, for public use of club facilities <span style="float: right;"><b>86b</b> N/A</span>		
<b>87</b>	<b>501(c)(12) organizations.</b> Enter <b>a</b> Gross income from members or shareholders <span style="float: right;"><b>87a</b> N/A</span>		
<b>b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them) <span style="float: right;"><b>87b</b> N/A</span>		
<b>88</b>	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	<b>88</b>	<b>X</b>
<b>89 a</b>	<b>501(c)(3) organizations.</b> Enter Amount of tax imposed on the organization during the year under section 4911 <span style="float: right;">▶ 0.</span> , section 4912 <span style="float: right;">▶ 0.</span> , section 4955 <span style="float: right;">▶ 0.</span>		
<b>b</b>	<b>501(c)(3) and 501(c)(4) organizations.</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	<b>89b</b>	<b>X</b>
<b>c</b>	Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 <span style="float: right;">▶ 0.</span>		
<b>d</b>	Enter Amount of tax on line 89c, above, reimbursed by the organization <span style="float: right;">▶ 0.</span>		
<b>90 a</b>	List the states with which a copy of this return is filed <span style="float: right;">▶ CALIFORNIA</span>		
<b>b</b>	Number of employees employed in the pay period that includes March 12, 2004 <span style="float: right;"><b>90b</b> 5</span>		
<b>91</b>	The books are in care of <span style="float: right;">▶ DEMETRI MOSHOYANNIS</span> Telephone no <span style="float: right;">▶ 310 289-2551</span>		
	Located at <span style="float: right;">▶ 621 N SAN VINCENTE BLVD., WEST HOLLYWOOD, CA</span> ZIP + 4 <span style="float: right;">▶ 90069</span>		
<b>92</b>	Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here <span style="float: right;">▶ <input type="checkbox"/></span> and enter the amount of tax-exempt interest received or accrued during the tax year <span style="float: right;"><b>92</b> N/A</span>		

423041 01-13-05

Form 990 (2004)

BEING ALIVE / PEOPLE WITH AIDS ACTION  
COALITION

Form 990 (2004)

95-4137742

Page 6

**Part VII Analysis of Income-Producing Activities** (See page 33 of the instructions)

Note: Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
93 Program service revenue					
a CLINICS					3,580.
b SUBSCRIPTIONS					1,997.
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments					
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue					
a OTHER INCOME			01	1,631.	
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		1,631.	5,577.
105 Total (add line 104, columns (B), (D), and (E))					7,208.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See page 34 of the instructions)

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes)
93A	THE ORGANIZATION'S PURPOSE IS TO EMPOWER, PROMOTE, AND COORDINATE
93B	COMMUNICATION, EDUCATION AND COOPERATION BETWEEN PEOPLE WITH AIDS OR DIAGNOSED AS SERO-POSITIVE HIV.

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See page 34 of the instructions)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See page 34 of the instructions)

- (a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?  Yes  No
- (b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?  Yes  No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

accompanying schedules and statements, and to the best of my knowledge and belief, it is true information of which preparer has any knowledge

09/23/05  
Date  x DEMETRI MOSTHOYANNIS, EXEC. DIR.  
Type or print name and title

Date Check if Preparer's SSN or PTIN

**SCHEDULE A**  
**(Form 990 or 990-EZ)**

**Organization Exempt Under Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust

**2004**

Department of the Treasury  
Internal Revenue Service

**Supplementary Information-(See separate instructions.)**

▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ**

Name of the organization **BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION** Employer identification number **95 4137742**

**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See page 1 of the instructions List each one If there are none, enter "None")

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				
-----				
-----				
-----				
-----				
-----				
-----				
-----				
-----				
-----				
Total number of other employees paid over \$50,000 ▶ 0				

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See page 2 of the instructions List each one (whether individuals or firms) If there are none, enter "None")

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
NONE		
-----		
-----		
-----		
-----		
-----		
-----		
-----		
-----		
-----		
Total number of others receiving over \$50,000 for professional services ▶ 0		

**BEING ALIVE / PEOPLE WITH AIDS ACTION**

**Part III Statements About Activities** (See page 2 of the instructions )

		Yes	No
1	During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities ► \$ _____ \$ <u>2,453.</u> (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B ) <p align="center"><b>VI-B, LINE I</b></p> Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities	X	
2	During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)		
a	Sale, exchange, or leasing of property?		X
b	Lending of money or other extension of credit?		X
c	Furnishing of goods, services, or facilities?		X
d	Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)? <b>SEE PART V, FORM 990</b>	X	
e	Transfer of any part of its income or assets?		X
3 a	Do you make grants for scholarships, fellowships, student loans, etc ? (If "Yes," attach an explanation of how you determine that recipients qualify to receive payments )		X
b	Do you have a section 403(b) annuity plan for your employees?		X
4 a	Did you maintain any separate account for participating donors where donors have the right to provide advice on the use or distribution of funds?		X
b	Do you provide credit counseling, debt management, credit repair, or debt negotiation services?		X

**Part IV Reason for Non-Private Foundation Status** (See pages 3 through 6 of the instructions )

- The organization is not a private foundation because it is (Please check only **ONE** applicable box )
- 5  A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)
  - 6  A school Section 170(b)(1)(A)(ii) (Also complete Part V )
  - 7  A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)
  - 8  A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(v)
  - 9  A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(iii) Enter the hospital's name, city, and state ► \_\_\_\_\_
  - 10  An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(iv) (Also complete the **Support Schedule** in Part IV-A )
  - 11a  An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV-A )
  - 11b  A community trust Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV-A )
  - 12  An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc , functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the **Support Schedule** in Part IV-A )
  - 13  An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2) (See section 509(a)(3) )

Provide the following information about the supported organizations (See page 5 of the instructions )

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14  An organization organized and operated to test for public safety Section 509(a)(4) (See page 5 of the instructions )

**BEING ALIVE / PEOPLE WITH AIDS ACTION**

Schedule A (Form 990 or 990-EZ) 2004 **COALITION**

95-4137742 Page 3

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) Use cash method of accounting.  
 Note: You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in)	(a) 2003	(b) 2002	(c) 2001	(d) 2000	(e) Total
<b>15</b> Gifts, grants, and contributions received (Do not include unusual grants. See line 28.)	525,404.	425,241.	365,896.	345,236.	1,661,777.
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	24,866.	33,525.	32,045.	39,350.	129,786.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	116.	116.	260.	272.	764.
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets.		SEE STATEMENT 7		13,022.	15,072.
<b>23</b> Total of lines 15 through 22	550,386.	460,932.	398,201.	397,880.	1,807,399.
<b>24</b> Line 23 minus line 17	525,520.	427,407.	366,156.	358,530.	1,677,613.
<b>25</b> Enter 1% of line 23	5,504.	4,609.	3,982.	3,979.	
<b>26</b> Organizations described on lines 10 or 11: a Enter 2% of amount in column (e), line 24					26a 33,552.
b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2000 through 2003 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts					26b 2,448.
c Total support for section 509(a)(1) test. Enter line 24, column (e)					26c 1,677,613.
d Add Amounts from column (e) for lines 18 <u>764.</u> 19 _____ 22 <u>15,072.</u> 26b <u>2,448.</u>					26d 18,284.
e Public support (line 26c minus line 26d total)					26e 1,659,329.
f Public support percentage (line 26e (numerator) divided by line 26c (denominator))					26f 98.9101%
<b>27</b> Organizations described on line 12: a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of, and total amounts received in each year from, each "disqualified person." Do not file this list with your return. Enter the sum of such amounts for each year	N/A				
(2003) (2002) (2001) (2000)					
b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year	N/A				
(2003) (2002) (2001) (2000)					
c Add Amounts from column (e) for lines 15 _____ 16 _____ 17 _____ 20 _____ 21 _____					27c N/A
d Add Line 27a total _____ and line 27b total _____					27d N/A
e Public support (line 27c total minus line 27d total)					27e N/A
f Total support for section 509(a)(2) test. Enter amount on line 23, column (e)			27f N/A		
g Public support percentage (line 27e (numerator) divided by line 27f (denominator))					27g N/A %
h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))					27h N/A %
<b>28</b> Unusual Grants: For an organization described in line 10, 11, or 12 that received any unusual grants during 2000 through 2003, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15	NONE				

**BEING ALIVE / PEOPLE WITH AIDS ACTION**

**Part V Private School Questionnaire** (See page 7 of the instructions )

N/A

**(To be completed ONLY by schools that checked the box on line 6 in Part IV)**

		Yes	No
<b>29</b>	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?		
<b>30</b>	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?		
<b>31</b>	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe, if "No," please explain (If you need more space, attach a separate statement.)		
<hr/> <hr/> <hr/>			
<b>32</b>	Does the organization maintain the following		
<b>a</b>	Records indicating the racial composition of the student body, faculty, and administrative staff?	<b>32a</b>	
<b>b</b>	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?	<b>32b</b>	
<b>c</b>	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	<b>32c</b>	
<b>d</b>	Copies of all material used by the organization or on its behalf to solicit contributions? If you answered "No" to any of the above, please explain (If you need more space, attach a separate statement )	<b>32d</b>	
<hr/> <hr/>			
<b>33</b>	Does the organization discriminate by race in any way with respect to		
<b>a</b>	Students' rights or privileges?	<b>33a</b>	
<b>b</b>	Admissions policies?	<b>33b</b>	
<b>c</b>	Employment of faculty or administrative staff?	<b>33c</b>	
<b>d</b>	Scholarships or other financial assistance?	<b>33d</b>	
<b>e</b>	Educational policies?	<b>33e</b>	
<b>f</b>	Use of facilities?	<b>33f</b>	
<b>g</b>	Athletic programs?	<b>33g</b>	
<b>h</b>	Other extracurricular activities? If you answered "Yes" to any of the above, please explain (If you need more space, attach a separate statement )	<b>33h</b>	
<hr/> <hr/>			
<b>34 a</b>	Does the organization receive any financial aid or assistance from a governmental agency?	<b>34a</b>	
<b>b</b>	Has the organization's right to such aid ever been revoked or suspended? If you answered "Yes" to either 34a or b, please explain using an attached statement	<b>34b</b>	
<b>35</b>	Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev Proc 75-50, 1975-2 C B. 587, covering racial nondiscrimination? If "No," attach an explanation	<b>35</b>	

**BEING ALIVE / PEOPLE WITH AIDS ACTION**

Schedule A (Form 990 or 990-EZ) 2004 **COALITION**

95-4137742 Page 5

**Part VI-A Lobbying Expenditures by Electing Public Charities** (See page 9 of the instructions)

N/A

(To be completed ONLY by an eligible organization that filed Form 5768)

Check  a  if the organization belongs to an affiliated group      Check  b  if you checked "a" and "limited control" provisions apply

<b>Limits on Lobbying Expenditures</b>		(a) Affiliated group totals	(b) To be completed for ALL electing organizations
(The term "expenditures" means amounts paid or incurred )		N/A	
<b>36</b> Total lobbying expenditures to influence public opinion (grassroots lobbying)	<b>36</b>		
<b>37</b> Total lobbying expenditures to influence a legislative body (direct lobbying)	<b>37</b>		
<b>38</b> Total lobbying expenditures (add lines 36 and 37)	<b>38</b>		
<b>39</b> Other exempt purpose expenditures	<b>39</b>		
<b>40</b> Total exempt purpose expenditures (add lines 38 and 39)	<b>40</b>		
<b>41</b> Lobbying nontaxable amount Enter the amount from the following table -			
<b>If the amount on line 40 is -</b>	<b>The lobbying nontaxable amount is -</b>		
Not over \$500,000	20% of the amount on line 40	}	<b>41</b>
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000		
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000		
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000		
Over \$17,000,000	\$1,000,000		
<b>42</b> Grassroots nontaxable amount (enter 25% of line 41)	<b>42</b>		
<b>43</b> Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36	<b>43</b>		
<b>44</b> Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38	<b>44</b>		

**Caution:** If there is an amount on either line 43 or line 44, you must file Form 4720.

**4-Year Averaging Period Under Section 501(h)**

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below See the instructions for lines 45 through 50 on page 11 of the instructions )

Calendar year (or fiscal year beginning in) ▶	Lobbying Expenditures During 4-Year Averaging Period				N/A (e) Total
	(a) 2004	(b) 2003	(c) 2002	(d) 2001	
<b>45</b> Lobbying nontaxable amount					0.
<b>46</b> Lobbying ceiling amount (150% of line 45(e))					0.
<b>47</b> Total lobbying expenditures					0.
<b>48</b> Grassroots nontaxable amount					0.
<b>49</b> Grassroots ceiling amount (150% of line 48(e))					0.
<b>50</b> Grassroots lobbying expenditures					0.

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See page 11 of the instructions )

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of	Yes	No	Amount
<b>a</b> Volunteers		X	
<b>b</b> Paid staff or management (Include compensation in expenses reported on lines c through h.)		X	
<b>c</b> Media advertisements		X	
<b>d</b> Mailings to members, legislators, or the public		X	
<b>e</b> Publications, or published or broadcast statements		X	
<b>f</b> Grants to other organizations for lobbying purposes	X		2,453.
<b>g</b> Direct contact with legislators, their staffs, government officials, or a legislative body		X	
<b>h</b> Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means		X	
<b>i</b> Total lobbying expenditures (Add lines c through h.)			2,453.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities



## FOOTNOTES

STATEMENT 1

PROPERTY AND EQUIPMENT AS OF MARCH 31, 2005  
CONSISTS OF THE FOLLOWING:

COMPUTER AND EQUIPMENT	12,449.
FURNITURE AND FIXTURES	5,419.
	<hr/>
TOTAL FIXED ASSETS	17,868.
LESS: ACCUMULATED DEPRECIATION	<11,063.>
	<hr/>
PROPERTY AND EQUIPMENT (NET)	6,805.
	<hr/> <hr/>

FORM 990 SPECIAL EVENTS AND ACTIVITIES STATEMENT 2

DESCRIPTION OF EVENT	GROSS RECEIPTS	CONTRIBUT. INCLUDED	GROSS REVENUE	DIRECT EXPENSES	NET INCOME
VARIOUS EVENTS (SPIRIT OF HOPE, RED WHITE & BLUE & OTHERS)	111,182.	80,750.	30,432.	30,432.	0.
TO FM 990, PART I, LINE 9	111,182.	80,750.	30,432.	30,432.	0.

FORM 990 OTHER EXPENSES STATEMENT 3

DESCRIPTION	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT AND GENERAL	(D) FUNDRAISING
CLIENT EXPENSES	6,154.	6,154.	0.	0.
CONSULTING	25,426.	4,257.	118.	21,051.
DUES AND SUBSCRIPTIONS	294.	247.	29.	18.
INSURANCE	11,778.	9,422.	1,178.	1,178.
NEWSLETTER	31,915.	31,915.	0.	0.
OTHER EXPENSES	13,066.	10,235.	2,330.	501.
OUTREACH AND EDUCATION	22,301.	22,301.	0.	0.
PROGRAM INCENTIVES	2,026.	2,026.	0.	0.
VOLUNTEER EXPENSES	4,733.	4,733.	0.	0.
ADVOCACY	2,453.	2,453.	0.	0.
BAD DEBT	9,897.	0.	9,897.	0.
OUTSIDE SERVICES	2,650.	2,226.	265.	159.
SOCIAL EVENTS	11,500.	9,008.	2,051.	441.
TOTAL TO FM 990, LN 43	144,193.	104,977.	15,868.	23,348.

FORM 990 OTHER REVENUE NOT INCLUDED ON FORM 990 STATEMENT 4

DESCRIPTION	AMOUNT
SPECIAL EVENTS EXPENSE	30,432.
TOTAL TO FORM 990, PART IV-A	30,432.

FORM 990	OTHER EXPENSES NOT INCLUDED ON FORM 990	STATEMENT	5
----------	---	-----------	---

DESCRIPTION	AMOUNT
SPECIAL EVENTS EXPENSE	30,432.
TOTAL TO FORM 990, PART IV-B	30,432.

FORM 990	PART V - LIST OF OFFICERS, DIRECTORS, TRUSTEES AND KEY EMPLOYEES	STATEMENT	6
----------	---	-----------	---

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN- SATION	EMPLOYEE BEN PLAN CONTRIB	EXPENSE ACCOUNT
DEMETRI MOSHOYANNIS 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	EXECUTIVE DIRECTOR 40 HOURS	65,000.	0.	0.
SCOTT FESLIK 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	TREASURER 2 HOURS	0.	0.	0.
GUY BECK 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	BOARD MEMBER 2 HOURS	0.	0.	0.
RON BUCKMIRE 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	SECRETARY 2 HOURS	0.	0.	0.
QUINN CALLICOTT 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	PRESIDENT 2 HOURS	0.	0.	0.
HOWARD R JACOBS 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	BOARD MEMBER 2 HOURS	0.	0.	0.
TERRY LEFTGOFF 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	VICE PRESIDENT 2 HOURS	0.	0.	0.
STANTON J PRICE 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	BOARD MEMBER 2 HOURS	0.	0.	0.

DANIEL MAHER 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	DEVELOPMENT CHAIR 2 HOURS	0.	0.	0.
CEDRIC SMOOTS 621 N SAN VICENTE BLVD WEST HOLLYWOOD, CA 90069	BOARD MEMBER 2 HOURS	0.	0.	0.
TOTALS INCLUDED ON FORM 990, PART V		<u>65,000.</u>	<u>0.</u>	<u>0.</u>

SCHEDULE A	OTHER INCOME			STATEMENT	7
DESCRIPTION	2003 AMOUNT	2002 AMOUNT	2001 AMOUNT	2000 AMOUNT	
OTHER INCOME	0.	2,050.	0.	13,022.	
TOTAL TO SCHEDULE A, LINE 22	<u>0.</u>	<u>2,050.</u>	<u>0.</u>	<u>13,022.</u>	

**BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION INC**

**EIN: 95-4137742**

Form 990, page 2, part III

**Program Service Accomplishments**

---

Being Alive / People with AIDS Action Coalition, Inc. ("Being Alive"), a California nonprofit corporation, is Los Angeles' first peer-led HIV/AIDS agency. Established in 1986 by three friends who were living with AIDS, Being Alive was created to provide services free of red tape. These visionaries saw the need for a peer-based agency to advocate for the community from the point of view of those infected. Today, Being Alive is a beacon of support, education, and empowerment to thousands of people with HIV/AIDS.

Being Alive is an agency **by and for** people living with HIV/AIDS that seeks to bring peers out of isolation, to engender a sense of self-reliance and self-direction, and to build a stronger community of HIV-positive people. Being Alive accomplishes its mission by providing support, education, advocacy, prevention, and wellness programs.

**PROGRAMS AND SERVICES**

- **Peer Support.** Led by facilitators who know firsthand the issues of our members, this program offers a safe and comfortable environment for people to bond, share, learn, and grow. Peer Support includes intakes and assessments including our comprehensive referral service, support groups, one-on-one support, and social activities.
- **Education.** Being Alive believes that, in order for a person to take charge of his/her medical care, he/she must have access to the current medical information and have access to services. Being Alive accomplishes this goal with their regularly published treatment newsletter, educational website, and monthly medical updates.
- **Wellness.** Wellness activities encourage Being Alive members to develop themselves as well-rounded individuals and to explore complimentary approaches to western medicine. Being Alive offers chiropractic and acupuncture clinics, yoga, healing touch, massage, and a ceramics studio in order to meet these needs.
- **Prevention.** Organized through a collaboration of agencies called *Positive Images*, Being Alive's Prevention for Positives Program delivers individual, group, and community level interventions that encourage members to adopt high self-esteem and a culture of responsibility. Prevention messages are disseminated to the larger community via the Being Alive Speakers' Bureau as well.

- **Advocacy.** Being Alive's advocacy program ensures that voices are heard and factored into a variety of issues. Being Alive's advocacy takes a two-fold approach: first, Being Alive offers advocacy for individuals who are facing barriers within the HIV care system; and, second, Being Alive trains peers to engage in educational opportunities with legislators.

Being Alive primarily serves central metropolitan Los Angeles and some of the surrounding areas. As such, target populations for support programs are gay and bisexual men or "men who have sex with men" (MSM), both MSM of color and Anglo MSM, though, of course, Being Alive serves any and all people living with HIV/AIDS from Los Angeles County. The common thread throughout membership is the historically underserved: the working poor, people of color, homeless, and/or mentally ill. In the case of the Speakers' Bureau, the target audience is youth (ages 13-24) of all races, genders, and sexual orientations.

Being Alive is a volunteer-driven organization with over 80 volunteers who help to maintain our core services, including a strong and active working Board of Directors. There are only a small handful of paid staff members. Being Alive has a history of working on a tight budget with a focus on keeping administration and fundraising costs quite low while meeting a great need and serving peers effectively. The agency is looking forward to a period of growth within the next few years.

The organization's purpose is to empower, promote, and coordinate communication, education and cooperation between people with AIDS or diagnosed as sero-positive to HIV.

# BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION, INC.

## AMENDED BY-LAWS

### NAME

**1.0 Name.** The name of this corporation is BEING ALIVE PEOPLE WITH AIDS ACTION COALITION, INC.

### OFFICES OF THE CORPORATION

**2.0 Principal Office.** The principal office for the transaction of the activities and affairs of the corporation is located in Los Angeles, California. The Board of Directors (Board) may change the principal office from one location to another. Any change of location of the principal office shall be noted by the Secretary on these bylaws opposite this Section, or this Section may be amended to state the now location.

**2.1 Branch Offices.** Branch or subordinate offices may be established at any time by the Board at any place or places.

### PURPOSES AND LIMITATIONS

**3.0 General Purpose.** This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the California Nonprofit, Public Benefit, Corporation Law for charitable and educational purposes.

**3.1 Limitations.** This corporation is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue law. Notwithstanding any other provision of these bylaws, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation, and the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue law, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue law.

**3.2 No Private Benefit.** All corporate property is irrevocably dedicated to charitable and educational benefits. No part of the net earnings of this corporation shall inure to the benefit of any of its directors, or any other person or individual.

**3.3 Being Alive Mission.** The mission of Being Alive is: "Being Alive is an organization of, by and for people with HIV/AIDS. We understand the pain and the fear, how easy it is to hide, how difficult it can be to come to terms with this disease and reach out. Being Alive is the means we have created to help us connect with each other, bring others like us out of isolation, take charge of our lives, our care, and our destiny."

**3.4 Discrimination and sexual harassment.** In providing services, electing directors and officers, and retaining or employing staff, Being Alive, its directors and officers, employees and consultants (a) shall not engage in any act of discrimination in violation of Title VII of the federal Civil Rights Act of 1964,

the federal Age Discrimination in Employment Act of 1967, the federal Rehabilitation Act of 1973, the federal Americans with Disabilities Act of 1990, the federal Immigration and Nationality Act, the California Unruh Civil Rights Act, as these statutes shall be amended from time to time, and any other comparable legislation; and (b) shall not discriminate on the basis of race, color, ancestry, religious creed, national origin, sex, gender identity, sexual orientation, disability, medical condition, pregnancy/childbirth, age, marital status, or veteran status.

(b) Directors, officers and personnel of Being Alive shall not engage in any form of sexual harassment of other directors, officers, personnel of Being Alive or of persons to whom Being Alive provides services.

## **MEMBERS**

**4.0 No Members.** The corporation shall have no members. Any action for which there is no specific provision in the California Nonprofit Public Benefit Corporation Law applicable to a corporation which has no members and which would otherwise require approval by a majority of all members or approval by the members shall require only approval of the Board. All rights which would otherwise vest in the members shall vest in the Board.

**4.1 Associates.** Nothing in these bylaws shall be construed as limiting the right of the corporation to refer to persons or organizations associated with it as "members" even though such persons are not members, and no such reference shall constitute anyone a member, within the meaning of Section 5056 of the California Nonprofit Corporation Law. The corporation may confer, by amendment of its Articles or of these Bylaws, some or all of the rights of a member as set forth in the California Nonprofit Corporation Law, upon any person, personal or organizations who do not have the right to vote for the election of directors or on a disposition of substantially all of the assets of the corporation or on a merger or on a dissolution or on changes to the corporation's Articles or Bylaws or for the selection of delegates who possess any of the preceding voting rights, but no such person or organization shall be a member within the meaning of Section 5056.

## **DIRECTORS**

**5.0 General Powers.** Subject to limitations of the Articles and these Bylaws, the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the activities of the corporation to any person, persons or committee, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Board shall have the following powers in addition to the other powers enumerated in these Bylaws:

- (a) To select and remove all the other officers, agents, and employees of the Corporation, prescribe powers and duties for them as may not be inconsistent with law, the Articles or these Bylaws, fix their compensation, and require from them security for faithful service.
- (b) To conduct, manage, and control the affairs and activities of the corporation and to make such rules and regulations not inconsistent with law, the Articles, or these Bylaws, as they may deem best.
- (c) To adopt, make, and use a corporate seal and to alter the form of such seal from time to time.

(d) To borrow money and incur indebtedness for the purposes of the corporation, and to cause to be executed and delivered, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, or other evidence of debt and securities.

(e) To change the principal office or the principal business office of the corporation in California from one location to another; and cause the corporation to be qualified to conduct its activities in any other state, territory, dependency, or county and conduct its activities within or outside California.

**5.1 Specific Duties.** In addition to general powers and responsibilities, the Board shall have the specific responsibility for:

(a) Approval of the selection and dismissal of the Executive Director of the corporation;

(b) Establishing personnel policies and procedures, including selection and dismissal procedures, salary and benefit scales, employee grievance procedures, and equal opportunity practices.

(c) Adopting policies for financial management practices, including a system to assure accountability for corporate resources, approval of the annual corporate budget, corporate priorities, eligibility for services including criteria for partial payment schedules, and long-range financial planning;

(d) Evaluating corporate activities including services utilization patterns, productivity, patient satisfaction, achievement of objectives, and development of process for hearing and resolving patient grievances;

(e) Assuring that the corporation is operated in compliance with applicable federal, state, and local laws and regulations; and

(f) Adopting health care policies including scope and availability of services, location and hours of services, and quality-of-care audit procedures.

**5.2 Number.** The Board shall consist of at least three (3) but no more than thirteen (13) directors until changed by amendment to these by-laws. The exact number of directors shall be fixed, within these limits, by a resolution adopted by the Board.

**5.3 Qualifications.** All Board members shall meet the following qualifications:

(a) Board members shall be at least eighteen (18) years old; and

(b) No Board member shall be an employee of the corporation, or spouse or child, parent, brother or sister by blood or marriage of such an employee; and

(c) Within three months prior to election, any candidate for director shall have attended at least two meetings of the board of directors and one committee meeting.

(d) To the extent feasible, two-thirds (2/3) of the directors and the president of the Board shall be person who are living with HIV or AIDS.

(e) To the extent feasible, directors shall be persons who have been active in the corporation, who have experience in the HIV/AIDS field, or have other specifically needed skills, such as fund raising skills and prior experience on the board of nonprofit corporations.

**5.4 Selection.** (a) Directors shall be elected by the Board. Prior to any election, the existence of Board vacancies shall be publicized in the HIV and AIDS community as directed by the Board to assure that the composition of the Board generally reflects the interests of the HIV and AIDS community served by the corporation.

(b) Board members shall be elected by oral ballot unless one director requests a written ballot.

(c) Recommendation on prospective candidates shall come from the Executive Committee and/or the Board Nominating Committee.

**5.5 Term.** Each director shall hold office for two years. No director may be elected to more than five consecutive terms.

**5.6 Resignations.** Subject to the provisions of Section 5226 of the California Nonprofit Corporation Law, any director may resign effective upon giving written notice to the corporation, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation is effective at a future time, a successor may be appointed by the Board before such time, to take office when the resignation becomes effective.

**5.7 Removal of Director.** The Board may declare vacant the office of a director for the following causes:

(a) The Director has been declared of unsound mind by a final order of a court; or

(b) The Director has been convicted of a felony; or

(c) The Director has been found by a final order or judgment of any court to have breached any duty arising under Article 3 of the California Nonprofit, Public Benefit, Corporation Law; or

(d) The Director has been absent from regular Board meetings, without cause, for either three or more consecutive meetings or six or more meetings in any one calendar year; or

**5.8 Removal of Director - Without Cause.** The Board may remove any director, with or without cause, by approval of two-thirds of the directors then in office.

**5.9 Restrictions on interested persons as directors.** No more than 49% of the persons serving on the Board may be interested persons. An interested person is (a) any person compensated by the corporation for services provided to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director; and (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not effect the validity or enforceability of any transaction entered into by the corporation.

**5.10 Leaves of Absence.** A Leave of Absence will be defined as Directors who voluntarily withdraw from board service for a period of up to six months subject to approval by a majority of the Board of Directors.

## MEETINGS

**6.0 Place.** Meetings of the Board shall be held at any place within or outside California that has been designated by resolution of the Board or in the notice of meeting or, if not so designated, at the principal office of the corporation.

**6.1 Calling Meetings.** A meeting of the Board may be called for any purpose or purposes, upon giving notice, at any time by the President, Vice-President, Secretary and Treasurer, or any three (3) directors.

**6.2 Notice.** Notice of the time and place of meetings shall be given to each director by one of the following methods. (a) by personal delivery of written notice; (b) by first-class mail, postage prepaid; (c) by telephone, directly to the director or to a person at the director's office who would reasonably be expected to communicate that notice promptly to the director; or (d) by facsimile, or e-mail, or similar method of electronic communication, charges prepaid and transmitted at least two (2) days prior to the meeting; or (e) by Express Mail, Federal Express or comparable delivery service, deposited at least three (3) days prior to the meeting. All such notices shall be given or sent to the director's address or telephone number as shown on the records of the corporation.

**6.3 Time.** Notices sent first-class mail shall be deposited in the United States mail at least seven (7) days before the date set for the meeting. Notice given by personal delivery, telephone, e-mail, or telegraph shall be delivered, telephoned, or given to the telegraph company at least 48 hours before the time set for the meeting.

**6.4 Notice Contents.** The notice shall state the time of the meeting and the place if the place is other than the principal office of the corporation. It need not specify the purpose of the meeting.

**6.5 Regular Meetings.** The Board shall hold a regular meeting each month, except December. If the Board establishes a regular monthly meeting time and date, and each member of the Board is notified of this regular meeting time and date, then the notice required by Sections 6.2 and 6.3 of these Bylaws need not be given.

**6.6 Quorum.** A quorum for the transaction of business shall consist of a majority of the current members of the Board. Every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board, subject to the more stringent provisions of the California Nonprofit Public Benefit Corporation Law, including, without limitation, those provisions relating to:

- (a) approval of contracts or transactions in which a director has a direct or indirect material financial interest;
- (b) approval of certain transactions between corporations having common directorships;
- (c) creation of and appointment to committees of the Board; and,
- (d) indemnification of directors.

A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of directors, if any action is taken or decision is approved by at least a majority of the required quorum for that meeting. People on leaves of absence will not be considered current members for the purposes of a quorum.

**6.7 Waiver of Notice.** Notice of a meeting need not be given to any director who, either before or after the meeting, signs a waiver of notice, a written consent to holding of the meeting, or an approval of the minutes of the meeting. The waiver of notice or consent need not specify the purpose of the meeting. All such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meetings. Notice of a meeting need not be given to any director who attends the meeting and does not protest, before or at the commencement of the meeting, the lack of notice.

**6.8 Adjournment.** A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place.

**6.9 Notice of Adjourned Meeting.** Notice of the time and place of holding an adjourned meeting need not be given unless the original meeting is adjourned for more than 48 hours. If the original meeting is adjourned for more than 48 hours, notice of any adjournment to another time and place shall be given, before the time of the adjourned meeting, to the directors who were not present at the time of the adjournment.

**6.10 Action Without Meeting.** Any action that the Board is required or permitted to take may be taken without a meeting if all members of the Board consent in writing to the action; provided, however, that the consent of any director who has a material financial interest in a transaction to which the corporation is a party and who is an "interested director" as defined in Section 5233 of the California Corporations Code shall not be required for approval of the transaction. Such action by written consent shall have the same force and effect as any other validly approved action of the Board. All such consents shall be filed with the minutes of the proceedings of the Board.

**6.11 Meetings by Telephone.** Any meeting may be held by conference telephone or similar communication equipment, as long as all directors participating in the meeting can hear one another. All such directors shall be deemed to be present in person at such a meeting.

**6.12 Special Meetings.** Special meetings of the Board of Directors for any purpose or purposes may be called at any time by a majority of the Directors. Such meetings may be held in any location and for any urgent reason so long as all Members are notified of the location and subject of the meeting pursuant to 6.2, 6.3, and 6.4.

**6.13 Reports.** All Executive Director's Reports, Treasurer's Reports, necessary committee reports, resolutions or proposals from members, and a tentative agenda, shall be submitted in writing to the Executive Director no later than three (3) working days before the regular board meeting so that the Executive Director can mail or e-mail them to all Board Members at least two (2) working days before the regular board meeting."

**6.14 Compensation.** Directors shall not receive any salary for their services as directors, but may be reimbursed for reasonable, actual and necessary travel expenses incurred in carrying out activities approved in advance by the Board. Directors may also receive reasonable compensation for provided unusual or exceptional services to the Board. Any such compensation may be paid only if a majority of the Board approves the services in advance. The Director seeking compensation may not vote on his or her compensation.

## **OFFICERS**

**7.0 Officers.** The officers of the Board shall be a President, Vice-President, Secretary, and Treasurer.

**7.1 Election of Officers.** The officers of the Board shall be chosen by the Board and shall serve at the pleasure of the Board or for one year, whichever is less. The election date and the date of the beginning of any term of office shall be established by the Board.

## **DUTIES OF THE OFFICERS**

**8.0 President.** The President shall, if present, preside at all meetings of the Board and Executive Committee and shall exercise and perform such other powers and duties as may be from time to time assigned by the Board.

**8.1 Vice-President.** In the absence of the President, the Vice-President shall preside at all meetings of the Board and Executive Committee and shall perform such other powers and duties as may be from time to time assigned by the Board.

**8.2 Secretary.** The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board may order, a book of minutes of all meetings of the Board and its committees, with the time and place of holding, the names of those present, and the proceedings of the meeting. The Secretary shall keep, or cause to be kept, at the principal office of the corporation the original or a copy of the corporation's Articles and Bylaws, as amended to date.

**8.3 Treasurer.** The Treasurer shall be the Chief Financial Officer of the corporation and shall keep and maintain, or cause to be maintained, adequate and correct accounts of the properties and business and financial transactions of the corporation and shall:

- (a) Prepare, or cause to be prepared, and present to the Executive Committee and the Board a proposed annual budget prior to the beginning of the corporation's annual fiscal year.
- (b) Prepare, or cause to be prepared, and present quarterly an annual financial statement to the Executive Committee and the Board; and
- (c) Arrange for the annual audit required by Section 10.2 of these Bylaws.

**8.4 Removal of Officers.** Without prejudice to any rights of an officer under any contract of employment, an officer may be removed with or without cause by the Board.

**8.5 Resignation of Officer.** Any officer may resign at any time by giving written notice to the corporation. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of the corporation under any contract to which the officer is a party.

**8.6 Vacancies in Office.** A vacancy in any office because of death, resignation, removal, disqualification, or any cause shall be filled in the manner prescribed in these bylaws for regular appointments to that office, provided, however, that vacancies need not be filled on an annual basis.

## **COMMITTEES**

**9.0 Executive Committee.** The Executive Committee shall consist of the President, vice-President, Secretary and treasurer. The Executive Committee shall have all powers of the Board, except that it may not:

- (a) Elect officers;
- (b) Create or fill vacancies on any committee that has the authority of the Board;
- (c) Fix compensation of the directors for serving on the Board or any committee. Except, the Executive Committee may approve indemnification for normal and routine travel and business expenses of directors, so long as such expenses are reported to the Board at the Board's next meeting.
- (d) Amend or repeal bylaws or adopt new bylaws;
- (e) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;
- (f) Expend corporate funds to support a nominee for Director or officer;
- (g) Approve any contract or transaction to which the corporation is a party and in which one or more of its directors has a material financial interest, except as special approval is provided in Section 5233(d)(3) of the California Corporation Code;
- (h) Remove any member of the Board;
- (i) Indemnify any agent of the corporation, other than for normal and routine travel and business expenses incurred by employees or officers of the corporation.

**9.1 Other Committees.** The Board or Executive Committee may create such other committees and advisory committees as deemed advisable. These committees shall include but not be limited to the Advocacy Committee, Fund Raising Committee, Finance Committee, Personnel Committee and Nominations Committee. The President shall appoint the members of any such committee. Committee or advisory committee members may be any person and need not be members of the Board of Directors.

**9.2 Committee Meetings.** Meetings and actions of committees shall be governed by, held, and taken in accordance with the provisions of these Bylaws concerning meetings and other actions of the Board, pursuant to Article 6 of these Bylaws, except that a quorum of any committee shall consist of a majority of the members.

**9.3 Open Meetings.** Any member of the Board may attend a meeting of any committee. Notice of any meeting, however, need only be given to members of the committee.

## **FINANCE**

**10.0 Fiscal Period.** The fiscal period of the corporation shall be an annual period beginning every April 1 and ending every March 31.

**10.1 Budget.** The Board shall adopt, in advance of each fiscal period, an annual operating budget covering all activities of the corporation.

**10.2 Audit.** The corporate accounts shall be audited not less than annually by a Certified Public Accountant who shall be appointed by the Finance Committee, and who shall provide a report to the Board.

## **INDEMNIFICATION AND INSURANCE**

**11.0 Indemnification.** The corporation may, to the maximum extent permitted by the California Nonprofit Corporation Law, and in accordance with that law, indemnify each of its agents against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceedings arising by reason of the fact any such person is or was an agent of the corporation. For purposes of this Section, an "agent" includes any person or organization who is or was an officer, employee, or other agent.

**11.1 Insurance.** The corporation may, to the maximum extent permitted by the California Nonprofit Corporation Law or the Employee Retirement Income Security Act (ERISA), purchase and maintain insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the corporation would have the power to indemnify the agent against such liability.

**11.2 Employee Benefit Plans.** Section 12.0 of these Bylaws does not apply to any proceedings against any trustee, director, officer, investment manager, or other fiduciary of an employee benefit plan in such person's capacity as such, even though such person may also be an agent of the corporation. The corporation shall have the power to indemnify such trustee, director, officer, investment manager, or other fiduciary to the extent permitted by Section 207(f) of the California General Corporation Law and ERISA.

## **INSPECTION OF RECORDS**

**12.0 Records.** Every Director shall have the right, except as provided below, at any reasonable time, to inspect the corporation's books, records, documents of every kind, physical properties, and the records of each of its subsidiaries. The inspection may be made in person or by the director's agent or attorney. The right of inspection includes the right to copy and make extracts of documents. This right of inspection is subject to the following two limitations:

(a) Patient records and employee personnel records may only be inspected with the explicit approval of the Board; and

(b) Other inspection may be restricted by the Board if the right of inspection is being abused or becomes a burden on the conduct of corporate business.

## **DISSOLUTION**

**13.0 Dissolution.** On the winding up and dissolution of this corporation, after paying or adequately providing for the debts, obligations and liabilities of the corporation, the remaining assets of this corporation shall be distributed to such organization (or organizations) organized and operated exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes, or the prevention of cruelty to children or animals, which has established its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding provision of any future United States internal revenue law.

**Being Alive By-Laws  
Amended January 2005**

its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding provision of any future United States internal revenue law.

**EFFECTIVE DATE AND AMENDMENTS**

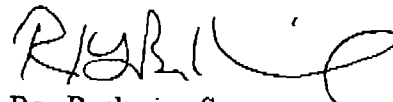
**14.0 Effective Date.** These Bylaws shall become effective immediately on their adoption. Amendments to these Bylaws shall become effective upon adoption unless otherwise stated in the resolution adopting the amendments.

**14.1 Amendments.** Amendments to the Bylaws shall be proposed by the Executive Committee. These Bylaws may be amended by a vote of the Board of Directors. However, prior to any vote to amend these Bylaws, the directors shall be given thirty (30) days' advance written notice of any motion to amend the Bylaws. The notice shall include notice of time and place of the meeting of Board and a copy of the proposed amendments.

**CERTIFICATION OF SECRETARY**

I certify that I am the duly elected and acting Secretary of BEING ALIVE PEOPLE WITH AIDS ACTION COALITION, INC., a California nonprofit public benefit corporation, that the above bylaws are the bylaws of this corporation as amended by the Board of Directors on September \_\_, 2004, and that they have not been amended or modified since that date.

Executed on September 1, 2004, at West Hollywood, California.

  
Ron Buckmire, Secretary

## **ADVOCACY COMMITTEE POLICY**

### **PUBLIC POLICY POSITIONS WITHOUT A MEETING**

**1.1 Action on public policy positions without meeting.** (a) If a Director serving on the Advocacy Committee wishes to take a public position on behalf of Being Alive, Inc. on a public policy issue, including any law, bill, policy, court case or decision or other act by any government agency or private entity that concerns an issue or issues impacting people living with HIV/AIDS, without presenting the position at an Advocacy Committee meeting, the Director must first e-mail all members of the Advocacy Committee and the Executive Director the following:

1. Sufficient information for other Directors and the Executive Director to understand the issue;
2. The Director's proposed position;
3. The date the Director intends to articulate the position; and
4. To whom the Director intends to articulate the position to, including any media sources.

(b) After e-mailing the above information, the Director cannot proceed with articulating the position until a majority of the Directors on the Advocacy Committee consent in writing by e-mail.

(c) Each Director agrees to provide their current e-mail and fax addresses to the Secretary of the Board of Directors. To the extent feasible, a director will notify the Secretary if his or her e-mail is unavailable and if a fax number can be used instead, in which case the notice required by this section will be faxed to the Director.

# Application for Extension of Time To File an Exempt Organization Return

▶ File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box
  - If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).
- Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.**

**Part I Automatic 3-Month Extension of Time** - Only submit original (no copies needed)

**Form 990-T corporations** requesting an automatic 6-month extension - check this box and complete Part I only

*All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs, and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041.*

**Electronic Filing (e-file).** Form 8868 can be filed electronically if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for corporate Form 990-T filers). However, you cannot file it electronically if you want the additional (not automatic) 3-month extension, instead you must submit the fully completed signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit [www.irs.gov/efile](http://www.irs.gov/efile).

<b>Type or print</b>	Name of Exempt Organization <b>BEING ALIVE / PEOPLE WITH AIDS ACTION COALITION</b>	Employer identification number <b>95-4137742</b>
File by the due date for filing your return See Instructions	Number, street, and room or suite no. If a P.O. box, see instructions. <b>621 N. SAN VINCENTE BOULEVARD</b>	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. <b>WEST HOLLYWOOD, CA 90069</b>	

**Check type of return to be filed** (file a separate application for each return):

- |  |   |                                    |
|--|---|------------------------------------|
| <input checked="" type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation)                 | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL         | <input type="checkbox"/> Form 990-T (sec. 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ         | <input type="checkbox"/> Form 990-T (trust other than above)      | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990-PF         | <input type="checkbox"/> Form 1041-A                              | <input type="checkbox"/> Form 8870 |

- The books are in the care of ▶ DEMETRI MOSHOYANNIS  
 Telephone No. ▶ 310 289-2551 FAX No. ▶ \_\_\_\_\_
- If the organization does **not** have an office or place of business in the United States, check this box
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the **whole group**, check this box ▶ . If it is for part of the group, check this box ▶  and attach a list with the names and EINs of all members the extension will cover.

**1** I request an automatic 3-month (6-months for a **Form 990-T corporation**) extension of time until NOVEMBER 15, 2005 to file the exempt organization return for the organization named above. The extension is for the organization's return for:

▶  calendar year \_\_\_\_\_ or

▶  tax year beginning APR 1, 2004, and ending MAR 31, 2005.

**2** If this tax year is for less than 12 months, check reason:  Initial return  Final return  Change in accounting period

**3a** If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions \$ \_\_\_\_\_

**b** If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit \$ \_\_\_\_\_

**c Balance Due.** Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon, or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions \$ N/A

**Caution.** If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.