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The Bradford Smith Affair

by Mark Looker

photos by Gil Rocha

The whole matter seemed to be so neatly put forth in the letter from President Robert Kennedy:..."all consultative levels of review have recommended that you not be reappointed. I have concluded that in the light of these recommendations and in my judgement, it would not be in the best interest of the university to reappoint you."

It all seemed so neat and simple, put down there on paper. But to Brad Smith, assistant professor of sociology, 34 years old, married and the father of a boy and girl, behind those words was a story — a long, incredibly complex, sometimes confusing story of how one man has attempted and still is attempting to overcome what he sees as a series of unjust decisions.

Smith's controversial case first came to light on January 28, 1974 when the head of the Social Science Dept., Dr. Mahmud B. Hariri, informed Smith that it was "not appropriate" for him to sign Smith's textbook selection slip. The textbooks Smith wanted to use in his introductory sociology class were The Capitalist System and The Halls of Yanming.

Smith reacted strongly against Hariri's decision, calling it "censorship" and a "violation of academic freedom." Smith's troubles first came to public light in a column written by Alison Harvey of Mustang Dally. But as far as Smith is concerned, his battle to continue teaching started even sooner. It began when he received two faculty evaluation forms.

One was from Hariri. The other form was signed by three faculty members and both had the same theme: Their recommendation to "reappoint Smith for a second year is conditional upon his completion of his Ph.D. by the summer of 1974."

"I view this whole matter over when I promised to have my doctorate completed as a procedural method of getting rid of me," explained Smith, as he sat in his office in the Business Administration and Education Building. On the walls around him were a couple of posters; one showing Nixon and Agnew in prison stripes with the quotation, "Fascism can be cured."

The other poster was of China's Premier Chou En-Lai.

Smith is quick to assure you that he is not a wild-eyed radical out to make some quick ideological points. "I believe in working through the system," he explained. "But the major difficulty I face is that there is no forum either in or out of this department for me to make the case that academic freedom is being violated here."

"What is happening to me is based on prejudice, it is done on whim, not on the basis of policy."

Smith has already gone through one grievance proceeding last summer. He has just filed a second grievance, but feels he has to take his case to the public if he is to make the point that academic freedom is being violated.

"It is to my advantage that I take this case to the press," Smith told outpost. "I feel that I need outside, public support on this question of academic freedom, which is why I am using such channels as going to Outpost, to the American Civil Liberties Union (ACLU), and the American Sociological Association (ASA). I am opening up my files to the public decide for themselves what the merits of my case are."

With that, Smith settled down in his office and began to talk about the story that has become an entire issue to one story, but than this is an unusual story. It's the story of one teacher's fight against the system.

Rumors circulated around campus early this quarter that Sociology professor Bradford Smith was being fired. Students called it an injustice and soon the word was out that the teacher himself was fighting his dismissal.

We decided to look further into the matter and sent outpost reporter Mark Looker to Smith to find out the whole story. Looker spent weeks running around the campus and talking with everyone involved in the case. Some refused to discuss the issue saying it wasn't suitable for the student press, others tried to hush it up, and certain individuals refused to say anything more than "no comment."

Nevertheless, Looker stuck to his guns and got the whole story — piece by piece. We feel that the story is well worth reading and well worth devoting this entire issue to. I highly recommend taking a few minutes and reading the whole thing. I also highly recommend marking down February 26 and 28 on your calendar. Those are the days to vote on AS 3116. Not sure what it's all about? Better find out now. Otherwise it may be too late to save a lot of those activities you now take for granted. Check out this week's Polygraph. Then be sure and vote to continue your support of outpost and other campus activities.
Smith attempted to make an informal resolution of the matter, as set forth in the California Administrative Manual (CAM), by talking with Hariri, Berestius and Kennedy and then filed a formal grievance on March 27, and requested a hearing by a state hearing officer.

Smith's grievance focused on three areas:

1. There had been arbitrary action prejudicial to his case. Here, Smith claimed that other faculty members had changed their recommendations based on what other members of the department had said.

2. Smith received on March 1, an offer of reappointment from President Kennedy, conditional upon being "awarded the Ph.D. degree during the 74-75 academic year."

3. Smith reacted strongly against Hariri's decision, calling it "censorship" and a "violation of academic freedom."
None of the tenured faculty came to more than one class.

Now an additional condition of employment, early completion of a Ph.D., was being applied. Smith complained, where as before there was no such specific stipulation set forth in the letter of offer which he signed.

On this matter, Pinard would say only, "No comment." But for the record he would say, "To my knowledge, Brad has never entertained a notion that he wouldn't finish his dissertation."

On the whole matter of when Smith said he would complete his doctorate, when the administration expected him to complete his dissertation and whether Smith was trying to delay the department on this matter, McKibbin received a string of "No comments," from the faculty and head of the Social Sciences Dept., from the present dean of the school, Carroll Kennedy, on up to Dr. Kennedy. The reason given was that of "respect for the confidentiality of personnel matters.

2. Substantial evidence favorable to his case was ignored.

Here, Smith maintains that none of the tenured faculty came to more than one class, that none initiated discussions with him about his teaching prior to evaluation, and that he did not receive his faculty evaluations until January 31, the day they were due from the school dean to be given to the vice president for Academic Affairs, and he had no time to attach his comments.

In search of relief, Smith sought that:
1. The recommendation by Harri for a first terminal year appointment be set aside.
2. The recommendation by Venetius for a second year terminal year reappointment be set aside.
3. The offer of appointment as a terminal notice year for 74-75 be set aside.
4. That he be given a second probationary year without conditional terminal notice.

His case was heard by a state hearing officer on Aug. 8 and the decision was handed down on Aug. 21.

The decision found that there had been no arbitrary action taken, that there was not substantial departure from required procedures that were prejudicial to Smith and that substantial evidence favorable to Smith was not ignored.

The major part of the findings were devoted to the controversy over Smith's achievement of a doctorate, a point Smith sees as relatively minor in comparison to the issue of academic freedom.

The hearing officer found that,
...during the pre-hiring negotiations, Smith informed the department head that his dissertation would not be completed until October of 1973 and the campus did graciously consent to extend the time till then...However, prior to commencement of the 73-74 academic year, Smith and his central advisor determined that the dissertation would not be completed until the summer of 74; Smith deliberately and willfully failed to inform the campus of this change in expected completion date."

The hearing officer concluded that because of Smith's behavior, the campus had no idea of the expected completion date and had no reason to dispute or incorporate specific stipulations of conditional appointment in the initial offering.

On Sept. 10, Smith did sign the letter of appointment which set forth the offer of appointment as a terminal notice year for 74-75.
1974-75 as a terminal notice year, conditional upon completion of his Ph.D., when he would be given a second probationary year.

As Smith sees it, the whole matter of his doctorate has been blown out of proportion and is merely a device to apply indirect, covert sanctions to my behavior as a faculty member rather than address that behavior directly.

"I expect to have my doctorate completed by June of '76, as was set down in my letter of appointment, and I don't really understand what all the big sweat is about," said Smith.

"There's an awful lot of pressure to conform here and Brad's just not playing the game."

As one university member, who wished to remain anonymous, told us: "It's obvious that the matter of the doctorate is just a means of getting Brad to conform. Certain of his actions are not appreciated, such as his selection of textbooks, and this question of why haven't you completed your doctorate when you said you would? This is not anything more than trouble. If you'll just lay-off and let me get my doctorate and get tenure."

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Smith found that even after signing the letter of appointment for 1974-76, his problems were not over. In fact, they had just begun.

In November 1974, Smith was again up for evaluation by tenured faculty and was informed that four out of the five faculty plus the department head had recommended that he not be reappointed.

In a memo dated November 15 and sent to the school's dean, Carroll McIbbin, Smith answered the charges that the faculty members had made on their evaluation forms.

The areas of complaint against Smith centered on these areas: Course content, tests, personalized system of instruction (PBI), grades, relations with faculty, claimed competencies, propagandizing students, student reaction to his courses and refusal to use a standard introductory textbook.

Smith gave a summation of his feelings regarding these charges in a memo he sent to Al Andrello, chairman of the Personnel Review Committee (PRC), dated November 30. He requested that the committee investigate his grievance.

Some of Smith's comments were: "Course content: The policy of the School of Business and Social Sciences states that 'evaluation of a faculty member's classroom...should permit the evaluator to observe a cross section of his performance. To accomplish this result, repeated observation and discussion... prior to written evaluation shall be a minimum requirement.'"

On this matter, the PRC found that only four faculty members visited once and one gave no evidence of a visit. In a memo dated December 2, 1974 and sent to Hazel Jones, the vice-president for Academic Affairs, the committee found that established procedures were not followed in this case.

Smith also says that the evaluation of the course content was capricious. On Oct. 23, one faculty member wrote and signed that, "On the basis of observing Mr. Smith's class in Introductory Sociology, I rate him excellent as a teacher. His lecture...was very well organized and presented."

One week later, discussing the same class violation, the same teacher wrote, "Mr. Smith's lecture...touched on several important concepts, none of which did I clearly or inter-relate. I find Mr. Smith to be an incompetent in these two critical areas—teaching and textbook selection."

Smith wrote to the PRC, "I went from an excellent to incompetent teacher with no additional classroom visits within the period of one week."

PRC found these two statements reflected a "serious shift in opinion."

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On the matter of grades, three of the faculty indicated on their evaluation forms, concern over Smith's high grade distribution. Smith's grade point distribution average is 3.66 while that of the other ten sociologists in the department is 3.00.

Smith wrote to the PRC, "I have on several occasions stated that I would conform arbitrarily to a grading policy, if I knew what it was."

The department to date has established no grading policy...the logic behind being fired for breaking an unspecified policy escapes me. This doesn't even give me a chance to intelligently defend myself."

On the grading matter, the PRC felt that "this is an indiscriminate procedure being applied to Mr. Smith, since not one document is provided stating the official grading policy of the Social Sciences Dept."

There is no evidence of having other sociology teachers in the department conform to an average of 3.00."

In the area of faculty relations, four of the faculty state in their evaluations that Smith is "uncooperative, ignores suggestions, adopts rigid positions, and precludes intolerable confrontations."

Smith wrote to the PRC, "I have raised what I consider to be legitimate questions within the department, which the tenured faculty believe are beyond the bounds of a probationary faculty member's business. I charge that instead of dealing directly with these questions, the tenured faculty is firing me as a way of getting rid of the discomfort that accompanies such questions."

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Student Input was ignored at all levels of review.

Some of the comments by the faculty on Smith's textbook selection were:

"Smith's choice of textbooks is not consistent with quality teaching." (The Halls of Yezrnig) is un-scholarly and biased — it is, in fact, propaganda.

"Smith continues to use text matter from his Note 106 class which, while interesting and informative, I consider it inappropriate for an introductory sociology course."

"Smith's teaching performance doesn't meet the standards of the position on these points; he does not use an introductory sociology textbook for this course."

Smith asked the PRC to consider whether or not a violation of academic freedom had occurred and therefore a recommended action was being based on discrimination and prejudice.

In its recommendations to Mr. Jones and Kennedy, the PRC did not comment on this area.

After the PRC's report was made and sent, up the chain of command to Cal Poly's president, Kennedy returned the case to the committees along with two other cases and asked that they be reviewed and reconsidered.

In an interview with outpoet, Kennedy stated his reasons for the decision:

"I met with Mr. Andreoll to discuss what appeared to be a challenge of the professional judgement of those charged with the evaluation process."

"I appeared the PRC was challenging the judgements of the appropriate faculty who make these initial decisions and was raising questions that were inappropriate," said Kennedy.

Specifically, Kennedy said, "The committee made judgments based on their feelings regarding the number of visits a faculty member must make. It is not written down anywhere how many visits a person must make to get an accurate assessment of a faculty member's performance. This is an area left up to the judgement of the tenured faculty."

Outpoet submitted to Kennedy a list of eight questions dealing with the case. Kennedy would answer only the first five questions and in a memo addressed to outpoet explained why.

"I am perfectly willing to discuss procedures used in the academic personnel process, however, it is inappropriate for me to comment to any member of the media with regard to specific or substantive matters of an individual personnel case."

The last four questions on the list dealt with the specifics over the controversy concerning Smith's completion of his doctorate.

Kennedy said further, "When an individual elect to take individual personnel matters to the press for resolution rather than to await himself of established administrative recourse, it is inappropriate for me to comment and in fact, try to 'aestive in the press.'"

Smith filed his second grievance with Kennedy on Tuesday, Jan 28, seeking a hearing by three faculty members selected at random. His grievance incorporates most of the charges that he answered in the memo to PRC, such as, procedure was not followed in respect to the evaluation of his classroom performance, there had been capricious action prejudicial to his case, such as a faculty member changing her recommendation within a week's time and the fact that he does not relate well to the faculty.

Smith does have two new charges this time, under the category of 'substantial departure from the required procedure prejudicial to his case.'

The charges are:

1. Student input was ignored at all levels of review.

2. Information from other faculty members (the PRC) was ignored by Kennedy. His letter of termination stated, "...all consultive levels of review have recommended that you not be reappointed."

3. An employee in his second probationary academic year is to be notified no later than Dec 15 of that academic year. His letter was received Dec 17 and postmarked the Dec 15. (Provided for under Title 5 of the California Administrative Code.)

The last charge Smith considers the greatest irony of all, "They can't even fire you the right way around here," he said with a laugh.

Regarding the second charge, that the PRC recommendations were ignored by Kennedy, Smith said, "It is unbelievable that this can happen. Why don't they (PRC) scream at this misrepresentation? How can they be covered by an administrator? Only at this school could such a thing happen."

When asked his feelings on the matter, Andreoll said, "The PRC's decision is not my business but...it might help...

"I dislike making a decision that will cost someone their job. But the system is set up so that I'm the one who has the final deciding power, the one who has to inform someone that he is not going to be reappointed merely an advisory body. The final action to be taken is left up to the administration and the final power is with Dr. Kennedy."

"We see if things are done honestly," said Andreoll. "It's more than just investigating a matter of procedure, but we don't deal in the area of professional judgements as to a teacher's capability. When a recommendation is made, it's made objectively."

Beyond that, Andreoll would make no comments.

As far as Brad Smith is concerned, what lies ahead for him? "Well, I'll give you a scenario of what I see ahead," said Smith. "First of all, I'm not out job hunting. I've given it a lot of thought, but I haven't taken any action in that area yet. "My scenario is that I'll go to the state grievance office or hearing and probably win it. Kennedy will turn that decision around because of the previous decisions by faculty and so on. My attorney, Harry Woolpert, and I will write a letter to Kennedy asking that he be kept on another year because of the letter arriving late, and when asked if he refuses, I'll go to court seeking relief for another year of teaching."

"There's where the crucial question arises," said Smith. "If there public support, organizations support such as the ACLU, or faculty organizations to push this matter into court on the grounds of academic freedom? Unless I have a
Mick Taylor, lead guitarist for the Rolling Stones, left the group as they began a new album outside of Munich. The Stones denied it had anything to do with personal conflicts, and Mick has said it was due to the lack of progression the group was experiencing. He also added that he had some ideas he would like to work on with another band.

So far the only other person said to be a part of the new group is former Cream bass player, Jack Bruce.

The latest craze to hit San Luis Obispo since the 67 Chevys has found its home on the outskirts of town. The name of the place is "The Graduate" and it combines the good time elements of a pool hall, dance joint and pizza parlor into one big happening. The beer and wine establishment caters to the 21 and over crowd, but has no problem packing the house every weekend. For some, the place proved to be not the easiest bar to find. It's your way through the door, but there's always Asthyflowers.

Instead of Park Hotel or the Gaets every week, "The Graduate" is using a new idea to the college market: a live disco jockey playing an array of danceable tunes. Reaction has been somewhat favorable but there are those that say, "every once in a while this place gets hoppin' but other times the place is dead."

But after all, it's what this town is all about.

Congressman Norman Lent of New York has recently written to President Garry Ford asking Ford to intervene and assist in the deportation case of John Lennon. Lent cited the numerous time and energy that Lennon has shown towards peace and charity, Lennon's denial for permanent alien residence in the United States arose due to a 1966 hash possession conviction in Britain. The case was eventually thrown out of court due to questionable police tactics.

This is our chance to enhance existing programs and to open up new activities.

Supplemental funds from the A8I will be required if the student body wishes to support more than the cook-bottom program determined by state officials.

The entire student body is urged to affirm the current level of the activities fee, at $80 per academic year, in the advisory referendum (student vote) on this measure to be held Feb. 26 and 26.

As it stands now, Victor Buccolli, director of the Athletic Board of Control at Cal Poly, says, "There is barely enough money for the programs to carry on now, and if fees are lowered we will have to start weeding out."

James Conway, professor in the Speech Department, emphasizes, "This is our chance to enhance existing programs and to open up new activities."

In the past few years, nearly all major A8I programs, particularly instructionally related activities, have undergone constant reductions in their operations. Some activities would have been given the ax for next year already, had it not been for the state funds that saved them.

The Cal Poly band has been selected to represent North America's colleges and universities in Europe this summer. The estimated expense of such a trip is $70,000. If the A8I fees are retained, the A8I proposes to give the band $10,000, according to Scott Plotkin, A8I president.

KCPR's manager, Blair Haenga, says the station has submitted a proposal asking for $87,000 to enable KCPR to go stereo, a proposition that would become a reality only if the A8I fee remains the same.

Money is needed here to hire a new attorney. Legal Aid Director, Roland Hill, says, "We are practically impotent without an attorney; the office is virtually at a stand still."

As It stands now, Victor Buccolli, director of the Athletic Board of Control, says, "There is barely enough money to cover sending our teams to represent us, let alone to send our players."

An A8I vote could mean a very bleak future for our programs."

There are scores of services required by students that are not instructionally related, and that need monetary support, such as legal aid, legal aid and director, Roland Hill, says, "We are practically impotent without an attorney; the office is virtually at a stand still."

Money is needed here to hire a new attorney.

A negative vote in the AB 3116 referendum would be a call to cut all student activities, and a "yes" vote would mean the student body favors continued A8I subsidies for the support of instructional, recreational and service programs in future years.

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A gain, the saga of Brad Smith, assistant professor of sociology in his second year of full-time teaching — a man with a background that includes degrees earned since 1966 — comes down to the phrase, "In the best interest of the university."

Brad Smith says, "I believe the university should have my interest in mind as well. But most importantly the best interests of the student."

"Whenever I make a decision, I try to base it on what's best for the students involved."

What was the main reason Smith left the University of California at Santa Barbara in 1972, a school with a strong inclination towards the liberal arts, and came to Cal Poly, an acknowledged team by doing, conservative institution?

Smith smiled and said, "It's a half of a challenge for me to teach a subject to students who don't really want to take that class. That's the case in my intro classes and I love the challenge.

Unfortunately, for Brad Smith, the university has determined that it is not in its best interest that Smith be given such a chance to be challenged and he's fighting like mad to see he keeps that chance. "It's in my best interest, and I believe in the best interest of the students, for me to fight for this chance, is the final judgement of the man with the red mustache, the balding hair and infectious laughter."

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