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Bernie Massey, second from left, carries one of 10 16-foot panels designed by local children to be displayed on the Long Beach Airport control tower. Despite apparent initial support from the FAA, Massey's Portraits of Hope project has hit a series of legal snags and the panels currently sit in storage in a Long Beach warehouse.

Diondra Jay/Staff Photographer

## Plans to decorate L.B. airport stall

**LOCAL:** After apparent initial support, FAA says airport can't use Portraits of Hope art.

By A.K. Whitney  
Staff Writer

LONG BEACH — During the past year, whenever Stanford Middle School teacher Kelly Kurz drove by the Long Beach Airport's Air Traffic Control Tower, she would look at it and wonder when Now, she wonders why.

"I don't know why they would say no," Kurz said. "It's disappointing to teachers and students. I still think they got a lot out of it, but I think the students want to be able to see their work up there."

The "work" Kurz refers to is a project, involving not just her students but also about 900 local children, that involved draping the concrete stem of the tower with 7,000 square feet of long, flexible panels. The panels were covered with a plethora of colorful decorated shapes and, when joined together, would turn each 120-foot side of the tower into a work of art.

The project was the brainchild of brothers Ed and Bernie Massey, whose Los Angeles nonprofit, Portraits of Hope, makes a specialty out of getting kids together to transform large things into public works of art. They founded the group in 1995, and so far have

**AIRPORT/AS**

## AIRPORT

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Involved thousands of kids across the country in redecorating a jet, a blimp, an oil tower, thousands of New York taxi cabs and four NASCAR cars.

In January 2007, Portraits of Hope started local children on the painting process for the Long Beach tower. Even newly elected Mayor Bob Foster got in on the work. Participants and interested onlookers were told the tower would likely go from drab to fab just in time for spring, and would keep its colors until fall.

To make the project happen, Portraits of Hope raised \$300,000 through private and corporate donations.

Then the Federal Aviation Administration, which owns and operates the tower, pulled the plug.

In an e-mailed statement to the Press-Telegram, Ian Gregor, communications manager for the FAA's Western-Pacific Region office, said the agency tentatively agreed to the project in 2006, believing all the legal issues had been resolved. But attorneys reviewed the plan and determined the project violated several federal regulations, he said.

Among those regulations, he said, are that the government cannot endorse "any product, service or enterprise."

"Allowing the Long Beach control tower to be draped in the Portraits of Hope logo would have created the appearance of government sanction or endorsement," he said. "Allowing the banner to be draped also could be construed as participating in fundraising. Government officials are prohibited from using their positions to further private fundraising efforts. Government regulations prohibit posting or displaying banners not associated with a legitimate government activity."

Portraits of Hope officials, however, said no logo was part of the project.

Gregor said the key issue was that the FAA determined that "displaying the mural — logo or no logo — would constitute endorsing a 'product, service or enterprise.' Endorsing the enterprise would tie indirectly into the fundraising issue because it would appear as if we were implicitly supporting any of the organization's outreach efforts."

Bernie Massey of Portraits of Hope tells a different story.

Portraits of Hope, he said, first got the idea to decorate the tower when they decorated blimp moored at Long Beach Airport in 2005. The group then approached FAA officials on the field, but did not come to any sort of agreement. That was when they decided to approach Congresswoman Juanita Millender-McDonald, hoping to get her interested in their cause. (The project was later dedicated to Millender-McDonald after she died of cancer in April.)

Millender-McDonald was interested, and with her help, Portraits of Hope's project landed on the desk of then Secretary of Transportation Norman Mineta. Mineta passed the project on to another office, and that office contacted Portraits of Hope. It was then, Massey said, that the concerns cited by Gregor, such as endorsements, logos, and fundraising — as well as safety issues, methods of installation and who the artists were going to be — were addressed.

"We flushed all that out in D.C.,"



Above, Diondra Jay/Staff Photographer. Below, Kevin Chang/Staff Photographer. The 10 panels designed by children as part of the Portraits of Hope artwork project are currently being stored in a Long Beach warehouse because the FAA says the panels can't be used to decorate the control tower at Long Beach Airport. Below, the panels are painted by art students at Renaissance High School in Long Beach in early 2007.



Massey said. "All these issues they're deciding now were dealt with a long time ago."

The group also sent the information requested by the Department of Transportation to the FAA in a letter dated Dec. 20, 2005, Massey said.

When asked about the involvement of the Department of Transportation, which oversees the FAA, Gregor said government agencies cannot act contrary to federal laws, rules and regulations.

"No federal official, regardless

of their position or stature, can waive federal regulations," he said. "Our legal office in Washington, D.C., thoroughly reviewed the Portraits of Hope proposal, at the request of the Secretary's office. It was then the FAA determined that the proposal would violate a number of rules and regulations."

Gregor's statement, however, conflicts with what happened next, said Massey. On Feb. 17, 2006, Portraits of Hope was invited to meet with Bill Withycombe, regional administrator for the Western-Pacific branch of the

FAA. Chris Kunze, who was then manager for the Long Beach Airport, was also at the meeting, though airport officials, Kunze said in a statement, had no say in the outcome. Kunze did, however, recommend Portraits of Hope send the FAA a memo of understanding outlining their project.

On March 20, 2006, Portraits of Hope got a letter from Withycombe, on FAA stationery, reading:

"This will confirm that at our meeting on February 17, 2006, the Federal Aviation Administration agreed to allow Portraits of Hope to decorate the Airport Traffic Control Tower at Long Beach International Airport, Long Beach, CA, with banners, as set forth in your proposal."

The letter, which is posted on Portraits of Hope's Web site, goes on to talk about architectural drawings, gives authorization to visit the tower, and says "you should proceed with developing the plan."

In the year that followed, Massey said the FAA did not mention any legal issues, and all subsequent communications indicated the project was on track.

"We don't take these projects lightly," Massey said.

Portraits of Hope began fundraising and designing their project, which not only includes the art portion, but also an educational one. The educational portion unites children with Portraits of Hope volunteers who talk to them about civics and gives each participant a model (in this case a plane) to decorate.

It was not until the project was almost complete, and the installation date neared, that the FAA began raising objections, Massey said. Hoping the problems could be resolved eventually, Portraits of Hope warehoused the panels and moved on to its tax project, which was scheduled to start in New York later that year.

The panels, which have been stored in Glendale for the past 10 months, were recently moved to a warehouse in Long Beach. The reason for the move, Massey said, was that the Glendale warehouse owners needed the room for other things.

Will the panels ever see the light of day?

Massey remains optimistic. "We expect it to happen," he said. "At the end of the day, the kids have done their part. Now it's up to the adults to do their part." Kurz has hopes as well.

"I hope that somehow they could find a place to put it," she said. "To just let it go to waste would be a shame."

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