

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

25 34 35 41 42
Meganumber: 18
Jackpot: \$57 Million

FANTASY 5

12 20 22 32 38

DAILY 3

Daytime: 3 6 7
Evening: 1 2 2

DAILY DERBY

1st: 12 Lucky Charms
2nd: 05 California Classic
3rd: 07 Eureka

RACE TIME: 1:44.67

NEWS OF THE WEIRD BY CHUCK SHEPARD

Jason Rodd, clocked at 90 mph on Interstate 91 near St. Johnsbury, Vt., in November, tried to evade police by the clever ploy of pulling off the highway, dousing his headlights, and turning in to a farmer's field for cover. However, unable to see very well without lights, he promptly drove into a manure pit, immobilizing his car, and was tracked down a few minutes later.

TODAY IN HISTORY

In 1589, Catherine de Medici of France died at age 69.

In 1781, a British naval expedition led by Benedict Arnold burned Richmond, Va.

In 1895, French Captain Alfred Dreyfus, convicted of treason, was publicly stripped of his rank. (He was ultimately vindicated.)

In 1896, an Austrian newspaper ("Wiener Presse") reported the discovery by German physicist Wilhelm Roentgen of a type of radiation that came to be known as "X-rays."

In 1933, the 30th president of the United States, Calvin Coolidge, died in Northampton, Mass., at age 60.

In 1998, Sonny Bono, the 1960's pop star-turned-politician, was killed when he struck a tree while skiing in South Lake Tahoe, Calif.; he was 62.

QUOTE OF THE DAY

"In aging, one becomes more foolish and more wise."

FRANCOIS, DUC DE LA ROCHEFOUCAULD

FRENCH AUTHOR

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John Wood/Daily Press

A local family is looking for a place to live after being ordered out of their Pico neighborhood bungalows. Clockwise, from upper left: Kenneth Jones, his wife Cecilia Jones, Gloria Davis, Helen Mayberry, Daniel Jones and Julia Jones.

Harris team hoping the glove doesn't fit

New evidence stalls case against Olympian, again

BY JOHN WOOD

Daily Press Staff Writer

LAX COURTHOUSE — A single glove has been recovered from the scene where two Santa Monica kidnappings occurred last fall, raising new questions in the case against Olympic medalist Danny Harris.

Prosecutors allege Harris, 39, a 1984 Olympic silver medalist in the 400-meter hurdle, twice kidnapped a 75-year-old Sunset Park woman, stole from her at screwdriver point, and threatened to kill her and burn down her house.

Harris was arrested on Nov. 10, after trained bloodhounds following the scent of the kidnapper's hat and shirt ended up at his doorstep.

However, lawyers said subsequent DNA tests linked the shirt and hat not to Harris but to Alonzo Taylor, 40, a three-strike criminal with a history of committing similar crimes. Taylor was taken into custody on Nov. 17 for allegedly stealing a car in East Los Angeles, police records show.

Defense attorneys called for a live police line-up, so eyewitnesses could have a look at Taylor. Both men are black, and Taylor stands at 6 feet 4 inches and weighs 218 pounds. Harris is 6

See **NEW CLUE**, page 6

State's schools flunking in comparison to rest of U.S.

(Editor's note: This is the first article in an ongoing series about the public school system throughout the state and in Santa Monica.)

By Daily Press staff

MAIN STREET — California's public school system lags behind most of the nation on almost every

objective measurement of student achievement, funding, teacher qualifications and school facilities, according to a new RAND

Corporation analysis that is the first comprehensive examination of measurable dimensions of the state's education system.

The study issued this week chronicles how the state's K-12 school system has fallen from a

national leader 30 years ago to its current ranking near the bottom in nearly every objective category. It was funded by the William and Flora Hewlett Foundation, which is working to build support for

See **POOR GRADES**, page 7

Keeping up with Joneses

Family of six forced out of Pico neighborhood homes they lived in for decades

BY JOHN WOOD

Daily Press Staff Writer

PICO NEIGHBORHOOD — A family of six was sent packing from their home in this eastside Santa Monica neighborhood last fall after City Hall deemed it unlivable.

Cecelia Jones and her family now live in a pair of hotel rooms at the Travelodge on Pico Boulevard. The rooms cost \$1,278 a week, or quadruple the \$287 in monthly rent the family paid for each of four one-bedroom bungalows on Delaware Avenue.

The 1928 bungalows were fenced off last fall after health inspectors found them to be infested with termites, covered in mold, and suffering from unsanitary plumbing and dangerous electrical wiring. Landlord Ricco Ross convinced City Hall last month the units would be too expensive to repair or rebuild, and was granted permission to take

the apartments off the market.

Jones, 41, a teacher's assistant at Santa Monica High School, grew up in the bungalows. Until last fall, she lived in one of the 450-square foot units with her husband and their two young children. In the other units were Jones' grandmother, Helen Mayberry, 80, who moved onto the property more than 40 years ago, and Jones' mother, Gloria Davis, 59.

The family said they were given a 10-day notice to vacate the property last fall, barely enough time to gather all of their belongings. They blame Ross for the disrepair, saying he repeatedly promised to make repairs to the building after buying it in 2001, but did virtually nothing.

"The main complaint was the plumbing," Davis wrote in a Dec. 6 letter to City Hall. "Mr. Ross knew about this when he got the property ... Nothing was done. Whenever I saw him, I would ask him about it, no response. I paid the rent on time. Then I was put out."

In a separate letter to City Hall, Jones said the property had been neglected by each of the four people who owned it in

See **FORCED OUT**, page 5

Cornered



John Wood/Daily Press

Emergency workers respond to a collision at 19th Street and Delaware Avenue Tuesday afternoon. Both drivers sustained injuries and were treated at the scene. The intersection was closed to traffic for more than three hours. Inset: The driver of the flipped Ford Explorer is fitted for a neckbrace.



Jacquie Banks

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JACQUELINE BIGAR'S STARS
The stars show the kind of day you'll have:

★★★★-Dynamic ★★★★★-Positive ★★★-Average ★★-So-so ★-Difficult

ARIES (March 21-April 19)
★★★★ Express an unusual idea or insight. You might need to reiterate this concept, as others get carried away and miss the main point. Flow and key into individuals rather than a group. An associate helps you with a career decision or move. Tonight: Cuddle in.

TAURUS (April 20-May 20)
★★★★★ Others might be challenging or a bit confusing. Detach, and you will be able to understand what is really being said. Someone — a boss especially — could be wifty or a bit difficult to communicate with. Verify and think about instructions. Tonight: Say “ to an invitation.

GEMINI (May 21-June 20)
★★★ Dive into work. You might find a boss or someone whose reaction you care about to be surprising at best. Go with this person's ideas. Don't get confused by listening to gossip or deciding to go your own way. Tonight: Express your caring to a friend or loved one in a nurturing manner.

CANCER (June 21-July 22)
★★★★★ Your imagination goes wild. At the same time, you break through restrictions and gain a brand-new perspective. Add that touch of humor and playfulness to the day of others. Someone close might be confused about a money matter. Tonight: Take a midweek break.

LEO (July 23-Aug. 22)
★★★ You might not be able to see an associate or partner clearly. This person could easily tumble off his or her pedestal. You need to pull back and observe more. Concentrate on work or a project in order to relax. Your mind slips to a personal matter. Tonight: Get a favorite munchie on the way home.

VIRGO (Aug. 23-Sept. 22)
★★★★ Your goals could be quite idealistic. Allow others to poke holes in your views. You'll create a stronger game plan because of the many devil's advocates around. Be receptive to others, return calls and sway information. Tonight: Dinner nearby.

LIBRA (Sept. 23-Oct. 22)
★★★ Don't be too sure of yourself with an emotional or financial risk. Right now, your expectations could backfire. Open up to what appears to be an unusual option or idea. Accepting this concept helps you in your daily life. Tonight: Investigate costs for a new purchase or item for your home.

SCORPIO (Oct. 23-Nov. 21)
★★★★★ Someone could add to your confusion, especially on the home front. You might be trying to avoid a skeleton in your closet. Don't take this news personally. Focus on your work. Your energy, brightness and magnetism mix. You have many reasons to smile. Tonight: It's your call.

SAGITTARIUS (Nov. 22-Dec. 21)
★★ You might want to say little and observe more. Concentrate and listen well rather than follow your sixth sense. Confirm meetings. Don't stand on ceremony about an unreturned call, though you might want to return it later in the week. Tonight: Order in.

CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Your choices prove to be excellent. Do not make any financial commitments just yet. Get more information if you are planning a trip or happening. Tonight: Indulge yourself. Get tickets to a concert, game or some event that means a lot to you.

AQUARIUS (Jan. 20-Feb. 18)
★★ You might not mean to confuse matters, but you do. Somehow you cannot settle into facts but would rather be open to ideas and unusual concepts. Just be careful with a boss. You could experience a backfire. Tonight: Plan on a late bedtime.

PISCES (Feb. 19-March 20)
★★★★ Try to open your mind to unusual thinking. As a result, you might want to head in a new direction. Investigate what you need to do. Sign up for a class or workshop. Consider a trip that might also be educational. Tonight: Follow the music.

Santa Monica Daily Press

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LOCAL



Trojan hoarse



Nicky Five Aces/Five Aces Photo

USC fans scream and holler as the Trojans score their first touchdown during Tuesday night's Orange Bowl victory. Southern Cal students and alumni gathered at Gotham Hall on the Third Street Promenade to watch the national championship game. USC annihilated the Oklahoma Sooners, 55-19 in Miami.

COMMUNITY BRIEFS

Jacked up: Jaycees psyched about Forster cameo

By Daily Press staff

Young professionals may find themselves motivated next week if they listen to an actor's take on the trials and tribulations of making it to the big time.

The Santa Monica Junior Chamber of Commerce (Santa Monica Jaycees), a local nonprofit organization dedicated to the development of individual leadership skills through community service, has announced that it will hold its first general membership meeting of the new year at 7 p.m. on Monday, Jan. 10, at the Fairmont Miramar Hotel.

In addition to reviewing regular organization business and activities, Santa Monica Jaycees members and guests also will listen to a keynote presentation from world-renowned veteran of stage and screen and motivational speaker, Robert Forster. Forster's speaking engagement is part of the Santa Monica Jaycees' comprehensive individual development program, which attempts to provide members with useful information and seminars on a wide range of personal and professional issues, as well as intellectually and socially stimulating extracurricular activities.

In a prolific acting career which has spanned five decades, Forster's greatest achievement has been his 1997 Oscar nomination for best supporting actor for his role as Max Cherry in Quentin Tarantino's "Jackie Brown," which also starred Samuel L. Jackson, Pam Grier and Robert DeNiro. His performance in the film not only garnered worldwide critical acclaim, but also helped revive his career, which originally began on Broadway back in 1964. Following "Jackie Brown," Forster also won accolades for his role in David Mamet's "Lakeboat" and his work in "Diamond Men" with Donnie Wahlberg. In recent years, the actor has starred with Rose McGowan in "Strange Hearts,"

See BRIEFS, page 5



SURF REPORT

Today the water is:

58°

On Wednesday, look for sets of 2-3 ft., knee- to chest-high, occasionally 4 ft., and fair conditions.

The NW ground swell fills in a bit more on Wednesday as the wind swell stuff winds down. All swell activity weakens on Thursday, then a passing storm sets up a new round of rising winds and wind swell on Friday.

Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	7:53	2.6	7:45	1.0	2:22	4.0	12:54	3.6
SUNDAY	9:35	2.2	8:29	1.5	3:02	4.3	2:30	3.1
MONDAY	9:35	2.2	8:29	1.5	3:02	4.3	2:30	3.1
TUESDAY	10:56	1.5	9:20	1.9	3:43	4.7	4:28	2.9
WEDNESDAY	11:55	0.6	10:19	2.1	4:26	5.2	6:06	3.0
THURSDAY	12:45	-0.2	11:18	2.3	5:11	5.7	7:14	5.2
FRIDAY	12:45	-0.2	11:18	2.3	5:11	5.7	7:14	5.2

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The Q Line

It's a new year. Let's start it off right. Every week we hear about what's going wrong in our city. This week, we want to hear about what is going right.

So this week's Q-Line wants to know, "What do you like about living in Santa Monica?"

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your response in our weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.



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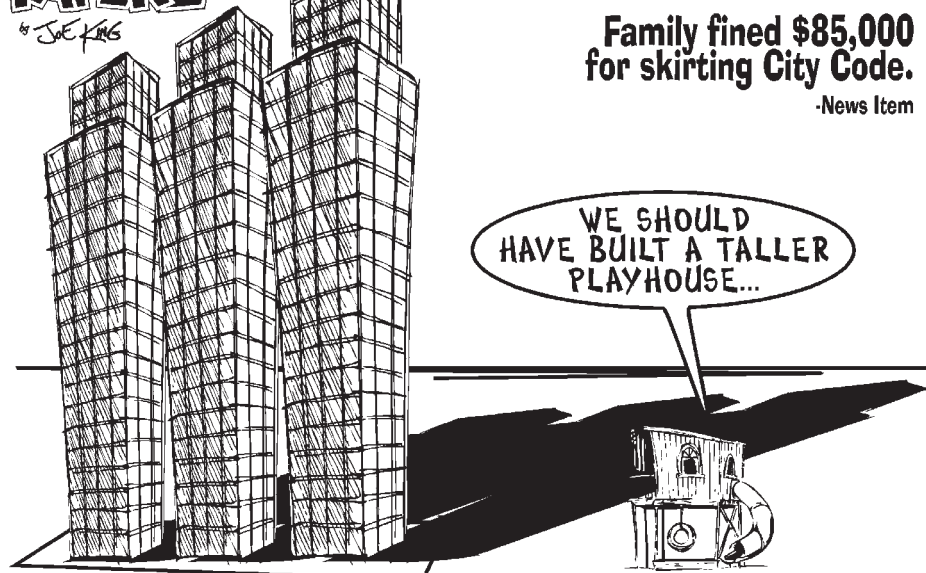
OPINION

FUNNY PAPERZ
by J.E. KING

**Developers pay City Hall \$15,000
to skirt City Code.**

**Family fined \$85,000
for skirting City Code.**

-News Item



WHAT THIS CITY NEEDS ARE MORE 23-STORY PLAYHOUSES! © 2004 WWW.FUNNYPAPERZ.COM

LETTERS TO THE EDITOR

City Hall needs to check itself

Editor:

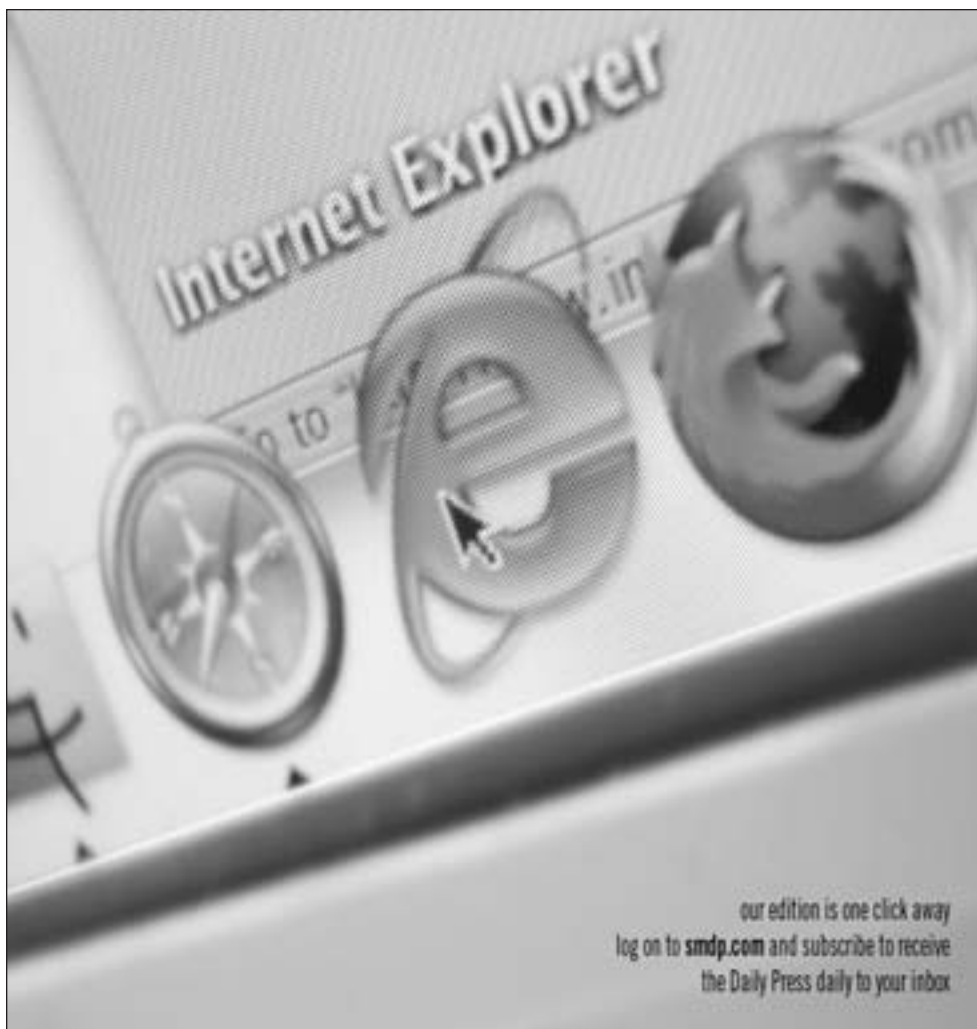
How many consultants does it take to change a light bulb in Santa Monica? (SMDP, Dec. 27, page 1)

Santa Monicans have been grouching about City Hall being closed on alternate Fridays for a long time. Why does it take yet another high-priced consultant to finally make our leaders do something about it?

They don't trust the reasoning powers of their constituents? Why, then, in heaven's name, should we trust them? They're constantly babbling about public process when they should simply make better use of their own eyes and ears and use the money saved on consultants for actually fixing things.

Steven Keats
Santa Monica

OPINIONS EXPRESSED are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to sack@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.



GUEST COMMENTARY BY PETER SCHWARTZ

Faith and force — an evil combination

America's war on terrorism is being undercut — by the administration's efforts to inject religion into politics.

Our enemy in that war is the ideology of Islamic totalitarianism — an ideology which holds that one's life is to be lived entirely in service to Allah, that the dictates of the mullahs must be unquestioningly obeyed and that jihad must be waged against all who refuse. Islamic totalitarianism, which pervades Muslim societies, is a sweeping repudiation of reason in favor of faith, and of freedom in favor of force. That is what makes it America's deadly enemy.

When reason is categorically abandoned, people can deal with one another only by force. People who accept reason as their sole means of knowledge can settle differences by persuasion. The one with facts and logic on his side will prevail. But if faith — like the embrace of beliefs contrary to reason — is one's ruling principle, there is no peaceful way to resolve conflicts. There can be no appeal to facts, no logic, no rational arguments — there can be only the insistence that some non-provable belief be accepted. And what could back up that insistence other than fists or guns — or airplanes smashing into buildings?

Politically, if religious faith dominates, freedom will not be permitted. If the basic political goal is the secular one of defending individual rights, then each person has sovereignty over his life and is left free by the state to think for himself and to pursue his own values. But if the basic goal is to implement the will of some unfathomable deity, then the citizen cannot be allowed to exercise his own judgment and to challenge divine authority. The religionist believes there is no difference between the crime of, say, murder and the "crime" of uttering some religious heresy — both acts defy God's commandments and so must be punished. The demand for blind faith does not acknowledge the inviolability of man's rational mind.

This clash between faith and freedom is not confined to Islam. When medieval Christianity ruled the West, allowing no dissent from ecclesiastic doctrine, the Crusades and the Inquisition were part of the Church's "holy war" against its infidels. However, this despotism ended when the Enlightenment — which did not penetrate the Muslim world — demonstrated the power and the glory of the human mind, and entrenched reason over faith.

This philosophy led ultimately to the founding of the first free nation: America. At the time, religion had long been an integral part of government

throughout the world, with monarchs reigning by "divine right." America's Founding Fathers, products and admirers of the Enlightenment, realized that a nation based on individual liberty had to remove religion's power. So they established the principle — the secular principle — of separation between church and state.

Obviously, there can be secular forms of unreason, which also lead to tyranny, such as Marxism, with its view that "tools of production" control the content of one's mind. Secularism is not a sufficient condition for freedom but a necessary one. A proper, rational government is limited by the imperative not to violate individual rights. But the government envisioned by religionists — the one for which the Bush administration is laying the groundwork — has unlimited power, to be exercised whenever officials claim to be following divine orders.

Today's religionists want government to discourage research on embryonic stem cells, to promote the Biblical account of life's origins, to urge schoolchildren to pray. Why? Not because these are logically defensible, but because they supposedly represent God's will. The religionists want us to revert to a pre-Enlightenment age, when faith and force — the twin tools of Osama bin Laden and his fellow-jihadists--ruled.

In America, unlike most of the Muslim world, even the religious retain some respect for reason. They generally understand that religion should be a private matter and that church and state should be divorced. They would oppose, say, making the Bible America's official Constitution — as the Koran is officially Saudi Arabia's. They would oppose sentencing apostates to death, as Iran's criminal code demands. The extent to which reason prevails over faith is the extent to which freedom prevails over tyranny.

The presidential election should be taken as a mandate for defeating Islamic totalitarianism. Which means destroying its practitioners, eliminating its state sponsors and renouncing its ideology of imposing religion by force. But if the election is taken as a mandate to bring faith into politics, America will be cultivating at home the very evil we are supposed to be fighting abroad.

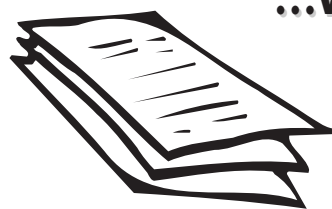
(Peter Schwartz is chairman of the board of directors of the Ayn Rand Institute in Irvine. The Institute promotes the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead.")

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LOCAL



He said, she said: Landlord and tenant at odds

FORCED OUT, from page 1

the many years her family had lived there.

"The house has never been tented for termites," she wrote. "When Mr. Ross wanted to contact me he would leave a note outside my door. For example, 7:00 a.m. in the morning he would want a 10:00 a.m. appointment. That was not adequate notice as I work every day and have two children. At one point our plumbing broke, leaving a flood of human waste in our back yard where our dog was. It was unsafe for anyone to go into the back yard."

"The electrical wiring was bad," Jones continued. "Promises were always made but nothing was ever done. Many times he came in and took pictures and promised to make repairs. However, nothing was ever done. Work was done on the corner house (instead) ..."

Ross claimed he repeatedly was denied access to the bungalows by the family, who he accused of hoarding trash and other items.

"The fact is, the only way we could gain access to the units was by issuing the tenants with a legal, perform or quit letter drawn up by a lawyer ... and once we did gain access it was obvious that it would be impossible to do any form of improvements due to the massive amounts of accumulate personal effects, reaching the ceiling in some instances," he wrote in a Nov. 29 letter.

Inspectors from City Hall's building and safety department, the Santa Monica Fire Department and the Los Angeles County Health Services Department

issued separate reports in August of this year, deeming the property dangerous and unhealthy. The reports said the overall deplorable condition of the buildings constituted a severe fire hazard, and ordered the bungalows be vacated.

According to documents he filed with City Hall, Ross purchased the property, which also includes a three-bedroom house, for \$405,000 in December of 2001, and has spent just \$1,630 on repairs for the aging structures. Members of the Santa Monica Rent Control Board agreed on Dec. 9 to allow Ross to take the units off the market, after finding it would cost him as much as \$415,000 to rebuild the bungalows. The cost of those improvements would be passed on to the renters, thereby raising rents as high as \$1,150 per unit, according to the city's appraisals.

"The tenants were in a losing situation either way," said Tracy Condon, a spokeswoman for the Santa Monica Rent Control Board.

The higher rent is hundreds of dollars more than what comparable apartments in the Pico neighborhood command, according to city documents. Based on that discrepancy, the Rent Control Board deemed the rent "uncollectable." Perry said Ross plans to demolish the aging bungalows and will likely sell the property.

Meanwhile, Mayberry said the higher rent would have been manageable.

"We would have paid that," she said Tuesday. "If he would have raised the rent, that's what he would have done. We would have paid it."

At issue now is how much, if any, relocation money the family will receive. Landlord attorney Rosario Perry said Ross already has spent \$31,000 paying for the hotel and various other relocation expenses. Still, he said Ross would be willing to pay a little bit more.

"The old thought is so true: Nice guys finish last," Perry said. "The city's position is no matter how nice you are, tenants always win."

Kenneth Jones, 45, married to Cecelia Jones for six years, said Ross had spent very little on helping the family, adding most of the hotel expenses were paid for with city vouchers. He said the family planned to meet with attorneys from City Hall today to discuss possible legal action. Any money they do receive, he added, would probably do little to help the family out of their predicament.

"It's like robbing Peter to pay Paul," said Kenneth Jones, a janitor. "Anything we get, financially, will just go to pay expenses now ... He just dumped us like a hot potato."

Legally, landlords can be responsible for paying two types of relocation money. The first is money for temporary housing

and moving expenses, so repairs or other work can be done on a property. The second is a lump sum paid to tenants displaced when an apartment building is converted into condominiums or an owner takes over the unit for personal use. The lump sum amount for one-bedroom apartments currently is \$5,500, plus \$1,000 for seniors or renters with children.

Deputy City Attorney Adam Radinsky said the dispute had been referred to his office, but declined to comment on any particulars surrounding the Delaware Avenue bungalows.

"This office can't comment on the facts," he said. "We are investigating the entire situation to determine the applicability of the relocation law."

In the meantime, Cecelia Jones said her family will continue its search for suitable housing, though she acknowledged it was unlikely they would be able to stay in their native Santa Monica, where she works and her two young children attend Grant Elementary School.

Asked how she and her family were coping with the uncertainty, Cecelia Jones responded, "We're praying. I'll say it like that. We're praying."

COMMUNITY BRIEFS

BRIEFS, from page 3

a modern-day film noir; the 1998 remake of "Psycho," starring Anne Heche and Vince Vaughn; and the made-for-TV remake of "Rear Window," featuring Christopher Reeve. A native of Rochester, NY, Forster currently resides and works in Los Angeles.

Forster regularly speaks to a wide variety of groups around the country, from ninth-grade classes to university commencement ceremonies, actors, and Fortune 500 CEOs. His program, entitled "Interacting," is similar to a stand-up comedy act, but with an interactive menu of positive stories instead of jokes, although many of his anecdotes are inherently humorous. Forster's stories are derived from lessons he has personally learned throughout his life, and consist of topics which people already know but are reminded through entertaining and thought-provoking narratives. Through the use of his menu, Forster covers certain key points, but then takes requests from the audience about what they want to hear so each group may receive its own tailored program.

The Santa Monica Jaycees holds its general membership meeting at 7 p.m. on the second Monday of each month at the Fairmont Miramar Hotel, located at the corner of Wilshire Boulevard and Ocean Avenue. Members and guests are invited to gather in the hotel's lounge, beginning at 6 p.m., for the organization's pre-meeting social hour. All meetings are open to local professionals between the ages of 21 and 39, and there is no obligation to join.

Founded in 1932, the Santa Monica Junior Chamber of Commerce, more commonly known as the Santa Monica Jaycees, is a nonprofit organization dedicated to providing men and women, ages 21 to 39, with opportunities to develop personal and leadership skills through local community service and organizational activities. The group designs and coordinates various service projects each year that enable its members to grow through success and failure in a positive environment. The Santa Monica Jaycees also holds seminars on time management, managerial techniques, personal and professional motivation, leadership dynamics, and other related issues to enhance the overall capabilities of its civic-minded membership.

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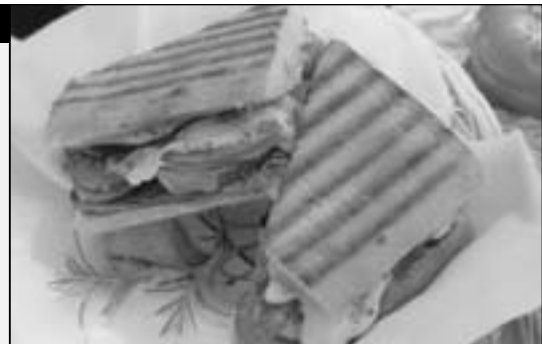
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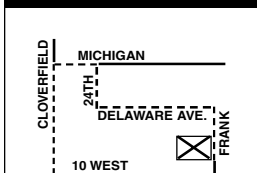
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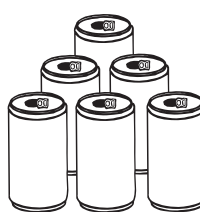


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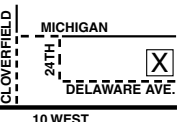


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Courses and materials are free, but we do request advance registration, which can be done on-line at www.smgov.net/communication/cityforms/leadership_series.htm or by phone (call 458-8301).



City Budget Basics is the first of Santa Monica's 2005 Leadership Series courses, offered throughout the year and covering a wide variety of city government-related topics to inform and engage Santa Monicans. Join us!

The Ken Edwards Center is accessible to persons with disabilities and is served by Big Blue Bus lines 1, 2, 3, 7, 8, 9 and 10.



LOCAL

Prosecutors continuing with case against Harris

NEW CLUE, from page 1

feet and 1 inches tall, and weighs 200 pounds, according to booking records.

That line-up is expected to occur this week depending on what, if any, DNA is recovered from the new glove. The three eyewitnesses expected to participate in the line-up are the victim, a neighbor of the victim who chased the kidnapper off with a handgun and a nearby resident who saw the kidnapper strip off and leave behind a shirt as he fled the scene. In the original line-up, the victim identified two other men along with Harris as possibly being the kidnapper.

Prosecutors have refused to drop the case against Harris, saying even though the DNA evidence points to Taylor, he may have been working as an accomplice. The kidnapper apparently told the victim he had friends who would burn down her house if she didn't comply with his demands. Despite those threats, she saw only one person.

Matt Huey, Harris' public defender, has repeatedly delayed court proceedings so evidence could be studied.

The kidnapper's hat was found on the driveway outside the victim's home and the kidnapper's shirt was left down the street. If the glove, which the victim found inside her house, returns with Taylor's DNA, Huey said he doesn't see how the prosecution can proceed against Harris.

Prosecutors have declined to comment on the case. As a matter of routine, investigators from the Santa Monica Police Department won't discuss a case after it's

been handed over to prosecutors.

"Once a case is filed with the District Attorney's Office, we don't comment," SMPD Lt. Frank Fabrega said.

A preliminary hearing in the case is scheduled for Friday, though that date may be delayed if the line-up hasn't been completed. A preliminary hearing allows both sides to lay out their cases so a judge can determine if enough evidence exists to try the matter before a jury. In delaying the preliminary hearing, Huey has said he doesn't want prosecutors to build up a case against Harris before all the evidence is available. Once that's done, they may be less likely to back down from their case, no matter what new evidence surfaces, he added.

In the meantime, Harris is being held in lieu of \$1.44 million bail. Harris was banned from the Olympics in 1996 after testing positive for drug use and has struggled for years with a cocaine addiction. At the time of the kidnappings he was living at the Clare Foundation off of Pico Boulevard, a nonprofit organization for recovering addicts.

Two of Harris' sisters who attended an earlier court hearing said Harris recently had cleaned up his act. He was working as a personal trainer at Better Body Maker on Santa Monica Boulevard, and had been to visit one of the sisters just weeks before his arrest, taking out her children and buying them gifts. Harris stayed away when he was using drugs, the sisters said.

While the new evidence is being tested and authorities prepare for a live line-up, Harris continues to wait in jail.

"He's anxious," Huey said. "Anxious to resolve the case."

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Santa Monica Daily Press

STATE



Study: Alcohol usage low among state's students

POOR GRADES, from page 1

improving California schools.

While the assessment of California schools is generally negative, researchers also note several positive trends, including significant improvement in student math achievement in recent years, and funding increases for school construction and repair.

"A lot of people have expressed concern about the state of K-12 education in California," said Stephen Carroll, a RAND senior economist and lead author of the report. "We found that those concerns are well placed. California schools are lagging behind most other states and these findings suggest policymakers need to make major changes in order to repair the problems. Despite some improvements, the state has a long way to go to reclaim its standing as a national leader in K-12 education."

California currently spends more than \$50 billion each year to educate about 6 million elementary and secondary students — about 12.8 percent of the nation's school-age population.

"This report makes the scope of the California education crisis crystal clear," said Marshall S. Smith, director of the Hewlett Foundation's education program. "We need so much more than short-term Band-Aids — we need long-term solutions that deal with the system's underlying problems. To secure California's future, we need serious school finance reform to ensure that all children have the educational resources to achieve high standards."

RAND researchers examined the status of K-12 education in California across several broad measures, including student academic achievement, teacher qualifications, school facilities and non-educational benchmarks such as teenage pregnancy rates. Among the findings:

■ California student achievement on national standardized tests is near the bottom of the 50 states, ranking above only Louisiana and Mississippi. California's low scores cannot be accounted for by a high percentage of minority students, who generally have lower scores because many come from low-income families and sometimes must learn English as a second language. Controlling for students' background, California's scores are the lowest of any state.

■ California students have made gains on national achievement tests in both math and reading. In particular, the improvement seen among fourth graders in California in the past seven years has been greater than their peers in other states.

■ California has the second highest ratio of students per teacher in the nation, even after a major effort began in 1996 to reduce ratios for K-3 and ninth grade. California K-12 schools have an average of 20.9 students per teacher, compared with a national average of 16.1.

■ California school districts' teacher standards are generally lower than in other states. Just 46 percent of school districts in California require teachers to have full standard certification in the subjects they teach, compared with 82 percent nationally.

■ The real average annual teacher salary in California during the 2000-2001 school year was about the same as it was in 1969-70, when adjusted for inflation. The adjusted annual average salary of about \$39,000 (in today's dollars) places California last among the five largest states and 32nd nationwide.

■ While California spent less per pupil on school facilities than other states during the 1990s, progress has been made in recent years with passage of both state and local bond measures. However, schools in central cities and in rural areas still have a high number of inadequate facilities.

The decline of California's K-12 system has paralleled the shrinking of per pupil financial support for education during the past three decades, according to the RAND report.

The decline began about 30 years ago when the state became the first to implement school finance reform that moved responsibility for school funding from local jurisdictions to the state. The change helped to make spending per pupil more equal across the state. While there is evidence the change narrowed the gap between rich and poor districts, it also contributed to lower spending levels overall.

While California's annual per student spending was about \$400 above the national average in 1969-70, it fell

to more than \$600 below the national average in 1999-2000, according to the report. The state ranked 27th in per pupil spending in 2001-2002.

Support for K-12 education as a proportion of the per capita income of Californians has fallen as well. California spent about 4.5 percent of the personal income of state residents on public education in the early and middle 1970s — about the same as the rest of the country. But from the late 1970s through the middle 1990s, California's support lagged about 1.2 percentage points behind the national average, according to the report.

Researchers note that California is among the nation's most ethnically diverse states, with a young population that poses many educational challenges.

California's large immigrant population means the state has an abundance of students learning to speak English and parents who do not speak English. The 2000 Census showed that 5.8 percent of California school-aged children had trouble speaking English, compared with a national average of 2.5 percent. This creates challenges for the state's schools by imposing the need for higher staffing, and by hampering communication between schools and parents.

In addition to academic issues, Carroll and his colleagues also examined others measures of youth achievement, such as teenage pregnancy trends, that can be influenced by schools. The findings on these measures were mixed for California's students.

The pregnancy rate for 15-17 year olds in California is higher than in any state other than the District of Columbia, although it is falling faster in California than anywhere else. In contrast, California youths have relatively low use of cigarettes and alcohol when compared with youths nationally.

The analysis includes information about California's academic standing primarily among students in grades K-8 because too little information is available to make meaningful comparisons for students in high school, according to researchers.

Other authors of the RAND report are Cathy Krop, Jeremy Arkes, Peter Morrison and Ann Flanagan, all of RAND.

RAND Education conducts research and analysis on a variety of topics, including school reform, educational assessment and accountability, and trends among teachers and teacher training.

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STATE

Same old, same old for Schwarzenegger in 2005

BY TOM CHORNEAU
Associated Press Writer

SACRAMENTO — A year ago, newly elected Gov. Arnold Schwarzenegger faced a huge budget deficit, an unfriendly Legislature and uncertainty about his administration's direction.

As the Republican governor prepares to deliver his second State of the State speech today, not much has changed. The shortfall is \$8 billion and climbing, Democrats still dominate the Legislature and a shake up in Schwarzenegger's Cabinet has many in the Capitol wondering about his priorities.

Some said Schwarzenegger's speech will be critical. Polished over a 12-day holiday he spent with his family out of state — probably at his Sun Valley, Idaho retreat — the speech is expected to touch on a number of themes, including proposals to reform the state's tax system, how legislative districts are drawn and reorganization of the state bureaucracy.

Still holding his popularity with voters, some said it is time for the governor to spend his political capital.

"I think '05 is going to be the critical year in determining what Arnold Schwarzenegger's legacy is going to be," said Allan Hoffenblum, a Republican consultant based in Los Angeles. "The fiscal crisis facing California is every bit as severe, if not more so, than it was when he tossed Gray Davis out of office and took over."

"Last year, he used the bond measure to stop the hemorrhaging, but it didn't resolve the problem. This year is going to tell us whether he's going to be able to make the

substantive changes he wants."

The governor's finance director, Tom Campbell, has said the administration is working on a package of reform plans it will give the Legislature this year. Among them is a proposed change to the formulas that pay for everything from schools to health care programs. There also are dozens of initiatives from the administration's landmark reorganization study, the California Performance Review, that might also be included.

If Democrats are unwilling to accept the reforms, aides have hinted, the governor would take the package to voters in an election he will call for late summer or fall.

Expectations remain high for the governor, who most agreed was able to generate results during his first year in office.

Buoyed by an improving economy, Schwarzenegger has pushed a pro-business agenda and helped change the state's image as unfriendly to commerce. The political gridlock that had so often held the Capitol hostage has eased somewhat, thanks to the governor's efforts to reach out to Democrats. And polls continue to show most voters believe the state is headed in the right direction and are optimistic about the future.

Still, even his most ardent supporters acknowledge Schwarzenegger faces harder work.

While he closed much of last year's budget gap, estimated at one point at \$17 billion, he did it with borrowed money, one-time fixes and accounting gimmicks not available this year.

He also started last year with bipartisan support, which began to erode during a monthlong stalemate over the budget in July. It crumbled even more as Schwarzenegger unsuccessfully sought to capture Democratic legislative seats during the November election.

Even Schwarzenegger's often repeated promise to reorganize the state bureaucracy to save money and improve efficiency, remains largely on the shelf.

Hoffenblum said he expects Schwarzenegger's speech will more clearly define his agenda — not just for the rest of this year but for the rest of his term.

"This is about the road to 2006 and beyond — not just getting an on-time budget this year or the litany of programs he's going to propose," Hoffenblum said. "This is going to be about substantive changes."

If Schwarzenegger makes such proposals, his tone will be as important as his ideas, said Bruce Cain, a University of California, Berkeley political scientist.

"There's two roads he could go — there's the partisan Arnold and the nonpartisan Arnold," Cain said.

If Schwarzenegger appears intent on redrawing legislative districts — aimed at undermining Democratic power — voters might consider that too partisan, Cain said. If instead, he reaches out on fiscal reforms, he might have greater success.

"If you took a poll of the sensible and seasoned observers in California, they'd tell you that the box that needs to be blown up is the fiscal box," Cain said. "It's the mismatch of where money is raised and spent, that's what needs to be reformed."

Assembly Republican Leader Kevin McCarthy of Bakersfield said taking power away from lawmakers in drawing district lines isn't necessarily a partisan issue.

"I view it more as the people vs. the career politicians," McCarthy said. "There are Democrats and Republicans who don't want new districts, but I think mainstream Californians do."

Regardless of the governor's other priorities, the Legislature will be waiting for his plans to fix the state's budget, which Schwarzenegger called his primary mission during the 2003 recall campaign.

He still remains committed to not raising taxes, and he also showed last year that he didn't want to make deep cuts to programs for the poor and disadvantaged. Campbell said in December the budget set to be released Jan. 10 will be free of gimmicks and that people expect Schwarzenegger to deliver.

"It all gets back to the budget," said Raphael Sonenshein, a political science professor at California State University, Fullerton. "If you are not credible on the budget, people begin to think you are a little less credible on other things. You are taken less seriously."

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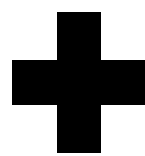


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NATIONAL



Appeals court to block Arizona immigration law

BY PAUL DAVENPORT

Associated Press Writer

PHOENIX — A civil rights group asked a federal appeals court Tuesday to block provisions of a new voter-approved state law that denies some public benefits to illegal immigrants.

In an emergency motion, the Mexican American Legal Defense and Educational Fund asked the 9th U.S. Circuit Court of Appeals in San Francisco to block portions of the law while it appeals a judge's earlier decision allowing the law to go into effect.

Supporters see the law as a way to begin cracking down on illegal immigration in Arizona, the busiest illegal entry point on the U.S.-Mexico border.

The civil rights group contends the measure will harm families who depend on public benefits for basic necessities, and could potentially cut them off from all state services.

The law, which was on the Arizona ballot as Proposition 200, was approved by voters in November.

U.S. District Judge David Bury on Dec. 22 lifted his Nov. 30 order temporarily blocking the law. He said opponents had little chance of success in their lawsuit challenging its constitutionality.

The law requires proof of immigration status when obtaining certain government services. Also, public workers who don't report illegal immigrants seeking benefits could face jail time and a fine.

In a legal opinion that is guiding state

and local governments, Arizona Attorney General Terry Goddard has said the law applies only to a handful of relatively small welfare programs.

Bury's Dec. 22 ruling sided with Goddard on the scope of services covered by the law, but some supporters of the law have a lawsuit pending in state court challenging Goddard's opinion.

Voting provisions of the law are not the subject of court challenges but have not been implemented pending a U.S. Justice Department review. Those provisions require people to prove their citizenship when registering to vote and to provide ID at voting sites.

MALDEF's emergency motion said Bury was wrong to conclude that there is no serious question about the law's con-

stitutionality and scope.

Asking the 9th Circuit to act within 21 days, MALDEF said applicants for services and public employees enforcing the law could suffer irreparable harm.

Though local governments across the state reportedly are following Goddard's interpretation of the law's scope, MALDEF's motion said his opinion is not binding on courts or local prosecutors.

"They can implement and enforce this initiative in a wide variety of ways," the motion said, citing the possibility of "fundamental confusion and uncertainty."

Goddard spokeswoman Andrea Esquer said Goddard's office had no immediate comment on the motion. Lawyers for groups supporting the law did not immediately return calls for comment.

U.S. fingerprinting foreign visitors at 50 land crossings

BY LESLIE MILLER

Associated Press Writer

WASHINGTON — Foreign visitors at the 50 busiest land border crossings in 10 states are now being fingerprinted as part of the government's new biometric screening system, the Homeland Security Department announced this week.

The system, called US-VISIT, scans photographs of the visitor's face and index fingers into a computer, which are matched with federal agencies' criminal databases.

Homeland Security Undersecretary Asa Hutchinson told reporters that U.S. officials have arrested or denied admis-

sion to 372 criminals or immigration violators since the system began last year at 15 seaports and 115 airports. About 17 million people have been enrolled.

"Because of the US-VISIT biometric technology, the United States is safer," said Hutchinson, noting that the system was in place two days before the end-of-year deadline.

Though no known terrorists have been caught by the system, Hutchinson said it's possible that it kept out someone traveling on a forged passport who meant to do harm.

The system is actually speeding travelers through processing at ports of entry, he said. It now takes less than 5 minutes to

process a visitor at Laredo, Texas; before the program was implemented, it took more than 10 minutes.

Hutchinson acknowledged that much still remains to be done. The system, for example, doesn't check against all federal databases. And the FBI only shares an updated biometric database of terrorists with Homeland Security about once a month, he said.

Another challenge is to set up an exit system so that officials can keep track of foreigners leaving the country. Homeland Security is testing different technologies for an exit system at five ports of entry and will expand the tests to others this year.

US-VISIT still has to be expanded to another 115 land border crossings by the end of 2005. By then, it's expected to process 40 million people crossing U.S. borders, which is less than 10 percent of the 450 million annual border crossings. About 250 million, though, are by U.S. citizens, who aren't subject to the system, said Homeland Security spokesman Dennis Murphy.

Canadian citizens and Mexican citizens with border crossing cards are exempt.

The US-VISIT system is in place in Arizona, California, Maine, Michigan, Minnesota, New Mexico, New York, Texas, Vermont and Washington.



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When auctioning off the home, should it go to the highest bidder?



**BUYING
AND SELLING**
BY THOMAS KHAMMAR
& BRENT PARSONS

(Editor's note: This is the second article in a three-part series).

Last week we discussed the different phases of a foreclosure and who you deal with when you purchase a home in foreclosure. Today, we will help you prepare to purchase a home at a courthouse auction.

Prior to going to the courthouse sale, you might want to investigate the available foreclosure properties and determine which properties have the most equity in them. In order to do this, it's important to know what their marketability will be when you are ready to sell the home. Therefore, it's important that you pick a location that you are familiar with or that you become familiar with the home's area by reviewing recent sales data.

To determine the equity, you will need to know how much debt you will have to pay off in order to purchase the home. In addition to the lien that is being foreclosed on, you will need to determine if there are back taxes due, or if there are other mortgages or personal liens that are attached to the house that precede the lien being foreclosed on. Once you have calculated all of these liens, determine if this property has equity based on the debt on the property. If there is sufficient equity,

it's now time to inspect the property.

When you are inspecting the home, you will need to look at the roof, the structure, paint, and the yard to determine if the property needs work. This is a preliminary inspection, so estimate high and know that if you are seeing a poorly maintained outside, the inside probably isn't that great either. If the property needs repairs, add the estimate to the amount of debt to determine what the actual cost will be of getting the home ready to sell.

If the home still has sufficient equity after the other liens and damage repair costs are subtracted from the market value of the home, decide what the maximum amount is that you would pay for the home. This is the amount of money that you will need to have available at the auction.

At the auction, the most common method to hold this money is in a cashier's check. You will need more than one cashier's check — which total the amount that you are willing to spend on the home. The best way to bring checks is to split their value into several of them. One check should be in the amount of the minimum bid and the rest in \$5,000 to \$10,000 values, with the total value of all of the checks equaling the maximum value that you would bid on the property. The auctioneer will need to see these checks when you sign in at the auction.

Other methods of payment at the auction include pre-approval letters from mortgage companies or cash. Personal checks are not accepted.

Once the auctioneer arrives and

has checked everyone in by notating their cash-on-hand in his journal, the auction can begin. The auction starts at the minimum bid and bids are called out by the investors and homebuyers registered for the auction. It's important to remember that this is a business transaction so don't let emotion take over and bid for you. Also, you may only bid up to the amount that you have registered with the auctioneer, so if the bidding exceeds that amount, you are out of the game. Don't get discouraged by this. Different buyers have different comfort levels with the amount of equity they need in a home in order to purchase it at auction. For instance, if the bidder is trying to buy a home for their primary residence, they may not take repairs into consideration because they can do them over time and can therefore bid higher. An investor on the other hand, will take repairs into consideration and may not bid as high. In addition, since you decided how much you would spend before you entered the auction, you can walk away knowing that the higher price that the other buyer paid would not have been a good business decision for you.

Next week: The future of foreclosure properties. Where the market is going and what you can do to prepare.

(Should you have any questions pertaining to real estate or foreclosure, or if you would like a list of foreclosures in your area, call Thomas Khammar at (310) 943-7656 or Brent Parsons at (310) 943-7657).

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12/28/2004	Lot Size: 5,200	Sold Price: \$720,000	Bath: 2.00
Sold	2929 6TH ST	SANTA MONICA	90405
Santa Monica	SqFt: 913	List Price: \$789,000	Bed: 2
12/29/2004	Lot Size: 3,118	Sold Price: \$820,000	Bath: 1.00
Sold	695 W BAY ST #695	SANTA MONICA	90405
Santa Monica	SqFt: 842	List Price: \$498,000	Bed: 2
12/30/2004	HOD: \$250	Sold Price: \$498,000	Bath: 1.50
Sold	1454 YALE ST #4	SANTA MONICA	90404
Santa Monica	SqFt: 1,285	List Price: \$525,000	Bed: 3
12/30/2004	HOD: \$334	Sold Price: \$517,000	Bath: 2.00
Sold	101 CALIFORNIA AVE #1403	SANTA MONICA	90403
Santa Monica	SqFt: 674	List Price: \$599,000	Bed: 1
12/29/2004	HOD: \$448	Sold Price: \$599,000	Bath: 1.00
Sold	2507 28TH ST #1	SANTA MONICA	90405
Santa Monica	SqFt: 1,047	List Price: \$548,000	Bed: 2
12/28/2004	HOD: \$300	Sold Price: \$555,000	Bath: 1.75
Sold	2911 4TH ST #117	SANTA MONICA	90405
Santa Monica	SqFt: 1,511	List Price: \$650,000	Bed: 4
12/30/2004	HOD: \$275	Sold Price: \$650,000	Bath: 2.50
Sold	1335 9TH ST #2	SANTA MONICA	90401
Santa Monica	SqFt: 1,363	List Price: \$549,000	Bed: 2
12/29/2004	HOD: \$300	Sold Price: \$549,000	Bath: 3.00
Sold	938 16TH ST #2	SANTA MONICA	90403
Santa Monica	SqFt: 1,156	List Price: \$579,000	Bed: 3
12/28/2004	HOD: \$180	Sold Price: \$651,000	Bath: 1.75
Sold	1127 9TH ST #206	SANTA MONICA	90403
Santa Monica	SqFt: 1,394	List Price: \$720,000	Bed: 2
12/28/2004	HOD: \$330	Sold Price: \$708,000	Bath: 2.00
Sold	915 MARINE ST	SANTA MONICA	90405
Santa Monica	SqFt: 3,584	List Price: \$959,000	Gl: \$56,319
12/29/2004	Lot Size: 4,796	Sold Price: \$945,000	GRM: 17.00

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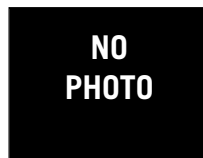
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DAYS ON THE MARKET

BY JODI SUMMERS

It was predicted a year ago that California real estate prices would level out in 2004, but that wasn't the case — the average home price in the Los Angeles area saw at least a 23 percent increase.

"The median price of a home in California continued its upward march, increasing by double digits for the 36th month in a row to \$473,260," declared Jim Hamilton, president of the California Association of Realtors (CAR).

In Santa Monica, the average price of a single family home in 2004 was \$1,350,000, as compared to \$995,000 in 2003 and \$853,000 in 2002, according to the Multiple Listing Service (MLS). Of the 328 homes that sold, it took an average of 37 days to sell the property.

In the condominium market, the MLS reports that in 2004 the average condo price in Santa Monica was \$625,000, as compared to \$465,000 in 2003 and \$445,500 in 2002. Of the 664 condos that sold locally in 2004, the average time it took for a property to sell was 35 days.

"Consumer demand and the low mortgage interest rate environment are still driving the market," said Leslie Appleton-Young, CAR's vice president and chief economist. "Time on the market has trended up to 40 days, an indication that

buyers are taking more time prior to making the purchase decision compared with the frenzied pace we witnessed most of this year."

Short-term interest rates have been rising throughout 2004, but long-term rates in the mortgage market have remained below 6 percent, making home purchases more affordable. A second factor has been exceptional economic strength and employment growth in a number of major markets.

California — which is home to 1/9th of the people in the United States — has seen some impressive housing increases. Nationally, the housing market has followed suite. In the third quarter of 2004 across the country, prices rose by 13 percent from the same period in 2003. That rate surpasses all annual increases during the last 25 years, according to the Office of Federal Housing Enterprise Oversight (OFHEO), the agency that tracks home prices around the country. Additionally, OFHEO found that the average house in three dozen major metropolitan areas gained more than 20 percent in value.

In the 12-month period of the study, Las Vegas led the housing boom with home prices gaining a stunning 41.7 percent in value — the highest annual rate of housing inflation ever measured for a large metropolitan area in the United States. Las Vegas has seen large influxes of new residents and jobs during the last several years. On the East Coast, houses in the Washington, D.C. metropolitan area gained 24 percent in the 12-month period. Our nation's capital also has experienced

Short-term interest rates have been rising throughout 2004, but long-term rates in the mortgage market have remained below 6 percent, making home purchases more affordable.

significant employment growth, thanks in part to higher federal spending. Miami and Fort Lauderdale homes rose by 23.5 percent on average.

Nevada's home prices grew the most over the past year at 35.8 percent, according to the National Association of Realtor's Homebuyer Income Gap Index. Hawaii came in second, with a statewide appreciation of 28.3 percent, followed by California at 27.2 percent; the District of Columbia at 23.9 percent and Rhode Island at 22.5 percent. The smallest increases occurred in Indiana, Utah and Texas.

Homes in some areas of Los Angeles and San Diego gained more than 30 percent. Calabasas saw the most impressive rise in Los Angeles County with a 59.5 percent increase, and in Inglewood home prices rose 53 percent.

"The house price gains lead to the natural question of whether these gains are sustainable," said Amy Crews Cutts, Freddie Mac's deputy chief economist. "Thus far, the annual growth rates are largely consistent with the market fundamentals of low interest rates, a lack of buildable land that restricts the amount of new supply hitting the market, and job

growth. I am hesitant to use the word 'bubble' because the fundamentals are still strong, but it is hard to believe that these very large increases will continue. However, absent significant job losses in a region — like we saw in California in the early 1990s when Los Angeles and San Diego together saw more than 575,000 jobs disappear over a period of three and a half years — house prices should not see significant declines."

Freddie Mac is a shareholder-owned corporation chartered by the federal government to maintain a constant flow of mortgage funds for the nation's housing market.

This year's continued growth of the housing market is fantastic news for home owners, but if you've yet to get into the California housing market, it continues to grow more difficult. CAR research has found that California households needed a stated income of \$108,310 to purchase a median-priced home at \$462,510 in the third quarter. The median income for the state was \$52,940 in the third quarter.

(For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219).

JODI SUMMERS

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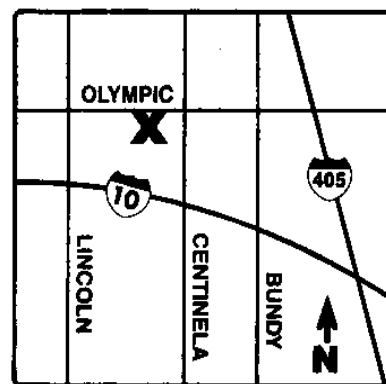
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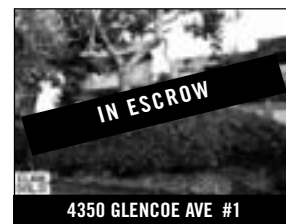
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Property 101: Defer it, or exchange it for a 1031



IN YOUR SPACE

BY CHRISTINA S. PORTER

In today's commercial real estate market, it's quite noticeable that the 1031 exchange buyers and interest rates are at record lows. Those two factors continue to fuel the high prices for investment properties.

Investors are finding it increasingly difficult to locate a replacement property with a cash flow that makes sense. When discussing an investment opportunity recently with another broker who deals mostly in large investments, I mentioned that the numbers didn't make sense and he responded, "Is there anything out there that makes sense?" From that moment on, I understood that my expectations were out of line. After succumbing to the unheard of prices being offered for properties all over Los Angeles — some owners I'm sure regret it — former building owners have become highly motivated buyers, which makes them less picky than a buyer without the pressure of whether the numbers make sense.

Instead of a straight sale of your property, you might consider a 1031 exchange for the following reasons:

■ You can defer capital gains tax and use the increased equity to purchase a

larger property or properties.

■ You may be spending more time than desired maintaining multiple investment properties. You can exchange several smaller properties to purchase one larger property that will require less of your time.

■ You may want to diversify and exchange a property in another city or state.

■ You may want to exchange out of one property that has a lot of equity for several smaller properties. If eventually you want to sell of some of the smaller properties, the tax burden would be significantly less.

If you are considering a 1031 exchange you will find the basic information below helpful.

What does 1031 refer to?

1031 is the number assigned to the Internal Revenue Code section that deals with the tax-deferred exchange.

Why is a tax-deferred exchange popular?

Investors utilize the 1031 exchange law as a way to defer paying taxes that would otherwise be due on the straight sale. It allows for greater flexibility in their investments and they can utilize all their equity to purchase another property or properties.

What is a delayed exchange?

A delayed exchange also is called a

"non-simultaneous," "deferred" or a "Starker Exchange." A delayed exchange is a tax-deferred exchange in which the replacement property is received after the transfer of the relinquished property.

What is a simultaneous exchange?

Also referred to as a "concurrent exchange," a simultaneous exchange is an exchange transaction in which the exchanger transfers out of the relinquished property and receives the replacement property at the same time.

Do I have access to my money during the exchange?

During the exchange transaction, your proceeds are put into an exchange trust account. This is done so you don't have "constructive receipt" of the proceeds. If you choose to cancel the exchange transaction after the sale of your investment property, your funds can be returned to you and you will be taxed on the gain from the sale.

After the transaction, when will I be required to pay the taxes?

When you sell the investment property again without doing an exchange.

If I own a piece of property and carry a note for the buyer, would this be considered a taxable event?

Carrying a note is considered "boot" and is taxable. For example, if you carry a \$10,000 note with interest only payments

of \$100 for five years, the \$10,000 is considered "boot" and you would pay tax on that amount. You have an option to pay tax on an installment basis. You do this by paying ordinary tax on the interest income each year, until the note is due, at which point you would pay capital gains tax on the \$10,000.

Can I buy and close on my purchase before I sell my property?

Yes. This is called a "reverse exchange." In September of 2000, new regulations were announced by the IRS to accomplish this type of exchange.

What is a boot?

A boot is any type of property received or given up in an exchange that does not meet the "like-kind" requirement. For example, if the exchanger receives a car, plane, cash or mortgage relief, he or she has received a boot, not real property, and will be taxed.

What is "like kind?"

Any type of real property held for investment or productive use in a trade or business will qualify.

(The above information is meant for informational purposes only and not intended to be taken as advice. Christina S. Porter is in the business of leasing and selling office and industrial buildings. She can be reached at (310) 806-6104 or cporter@naicapital.com).

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INTERNATIONAL



Scientists watched for tsunamis in wrong ocean

BY JANIS L. MAGIN

Associated Press Writer

EWA BEACH, Hawaii — For scientists at the Pacific Tsunami Warning Center, it happened in the wrong ocean.

For more than a half century, the Pacific center, in a seaside tsunami zone itself, has been monitoring the Pacific for earthquakes and the massive waves they can generate, which could hit Hawaii or nations around the world's biggest ocean.

The Indian Ocean is less well equipped to provide the crucial data needed to warn thousands of the approaching wave that killed thousands on Christmas day. The death toll is expected to hit 150,000 in 11 countries. Indonesian President Susilo Bambang Yudhoyono announced early Monday in Jakarta that the region will set up its own tsunami early warning system.

"It's just very, very frustrating," said geophysicist Stuart Weinstein, who was on duty at the Hawaii center when the powerful earthquake off Sumatra set off the alarms. "It's frustrating for us to learn about destructive waves from a wire report, as opposed to a tide gauge."

Because no instruments, such as tide gauges that measure sea levels, are set up to detect tsunamis in the Indian Ocean, Weinstein and other scientists could only surmise that the Indonesia quake would set off a tsunami near its epicenter. They had no way of telling what other shores it might hit or when.

The warning center's 185-acre com-

pound, where most of the scientists also live, sits two blocks from the beach on a vast flat stretch of land west of Pearl Harbor. The plain was home to sugar and pineapple plantations before subdivisions began spreading toward the water in the 1970s.

At the closest such warning center to South Asia, Weinstein and his colleagues tried in vain to warn nations in the region about a possible tsunami, but they were not equipped to monitor that part of the world, lacking even phone numbers for the right officials.

"I think people have a misconception about how much we know," said Charles McCreery, the center's director. Predictions are not possible without tide gauges or other such instruments in place, he said.

When a tsunami is generated in the Pacific, the scientists have plenty of data. Gauges are sprinkled around the Hawaiian Islands and off Alaska, the West Coast, Mexico and other Pacific Rim nations. There also are deep-ocean sensors that can sense tsunamis forming.

Another warning center in Palmer, Alaska, monitors that state and the West Coast.

Hawaii also hosts a system to distribute warnings to the United States and 25 other member nations participating in an international tsunami program. Although Indonesia and Thailand receive the warnings, Sri Lanka and India do not.

Hawaii has been dealing with the fear of tsunamis since 1946, when 159 people

died as a wave generated by an Alaska earthquake hit Hilo on the Big Island. The Pacific Tsunami Warning Center was set up two years later and has been at Ewa Beach since 1960, with a modern international warning system in place since 1965.

In Hawaii, state civil defense officials would take over once the warning center sounds the alarm, setting off sirens and broadcasting warnings for the public to evacuate coastal areas. Tsunami zones, evacuation routes and procedures are outlined in Hawaii telephone books. Many Waikiki hotels post the information for tourists.

"For the Pacific system, we have a good system," McCreery said. "We've been operating this for 40 years and have a lot of experience."

After first word of the Christmas quake, Barry Hirshorn, another geophysicist at the center, raced to the center, and within 15 minutes, he and Weinstein put out a bulletin about the quake, then believed to be a magnitude 8.0. A second bulletin 49 minutes later revised the quake's strength to 8.5.

Two hours later, they learned on the Internet of the tsunami that hit Sri Lanka.

Then officials from Sri Lanka began to call. First a navy commander, then someone in the president's office, the U.S. ambassador, and the port master.

The Sri Lankans asked the American scientists to call them if they heard anything more. After those calls, Weinstein and Hirshorn began looking at where the

massive wave was likely to strike next, and started making more calls to warn others.

"We tried to get people who had not yet gotten hit," Hirshorn said.

They managed to get through to Madagascar and the Mauritius Islands via the State Department in Washington. An official there said they would try to contact Kenya and Somalia.

Aftershocks from the Indonesian quake can continue for years, which means the threat of another tsunami remains, McCreery said.

Despite the lack of instruments in the Indian Ocean, the center is now at least equipped with phone numbers for officials in Sri Lanka in the event of another strong quake in the region, McCreery said.

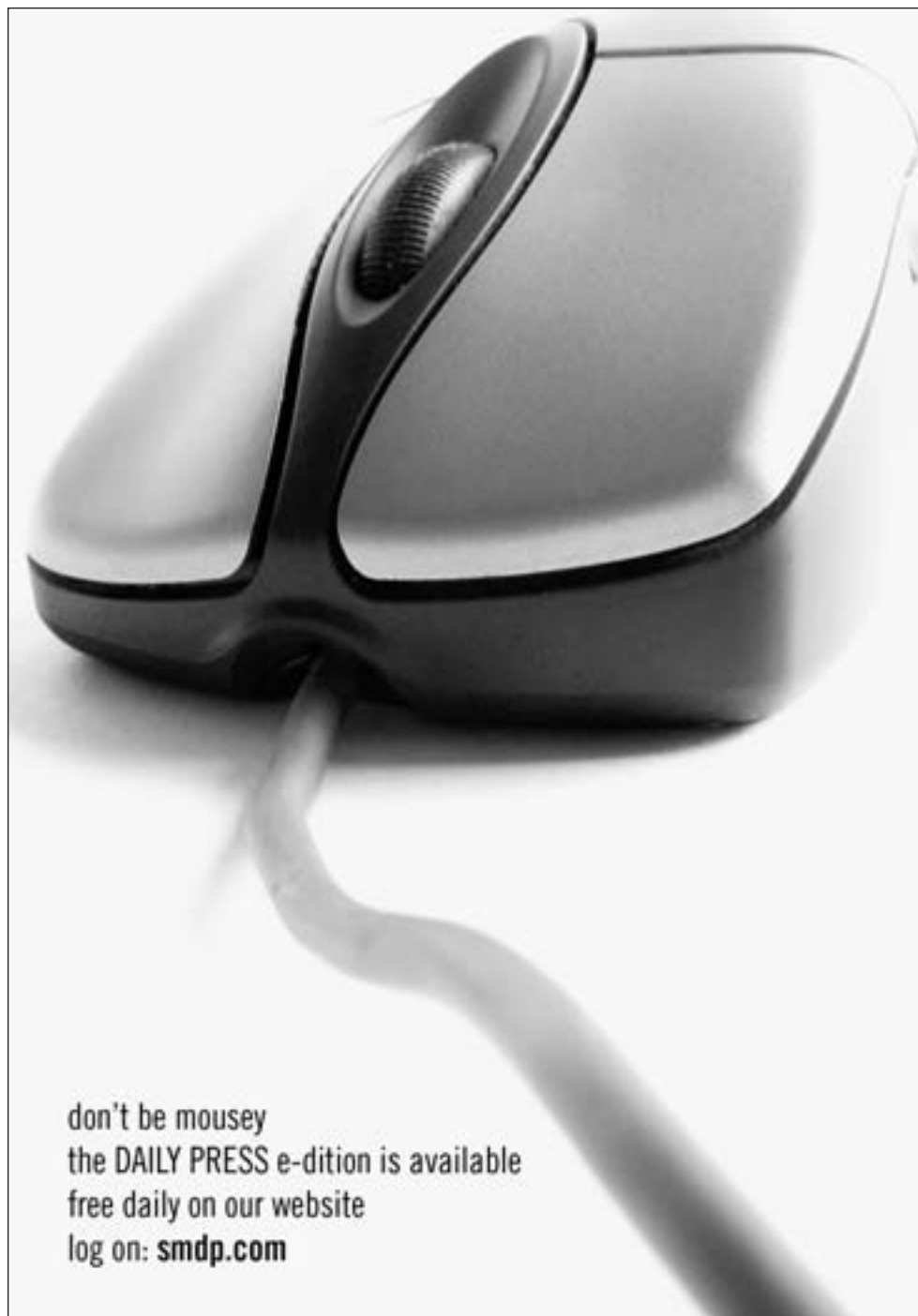
Federal officials are also looking to bolster the warning system in the Pacific.

Three years ago, the National Oceanographic and Atmospheric Administration installed sensors on the ocean floor to transmit tsunami data. Currently, six sensors are in place, although two are inoperative.

The plan was to someday place 20 sensors around the Pacific. Now, there's talk of making that happen in the next three years, said Jeff LaDouce, head of the Pacific tsunami program and director of the National Weather Service Pacific region.

The agency is exploring what is needed to develop a single warning program for all the world's oceans.

"It's a lot of world to cover," LaDouce said.



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