

Santa Monica Daily Press

A newspaper with issues

Tenants off the hook in landlord victory

BY DAVE DANFORTH

Daily Press Staff Writer

Santa Monica tenants who received past interest on their security deposits won't have to cough up any of it, according to a proposed settlement of a legal challenge to a city law.

The settlement will end a challenge in which a landlord rights group successfully shot down the law requiring those interest payments, which totaled about \$3 million. Negotiations have been underway since the ruling in the case last year.

The suit was brought by the Action Apartment Association, which alleged the 1999 Santa Monica law requiring landlords pay tenants 3 percent on their deposits was unfair. The landlords claimed that since banks were offering nowhere near that kind of interest on their bank accounts, they lost money. The loss, they complained, amounted to an illegal "taking" of property without due process.

The state's appeals court agreed last year in overturning the ordinance. What was left was to decide what to do about funds already paid out, and what to do with future tenant deposits.

The ruling didn't invalidate the ordinance on principle. Instead, it held that 3 percent was simply too stiff for landlords at a time when it was difficult to find a bank that would pay so much interest on a

security deposit account.

Under the settlement, no tenant will be expected to return anything paid under the ordinance — a practical impossibility anyway since many have moved. In addition, the city will agree to enact no

See VICTORY, page 5

Judge's ruling could have little effect on empty rent control units

Daily Press staff report

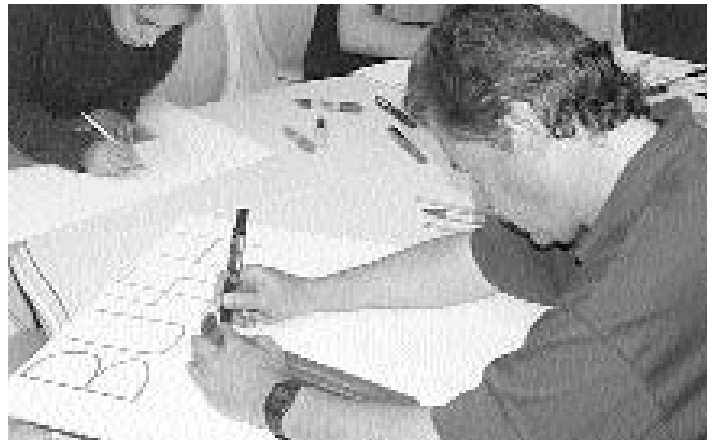
Santa Monica's Rent Control Board will continue charging landlords a registration fee for unrented units, even in the face of a judge's ruling that such a requirement is improper.

The \$132 annual fee helps operate the board, and is charged to landlords of all units on the rent control list whether rented or not. It is normally passed on to tenants who pay an additional \$11 per month.

But Donna Groman, a small claims commissioner, ruled against its use in a case in which a leading landlord rights lawyer was being sued for more than \$1,000 in such fees, which come with an interest penalty of 60 percent a year. She

See RULING, page 5

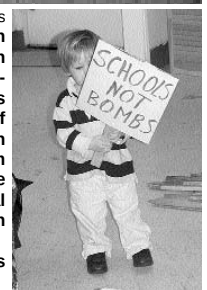
Anti-war painting



Andy Fixmer/Daily Press

Edward LaGarossa, of Santa Monica, paints an anti-war sign that he plans to march with on Saturday. LaGarossa, a Green Party member, will join a large coalition of groups in a massive show of resistance to the Bush administration's plans for a war in Iraq. The protest will be located at the corner of Olympic and Broadway, where the rally will begin at noon with speakers, including actor Martin Sheen and Vietnam veteran Ron Kovic. At 1 p.m., there will be a march to the Federal Building, which will include the Green Musical Marching Band. The rally will continue at that location with additional speakers beginning at 3 p.m.

Inset: David, of Santa Monica, gets ready to protest his views on the anticipated war.



L.A. to file lawsuit for state pollution requirements

By staff and wire reports

LOS ANGELES — City Council members voted to file a lawsuit seeking to overturn a state order that requires Los Angeles County to cut the number of pollutants that spill from storm channels into the ocean.

But Santa Monica officials believe the state order is well within its boundaries to mandate cleaner water.

"We don't believe the regional board overstepped its authority," said Craig Perkins, the city's environmental and public works management director. "It's in line with our programs."

The council's 9-3 vote in closed session Wednesday comes one day after the county Board of Supervisors took similar action.

The "zero-discharge" policy for runoff and treated sewage was adopted by state water officials in 2001. It requires the county and its 84 cities to inspect gas stations, restaurants, car repair shops and manufacturing plants that produce pollutants that are swept by storm water into the Santa Monica and San Pedro bays.

The five-year plan also called for local officials to sweep their streets more often and monitor waterways more closely for pollutants.

The county and 22 cities filed an appeal with the state, claiming the Los Angeles Regional Water Quality Control Board had overstepped its authority under the federal Clean Water Act. However, the state dismissed the cities' complaint, making way for local officials to file suit.

"If you want polluted beaches, streams and lakes, then go ahead and sue the state," said Mark Gold, executive director of Heal the Bay. "If you want continued contention between the public, the environmental community and the city, then go ahead and sue the state."

Local officials believe the cities should clean up urban runoff, but that the water quality board's standards are too expensive to implement.

Some officials have estimated that the state plan could cost the area as much as \$54 billion.

Man wants his Glock back

Semi-automatic pistol seized by Sheriff's deputies

BY ANDY FIXMER

Daily Press Staff Writer

Brian Giglio wants sheriff's deputies to return his Glock-9 semi-automatic handgun. Since they won't do it voluntarily, he has taken them to small claims court.

Marina Del Rey-based sheriff's deputies seized the gun when they responded to a call on Oct. 23, 2001, from a neighbor of Giglio's who overheard him and his fiancée passionately arguing.

"They took my gun when I had all the necessary permits," he said at his small claims hearing Thursday. "I legally owned the gun, and they still took it away from me."

When officers arrived, they detained Giglio as he was walking out of his apartment to his car, he said. They proceeded to

search him and ask him if he was armed.

Giglio said he told the deputies he was unarmed, but he had a Glock-9 in the apartment. After searching his home, Giglio said the deputies took the gun and had him evaluated by the department's Psychiatric Evaluation Team. A Glock-9 is a compact, semi-automatic .9 millimeter handgun that is often used by military and law enforcement personnel.

"They said it was loaded," he said. "But it wasn't. There was no magazine and there was no bullet in the chamber."

According to Giglio, after the incident he then spent some time in a hospital but he was never charged with a crime.

"There's no reason I shouldn't be able to get my gun back," he said.

But Richard Barker, an official representing L.A. County Sheriff's at the small claims hearing, said Giglio, who appeared in slacks and tie, had already unsuccessful

See GLOCK, page 6

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♈ ARIES (March 21-April 19)

★★★★ Pressure builds left and right. Discussions could trigger your nerves. You will think that others seem negative. Use your high energy with a particular goal. Excitement marks your day. Tonight: Whatever knocks your socks off.

♉ TAURUS (April 20-May 20)

★★ Take your time. You might unnecessarily jump to conclusions that could be unfounded, causing yourself a problem. Don't make any money decisions just yet, especially as so much could change. A boss could surprise you. Tonight: Get some extra sleep. You're going to need it.

♊ GEMINI (May 21-June 20)

★★★★ Your perspective changes quickly. At first you could be irritated by certain issues that seem to plague a relationship. Remember, the misunderstanding could also be on your side. Talk rather than close down. News flies your way. Tonight: Make hay while you can.

♋ CANCER (June 21-July 22)

★★★ Stay in contact with your needs, as well as others. Sometimes you feel pushed to the limit. Review a matter that might be close to your heart with a loved one. What you see as a problem could quickly pass with some thought. Tonight: A must show.

♌ LEO (July 23-Aug. 22)

★★★★ Push beyond your normal limits. Let a controversy work for you. See where you might be limiting your thinking. By stretching, you'll be able to incorporate a long-term goal. Still, an associate could surprise you. Tonight: Take off ASAP. Need I remind you it's Friday night?

♍ VIRGO (Aug. 23-Sept. 22)

★★★★ Your efforts touch someone close. You might want to consider how to help someone see a developing situation as you do. Besides explaining, there might be little you can do. Relax more with the moment. Accept that you cannot change someone. Tonight: Opt for closeness.

♎ LIBRA (Sept. 23-Oct. 22)

★★★★ Others distinguish the difference between a disagreement and your needing control. Distance yourself from the situation, and you'll gain another point of view. Surprises happen when you let go of a problem. Tonight: Go with plans.

♏ SCORPIO (Oct. 23-Nov. 21)

★★★★ Dig your heels in a project. You make the best out of a situation that stems from a misunderstanding. Perhaps you can backpedal; talk to each individual and clear the air. As a result, you'll get everything back on track. Tonight: Join the work gang.

♐ SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Stabilize what you consider a weakness. Work with your finances prior to making a mistake. Review a matter that is close to your heart with a loved one. Pressure builds, as someone wants it his or her way. Why not? Tonight: Let the chips fall where they may.

♑ CAPRICORN (Dec. 22-Jan. 19)

★★★ Visualizing and creating what you want could put you at odds with a family member. You seem to be walking into a double bind. Understand that there might be a way to make both of you happy. Work on dynamic thinking. Tonight: Stay close to home.

♒ AQUARIUS (Jan. 20-Feb. 18)

★★★★ You might not exactly be sure what is workable right now. Your caring way opens new doors with a friend or associate. Don't take someone's statements personally. This person could be out of sorts. Tonight: Cruise your favorite spots.

♓ PISCES (Feb. 19-March 20)

★★★★ Outside your immediate environment, you see many in discomfort and reacting to it. Take the time to think through a problem rather than reacting. A meeting could tumble into disarray. Let time work its wonder. You could be delighted. Tonight: Treat yourself to something new.



QUOTE of the DAY

"If you have never been hated by your child, you have never been a parent."

— Bette Davis (1908-1989)

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Phone: 310.458.PRESS(7737) • Fax: 310.576.9913
1427 Third Street Promenade, Suite #202 • Santa Monica, CA 90401

PUBLISHER

Ross Furukawa ross@smdp.com

EDITOR

Carolyn Sackarison sack@smdp.com

STAFF WRITER

Andrew H. Fixmer andy@smdp.com

NIGHT EDITOR

Patrick McDonald PRMcDonald@aol.com

PRODUCTION MANAGER

Del Pastrana del@smdp.com

PRODUCTION ASSISTANT

Alejandro C. Cantarero alex@smdp.com

CLASSIFIED REPRESENTATIVE

Angela Downen angela@smdp.com

CLASSIFIED REPRESENTATIVE

Paula Christensen paula@smdp.com

MEDIA CONSULTANT

William Pattnosh william@smdp.com

CIRCULATION MANAGER

Kiutzu Cruz kiutzu@smdp.com

SPECIAL PROJECTS

Dave Danforth dave@smdp.com

STAFF MASCOT

Maya Furukawa ross@smdp.com

LOCAL



The Q-Line

Residents hope laws will create change

This past week, Q-Line asked,

"Do you think the new law is really about protecting the public or is it to get rid of the food lines and subsequently the homeless?"

Here are your responses:

■ "I do believe the new law is about two things: protecting the public and getting rid of the food lines. Downtown Santa Monica looks really bad, and I think that's why people are not shopping on the Promenade. There is garbage and it smells in the parks. They stay because of the weather and free food. I am waiting to move from Santa Monica to Culver City. It's a disgrace!"

■ "Both. Considering that the homeless themselves present a considerable health risk to all the rest of us, I would say it's about time!"

■ "As a Santa Monica resident, I pray to God that this new law gets rid of the homeless. I hope that everything the city is doing to get rid of these miserable,

See Q-LINE, page 4

Loyola installs largest solar electric rooftop system

By Daily Press Staff

The largest solar electric rooftop system at any university in the world and the largest system in Southern California will be installed at Loyola Marymount University in early 2003, providing a cleaner, more efficient source of electricity from California's famous sunshine.

Due to an innovative partnership between Los Angeles' Loyola Marymount University, the Los Angeles Department of Water and Power, the Southern California Gas Company and solar electric company PowerLight, the 723-kilowatt hours peak solar rooftop system will be installed at Loyola Marymount's campus in Westchester on three of the university's largest buildings: Gersten Pavilion, University Hall and the Von der Ahe Library.

Estimated at a total outlay of more than \$4.3 million, the project expense will be offset by rebates — \$3.7 million from the LADWP, and \$325,000 from the Gas Company — resulting in an actual cost to the university of only \$325,000. LMU receives the \$325,000 from the Gas Company as part of a statewide program implemented by the California Public Utilities Commission.

Encompassing a combined 81,000 feet

of rooftop, the total project will generate roughly 880,000 kilowatt hours annually, producing enough clean electricity in the daytime to power more than nearly 150 homes in the Los Angeles area and resulting in an annual reduction of carbon dioxide emissions equivalent to driving a car more than two million miles—or the amount that can be consumed by about 233 acres of trees annually. Construction is expected to be complete on all three facilities by April.

"This is a big win for everyone," said Lynne B. Scarboro, Loyola Marymount University's vice-president for administration. "Loyola Marymount will have a cost-effective, reliable, non-polluting system that will save us more than \$120,000 annually, and we will be contributing to the well-being of our planet, and in particular, the well-being of Southern California. We're grateful for the support of the LADWP and the Gas Company, and applaud their efforts in helping us address the energy crisis."

By investing in on-site solar generation, Loyola Marymount will be able to effectively integrate solar electricity into its energy mix, thereby lowering operating costs, reducing purchases of expensive peak electricity, and doing its part to aid California's ongoing energy shortage. In

surf report

Information compiled by Jesse Haley

The big swell from the middle of the week continues to fade today. Expect decreasing height from Thursday, surf mostly showing in the waist- to chest-high range.

Fortunately the Santa Ana's also are fading, and should have a minor, if not negligible, effect in surf conditions this weekend.

Sources are tracking the next northwest swell. It's due to hit southern California Saturday morning. It will build into the evening and peak sometime early Sunday.

Saturday, waves should take an upturn heading for the shoulder to head-high at good breaks.

Sunday, promises slightly more size, head-high sets on the regular in the north, bigger in the south. El Porto may be too big and closed out to surf, but look for spots like Sunset, Topanga, and Zeros to go off, just to name a few.



Today's Tides:

High- 3:28 a.m. 4.35'
Low- 10:17 a.m. 2.12'
High- 3:20 p.m. 2.99'
Low- 9:00 p.m. 1.76'

Location	Friday	Saturday	Sunday	Water Quality
County Line	3-5'/Fair	4-6'/Fair	4-6'/Fair	A
Zuma	3-5'/Fair	4-6'/Fair	4-6'/Fair	A
Surfrider	2-3'/Fair	2-3'/Fair	4-5'/Fair	D
Breakwater	4-5'/Fair	5-7'/Fair	5-7'/Fair	A
El Porto	5-7'/Fair	5-7'/Fair	6-8'/Fair	A

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addition to generating electricity, PowerLight's solar roof system provides thermal insulation and protects the roof from weather and UV radiation, resulting in decreased heating and cooling energy costs and extended roof life. The solar electric system will spare the environment from thousands of tons of emissions such as nitrogen oxides, sulfur dioxide and carbon monoxide, which are major contributors to smog, acid rain and global warming.

The university has a history of being an environmentally conscious leader and has received numerous awards and recognition for its efforts. Recently, Loyola Marymount was awarded a \$21,250 grant from the Metropolitan Water District for its water conservation efforts. Launched in summer 2002, the conservation program began with the replacement of 85 water-energy guzzling top-load washers

with more water-efficient machines. The new washers use 56 percent less water than the previous models and save more than 2.5 million gallons of water and \$10,000 annually. In addition, the energy used to heat 300,000 gallons of hot water is offset by more than half.

The campus' recycling program also is one of the most comprehensive of its kind and has been recognized by California's Department of Conservation and the city of Los Angeles for its outstanding efforts. When it began in 1992, the university's recycling program was the first truly campus-wide recycling program in the western United States. The program has been praised as a national model for cost-effective institutional recycling by the College and University Recycling Council of the National Recycling Organization.

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OPINION

The Q Line

CONT., from page 3

flipping homeless does the job. Myself and all the residents on my streets along with other residents on other streets where I live are tired of it. We will do everything to get rid of them."

■ "Ultimately getting rid of the homeless is what every civilized society would want. Living on the street, eating out of garbage cans and then throwing up in those garbage cans (which is something I saw on the Promenade the other day) is not a mark of civilized society. It is a failed society. Anything that can be done to steer the homeless to get them off the streets and get them somewhat productive, I support."

■ "Laws are legislated by spatial

interests to be challenged and broken by other spatial interests. It keeps the judicial bureaucracy alive and kicking. The people who serve and supply food to the homeless are saints who walk among us."

■ "The way to protect the public and to protect the protect the public interest is to get rid of the damn bums."

■ "I do think the new law is about protecting the public. Right now, Santa Monica is in a very bad way. I'm smothered by homeless when I am there. They go through trash cans. I see rats on the Promenade. You could not pay me to eat or go there."

■ "I live in Santa Monica on Bay Street. I feel that the city is being reasonable about their view of feeding homeless in the parks. I think other communities do not respond in the same way Santa Monica does. We should have some con-

trol over how many people are fed here. I do feel that it is not a political issue but an issue of fairness."

■ "As the saying goes, 'There but for the grace of God go I.' And during these horrific times, aren't we all a job, a paycheck or maybe an unemployment benefit away from this plight? Whose health are we talking about here? I think the homeless lack of food is a serious health risk. For the few and decent people left in Santa Monica, and I do mean few with heart and soul, to me it's unconscionable to condemn these kind human beings. Maybe some of these heartless people who reside here and go to bed at night with full stomachs may some day find themselves in this position can only hope for their forgiveness of their selfish and petty ways and are fed a warm meal at sometime."

■ "Even if politics is behind the new city ordinances, I believe the city has the

right approach in tying the feeding and care of the homeless with organized programs to really get them off the street. On the other hand, the National Lawyers Guild has no real compassion, and are simply a front group using the homeless for their opportunistic and extreme political agenda."

■ "The new laws are really about getting the homeless out of sight, out of mind. Canceling the food lines will not get rid of the homeless. It will increase panhandling, petty theft, dumpsite diving and possibly food poisoning cases as well. The health issue is bogus. I've gotten far sicker from OPCC than I ever have in an outlawed food line."

■ "Yes, I think the new law is really about protecting the public. And if it has the effect of limiting the number of so called homeless in Santa Monica, so much the better."

Lawsuit over homeless feedings a kick in the teeth



MY WRITE

By Bill Bauer

(Editor's note: Someone else besides Bill Bauer apparently likes the newspaper column title of "As I See it" as the Daily Press learned on Thursday that it's federally trademarked by — as coincidence would have it — another Santa Monica resident. It is for this reason, Bauer has changed the name of his column to "My Write.")

I'm fed up with sanctimonious advocates for the down-and-out who complain that Santa Monica doesn't do enough for the homeless.

I see red when a bleeding heart says "shame on Santa Monica" because its citizens don't like being overrun by vagrants.

I resent homeless advocates who use the courts as bully pulpits to force their agendas on us while ignoring those cities who do nothing but send transients here.

Last week, the National Lawyers Guild, a homeless advocacy organization, filed a federal lawsuit against the City of Santa Monica to stop enforcement of an ordinance that would severely restrict

public feedings on city property.

The lawsuit challenges the constitutionality of recently enacted municipal codes that would require persons or groups conducting public feedings to meet Los Angeles County health and safety code requirements for handling and serving food as well as obtain a city event permit if they are feeding 150 people or more.

Each week, approximately 40 groups — most of them are from outside the community — distribute free food, primarily in Palisades Park. It's widely accepted that this practice attracts and maintains large numbers of transients in our community.

Last Friday, James Lafferty, executive director of the NLG's Los Angeles chapter, said, "Santa Monica, to its everlasting shame, has made an immoral bargain with the devil."

Former city attorney Robert Myers (fired in 1992 for refusing to write an anti-camping in public ordinance) worked on the lawsuit. Both Myers and his attorney/wife, Linda Sullivan, had warned of legal challenges when the ordinance was passed by the City Council a couple months ago. Sullivan is the chairperson of the city's Pier Restoration Corp. and a member of the Santa Monicans for Renters Rights steering committee.

Another NLG attorney, Paul L. Mills, represents homeless activist David Busch and the Los Angeles Coalition to End

Hunger and Homelessness — plaintiffs in a lawsuit filed against the city last April. The suit alleges Busch's civil rights were violated when he was arrested for violating a municipal code that prohibits camping on public property.

The National Lawyers Guild supports "Helping Other People Eat," a westside food distribution program that hands out meals to the homeless. HOPE volunteer Paul M. Gymkowski was quoted in the Jan. 4, 2003, Daily Press, saying "... the council is collecting a whole lot of bad karma that could be devastating to the city at some point."

Say what?

The City of Santa Monica spends \$2 million in city funds — our tax money — directly on 10 homeless service agencies. It also solicits millions more in funding grants from county, state and federal sources.

Tens of millions of dollars are spent annually on law enforcement, legal and medical costs incurred by the transients on our streets. Yet it seems as though homeless advocates continually carp, complain or file lawsuits when they feel we aren't being hospitable enough.

This is all a kick in the teeth to a community that's done more for the homeless than any other municipality in the state, and probably the country. We are so successful at providing services, we have an international reputation for being friendly

to homeless and are literally overwhelmed by those seeking a hand and a handout.

Many residents feel the situation is out of control and want to see services and the number of transients trimmed to a manageable level, but pro-homeless advocates seem to disagree and demand that the status quo be maintained and the rest of us be damned.

Most area communities such as Manhattan Beach, El Segundo, Fullerton, Mission Viejo, etc., do little or nothing for the homeless and don't endure the complaints or get sued like we do. Many of those municipalities advise transients to leave town and go to Santa Monica where the services are.

I guess that's not a violation of anyone's civil rights or worth suing over.

I don't like do-gooders such as James Lafferty, Paul Mills, Robert Myers and the others who ignore me and my neighbor's right to a quiet, peaceable community without the potentially dangerous component of a large transient population.

The courts will decide the merits of the NLG and Busch lawsuits. If they lose, then I hope the city goes after the plaintiffs and seeks reimbursement for legal expenses and damages of its own. Then, maybe homeless advocates will pick on some other deserving city for a change.

Bill Bauer is a longtime Santa Monica resident and regular columnist.

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.

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LOCAL



Landlord rights group loses bid to overturn city law

VICTORY, from page 1

replacement law for at least three years as a sort of compensation for the time its law was in effect.

After that, the city could require landlords to begin paying tenants again, but no more than the actual amount a landlord earned in interest on a tenant deposit.

The interest payment requirement was a raw blister which chapped landlords already sore at a City Hall firmly in the grip of tenant advocates. Rent control was instituted in Santa Monica when Santa Monicans for Renters Rights came to power in 1979.

"There's no reason for (a landlord) to have to travel across town just to get a half a percent more interest, and the city shouldn't force you to do that," said Action's president, Santa Monica lawyer and landlord Gordon Gitlen.

The Action Apartment Association, chaired by Gitlen, has been active in attempting to curb what its members felt were abuses in the city's administration of rent control. But it is not always successful.

On Thursday, it lost a bid to overturn

Santa Monica's 1995 Tenant Harassment Ordinance when a Los Angeles judge ruled the group lacked standing to sue and that its arguments had no merit.

Superior Court Judge Roy L. Hart threw out the May 2002 challenge, the fifth mounted by landlords against the law. Landlords sought to invalidate a part of the ordinance prohibiting an eviction based on facts or theories they know to be groundless. They threw some 15 different theories at the ordinance, including freedom of speech, discrimination and due process.

Judge Hart threw them all out with his ruling. He also held that the landlord's group lacks "standing," or the precise legal position from which to sue. It is often difficult in law to overturn an ordinance in theory, rather than the midst of a case in which it is being used.

On the other hand, Gitlen himself won a minor victory when he persuaded a small claims commissioner that it wasn't proper for the Rent Control Board to charge him registration fees on a unit which, while under rent control, wasn't actually being rented but was used for a caretaker.

'Shack' owner wins case

RULING, from page 1

held that a "controlled residential rental unit" in the Santa Monica law had to be actually rented in order to make it liable for the fee.

Gordon Gitlen, president of the Action Apartment Association, challenged the city's attempt to charge him for what he called a "shack in the back" of his lot on Yale Street near Santa Monica Boulevard, which is now on the market for \$800,000. Gitlen said his caretaker and her husband had lived there a long time, although he didn't move to formally take the unit off the rent control rolls until August.

A small claims ruling holds only in the case for which it is handed down, although it may be cited by others in similar straits. The board's declaration probably has little effect on other landlords, since most property owners withdraw non-rented units from rent control, which is possible by pledging not to rent them. An earlier requirement that they may be occupied only by the owner or relatives no longer applies, said board attorney

Keith Kresge.

"This unexplained ruling really has no effect on our ability to charge the fee," Kresge maintained.

Small claims cases may have written rulings, but in practice they normally lack them. So Commissioner Groman simply ruled for Gitlen without explanation. However, she indicated informally that hers was a "statutory interpretation." Other landlords who sought to escape the fee for unrented units could point to the ruling in search of added weight, although a future commissioner would be under no obligation to agree.

The Gitlen case was unusual, since he couldn't explain why he let the fees pile up for so long. He guessed that his law office had automatically paid the fees for a time until he stopped paying without going through the process of taking the unit off the rolls.

Kresge pointed out that while a 60 percent annual late fee appears steep, it is legal. He said it is meant as a stiff deterrent to those who'd otherwise avoid paying it.

Local Sports

Santa Monica High Vikings win Bay League opener

By Daily Press staff

The Santa Monica High School Vikings (1-0) opened up with a win over Mira Costa High to begin Bay League competition. The first half remained scoreless, due in part to both goalkeepers protecting their nets very well. Then in the second half, Samohi began to penetrate the Mira Costa defense. On an attacking cross into the Mira Costa 18-yard box, senior midfielder Corey Prost jumped high to meet the ball with his head. At the same time, a Mira Costa defender pushed him, which immediately was called by the referee. The Vikings were awarded a penalty kick and made the most of the situation. Senior right midfielder Josh Rodriguez put away the shot in to the back, left-hand corner of the goal, beating the Mustang keeper. Senior goalkeeper Daniel Islas recorded the shut out with five saves.

Up next, the Vikings will travel to Peninsula for a Friday, 2:30 p.m. match. Then on Monday, they'll play at home at John Adams Middle School against Ocean League opponent South Torrance, with a 3 p.m. kickoff.

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LOCAL □ STATE

‘Bumfights’ video played for judge at trial hearing

By The Associated Press

EL CAJON — A judge's jaw dropped and a witness covered his eyes Thursday as a prosecutor played the “Bumfights” videotape during a hearing for four men accused of offering homeless people beer, doughnuts and money to fight.

The witness, Peter Laforte of San Diego, said the filmmakers paid a homeless woman \$20 to attack him in a public restroom in 2001.

“She said they would pay her money to fight someone; she was hungry; she needed money to eat,” Laforte testified in the first day of a preliminary hearing.

Egged on by the filmmakers, the woman, known by the nickname “Porkchop,” attacked Laforte in a restroom in San Diego's Ocean Beach neighborhood, he said. The explosive brawl that ensued is the first scene on the videotape, “Bumfights: A Cause for Concern,” which was sold over the Internet for \$20 a copy.

The defendants — Ryan McPherson, 19; Zachary Bubeck, 25; Daniel J. Tanner, 21; and Michael Slyman, 21 — pleaded innocent Thursday to charges of battery, illegal fight promotion, conspiracy and soliciting an assault with deadly force.

Judge Lannie Brainard, who will decide whether there is enough evidence to proceed to trial, watched openmouthed as scenes from the tape were played. Laforte covered his eyes, saying he was ashamed he hit the woman several times in the face.

“I feel bad about punching this girl,”

he said.

The filmmakers, however, were pleased at the time.

“They were very happy,” Laforte said. “They said the footage was very good.”

The video, promoted by radio shock jock Howard Stern and denounced on the floor of the House of Representatives, has sold about 300,000 copies at \$20 each, according to police in the San Diego suburb of La Mesa.

In one sequence, a homeless man named Donald Brennan is shown having sex with a woman described as a drug-addicted prostitute after the filmmakers paid \$100 to have “Bumfight” tattooed on his forehead. Brennan has said the tattoo is a mark of shame and the filmmakers took advantage of his alcohol dependence to get him to agree.

But Eric Blose, who applied the tattoo last year, said Brennan was not forced into anything and appeared sober at the time.

“I do have morals,” Blose said. “I would not place a tattoo on the forehead of an individual who didn't want one.”

Blose said he asked Brennan three times if he knew what he was doing, reminding him that society doesn't approve of forehead tattoos, but Brennan seemed not to care.

“He told me he was going to be a movie star,” Blose said.

The filmmakers are being sued by Brennan and Rufus Hannah, described on the film as “Rufus the Stuntbum,” for assault and battery, intentional infliction of emotional distress and civil rights violations.

Sheriff's department may have destroyed hand gun

GLOCK, from page 1

fully tried to retrieve his gun through a San Fernando court.

At the sheriff's department's urging, the judge in that case had Giglio evaluated by a court-appointed psychiatrist who believed the gun should be withheld from Giglio, Barker said. The judge agreed and ruled against him, Barker said.

“The whole thing is morally corrupt,” Giglio told the court Thursday. “I saw their psychiatrist for less than five minutes. He looked at my clothes and basically made up his mind.”

Barker said the gun — which Giglio said is worth more than a \$1,000 — may have been destroyed after the San Fernando judge's ruling.

“Not sure if the weapon has been destroyed or if it's still being held safely,” he said.

Barker argued a previous court had already ruled on the case and therefore it couldn't be retried in Santa Monica, and he said Giglio has filed a tort case in Los Angeles Superior Court for the return of the gun as well.

But Giglio said the Small Claims Advisory Board said he could seek recourse through a small claims proceeding. Commissioner Donna Groman said she was inclined to deny Giglio's claim with prejudice, but she instead scheduled another hearing on Feb. 12.

She has asked Giglio to return with a legal citation showing her that Santa Monica Small Claims Court has jurisdiction over his case.

“The whole thing is morally corrupt. I saw their psychiatrist for less than five minutes. He looked at my clothes and basically made up his mind.”

— BRIAN GIGLIO
Plaintiff

“If you have already filed a petition for the return of a firearm that has already been dismissed, I may not have the legal grounds to do what you are asking,” she said. “So before we continue, I need to see some kind of legal authority that I can hear this case.”

Giglio succeeded only in out-dressing the sheriff's representative in Round One. While Barker showed up in sweater and jeans, Giglio donned slacks and a tie.

STATE



L.A. Catholic church faces lawsuits



Ric Francis/Associated Press
Attorneys Raymond P. Boucher, left, and John Manly, both representing abuse victims, respond to questions from reporters in Los Angeles, Wednesday. Lawyers representing victims of priestly sex abuse and the Archdiocese of Los Angeles developed a framework to consolidate up to 500 cases before a single judge.

Small business owners, lawmakers tackle law

By The Associated Press

SACRAMENTO — In the fight against unfair business practices, consumer advocates often turn to a decades-old law that allows private attorneys to sue on behalf of the general public.

But California's Unfair Competition Law, critics charge, is being abused by attorneys who file mass lawsuits against small businesses — many of them in ethnic and immigrant communities — and demand thousands of dollars in settlements.

Now, state officials and small business owners are trying to amend the law, saying it encourages frivolous lawsuits, in a move that could pit California business owners against trial lawyers.

Sharon Arkin, board secretary of Consumer Attorneys of California, acknowledges there have been abuses of the law but said it "shouldn't be messed with."

"There isn't a problem with the law," she said. "There's a problem with some attorneys who are using the law inappropriately."

In December, then-Attorney General Bill Lockyer called for an investigation into a number of Southern California law firms that he likened to extortionists.

Among them was the Trevor Law Group of Beverly Hills, which over the past year has filed thousands of suits against restaurants, nail salons and auto-repair garages. The State Bar Association, upon Lockyer's request, launched an investigation into the group last month.

Damian Trevor of the Trevor Law Group failed to return phone calls from The Associated Press seeking comment.

Jacci Fletcher, whose husband owns Arcadia Ultimate Automotive, says she was shocked when the Trevor Law Group sued them based on a paperwork violation from the Bureau of Automotive Repairs. The lawsuit asked for all profits made since the violation was issued, which was three years ago, Fletcher said.

Fletcher spoke with other auto repair shop owners and discovered they had

been served similar lawsuits and then offered settlements of a couple thousand dollars. The plaintiff, listed as Consumer Enforcement Watch Corp., shares the same address as the Trevor Law Group, according to the secretary of state and State Bar Association Web sites.

"You get this lawsuit that's totally legal and your attorney says you should settle because it's cheaper than fighting it," said Fletcher, who is challenging the lawsuit despite the cost. "It's just destroying small businesses. I can afford to defend myself, but a lot of business owners can't."

On Friday, Fletcher and other business owners are set to meet with consumer activists, attorneys and lawmakers, including Assemblyman Lou Correa, D-Anaheim, who has introduced a bill aimed at reforming the law.

The Senate and Assembly judiciary committees are set to hold a legislative hearing to discuss the law on Tuesday.

"Hardworking business owners who are trying to achieve the American dream are being hit with frivolous lawsuits," Correa said. "But like any other fraud, it takes a little while to figure out exactly what is going on. That's what we hope to find out at this hearing."

However, some consumer advocates worry that amending the law would undermine an important tool in the fight against false advertising, price-fixing and other unfair business practices.

"The law is an important avenue to protect California consumers," said Gail Hillebrand, senior attorney at the Consumers Union, which publishes the publication "Consumer Reports."

In 1992, the Consumers Union went after Alta-Dena Certified Dairy for false advertising after it ran ads touting the health benefits of raw milk. Hillebrand said the milk can be dangerous to young children, and the consumers union successfully sued to stop the advertisements.

She said more public oversight or court approval of settlements would be a better solution than amending the law.

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Santa Monica Daily Press

NATIONAL

El Nino is in its mature stage, should linger through end of spring

BY RANDOLPH E. SCHMID
Associated Press Writer

WASHINGTON — Storms batter California. Snow piles up in the Northeast. Dry weather persists in the Ohio Valley.

Blame El Nino, the periodic Pacific weather phenomenon that has been disrupting weather worldwide.

Federal forecasters predicted Thursday that it will continue through spring before easing back toward more normal conditions.

The El Nino phenomenon has reached its mature stage, the National Weather Service said in its monthly update.

The agency's Climate Prediction Center said sea surface temperatures in the equatorial Pacific Ocean remained more than 2 degrees Fahrenheit above average in December. Temperatures below the surface were above normal in the eastern Pacific, while cold subsurface temperatures were recorded in the western equatorial Pacific.

"These sea-surface temperatures indicate the mature phase of El Nino is in place," said center director Jim Laver. El Nino occurs when sea-surface temperatures in the equatorial Pacific Ocean remain above average for more than several months.

This can affect the atmosphere above the ocean, disrupting the powerful winds that steer weather patterns and potentially affecting weather around the world.

"Typically, El Nino impacts on the U.S. are strongest during the winter and early spring due to changes in the jet stream, and the pattern of storm activity," said Vernon Kousky, lead El Nino forecaster. He added this El Nino will continue to remain weaker than the strong 1997-98 version.

The forecasters say El Nino is likely to continue producing drier-than-average conditions around the Ohio Valley states and northern Rockies; wetter-than-average conditions along much of the southern tier of the nation; and warmer-than-average temperatures across the northern tier states and southern and southeastern Alaska.

Storms in recent weeks have helped ease drought conditions along the Gulf

Coast and Southeast from Texas through Georgia, though some interior areas remain dry.

The precipitation has restored many wells and reservoirs in the East to near normal levels, with some even above-normal.

Rain and snow storms have battered California. The snow pack has increased to above-normal levels there, but drought conditions remain throughout sections of the interior West and Great Plains.

"These sea-surface temperatures indicate the mature phase of El Nino is in place."

— JIM LAVER
National Weather Service

Drought has continued with little improvement in most of Montana, Wyoming, Utah, Nevada, Arizona and New Mexico, the Weather Service said. Colorado has experienced early season snows, but much more is needed for significant drought relief, Laver said.

In addition, there has been below-normal rain and snow for the past few months in North and South Dakota and Nebraska and there has been little relief for drought-weary sections of Missouri and Kansas. Drought conditions extend from Michigan into southern Iowa, and could expand both northward and southward in coming months.

El Ninos occur every three years to seven years with the ocean returning to more normal temperatures in between. Sometimes an unusually cool condition called La Nina can occur, which also affects the weather.

While forecasters cannot predict these events months in advance, in the past El Ninos tended to be first noticed around Christmas, when South American fishermen would see a sudden decline in the fish crop. Because of the timing the named the event El Nino, Spanish for "little boy" and a term also used for the Baby Jesus.

Man dies 8 years later after being punched in school fight

By The Associated Press

WEST BLOOMFIELD TOWNSHIP, Mich. — A man left comatose after a school-yard fistfight eight years ago has died, and police said they want new charges filed against the former classmate who hit him.

Zuhair "Steven" Pattah, 25, died Wednesday at a nursing home in Flint. An autopsy was scheduled for Thursday.

"We've pulled the file. We're definitely going to do the investigation and submit it to the prosecutor for reconsideration," Lt. Carl Fuhs said.

Pattah was punched in the face by Desmon Venn in 1994 outside their high

school. Pattah fell backward and hit his head on the pavement, witnesses said. The fall severed his brain stem.

Venn, now 26, was convicted of misdemeanor aggravated assault and sentenced to two months in boot camp and probation. The judge ruled that Venn did not intend to seriously injure Pattah.

His lawyer then, Elbert Hatchett, said new charges are not warranted because the case was closed when Venn pleaded guilty.

Pattah's family said they hope new charges will be filed.

"All we want to see is justice," said Pattah's sister, Lana Murad. "My brother lost 10 years of his life, and then he died. He never spoke another word."

NATIONAL

Government says gas prices will rise by summer

BY H. JOSEF HEBERT
Associated Press Writer

WASHINGTON — Gasoline prices are expected to climb steadily over the next three months because of high-priced oil and the unlikely prospect of significant supplies from Venezuela before summer, the Energy Department says.

The administration has given no indication it is ready to release oil from emergency reserves to counter tight supplies. The head of the department's statistical agency agreed Thursday it's "too close a call right now" to tap the government oil stocks.

Gasoline prices nationwide are expected to average \$1.54 a gallon by mid-spring, about 10 cents a gallon higher than this week's national average, according to the department's Energy Information Administration.

Summer prices are likely to be even higher as fuel demand historically increases in June with the coming of the summer driving season. And the EIA said the shortage of crude from Venezuela could cause regional price spikes.

Such spikes already have been reported sporadically. The day after Christmas, gasoline jumped 16 to 20 cents a gallon overnight in several cities in Ohio and Kentucky. Some refiners on the Gulf Coast are asking for government reserves, fearing a shortage of crude to make gasoline.

The EIA projections do not take into account the turmoil over Iraq and assume that oil from that country will continue to be available at about 2.4 million barrels a day.

Last year, Iraq produced about 2 million barrels a day on average. Economists and energy expert have said serious worldwide crude shortages could develop if war erupts in Iraq and the country's imports disappear while Venezuela's oil fields remain crippled.

Guy Caruso, EIA's director, said that even if Venezuela's political problems were resolved by February oil production

there would not likely return to normal for about four months.

"Venezuelan production almost certainly will continue to be below pre-crisis levels for several months" once the country's political crisis is resolved, said the agency in a report.

OPEC oil ministers have indicated that they will boost production by 1.5 million barrels a day when the group meets this weekend to counter the loss of Venezuelan oil. The Bush administration has quietly been lobbying some OPEC states to boost production even more.

Caruso acknowledged that additional OPEC oil will not have an immediate impact since it takes at least 45 days for

oil from the Middle East to reach the United States.

"We're watching that very carefully," said Caruso, adding that more Middle East production might result in additional European stocks of refined gasoline being shipped to the United States.

While crude oil inventories are below what many view as comfortable, "a positive sign" is that gasoline inventories at this time are "in reasonably good shape," Caruso told reporters at a news conference.

Caruso, emphasizing that his agency is not involved in making policy decisions, sought to sidestep questions about tapping the federal Strategic Petroleum Reserve to make up supply shortages.

"Obviously a lot of factors go into that decision," he said. "I think it's too close of a call right now."

Administration officials, including senior White House officials, have said repeatedly in recent weeks that no consideration is being given at this time on using any of the 592 million barrels of oil kept in the emergency reserve to ease supply pressures.

Some oil companies have urged the administration to make some of the oil available as have some members of Congress. Rep. Billy Tauzin, R-La., said several Gulf Coast refineries could run out of oil if the Venezuela situation does not improve and the government does not act.

Obesity cuts life span for young adults, too

BY LINDSEY TANNER
AP Medical Writer

CHICAGO — Being obese at age 20 can cut up to 20 years off a person's life, with the biggest impact on black men, according to yet another study that underscores the long-term dangers of being overweight.

The research appears in Wednesday's Journal of the American Medical Association and was released a day after another study that said that being fat at 40 shortens a person's life by at least three years.

The JAMA study, led by University of Alabama at Birmingham biostatistician David Allison, found that life expectancy for 20-year-olds with a body-mass index of at least 45 is 13 years lower for white men and 20 years lower for black men, compared with people of normal weight.

Body-mass index is a height-to-weight ratio; 30 and above is considered obese. A person who is 5-foot-4 and 262 pounds would have a BMI of 45 — and look like a sumo wrestler. But millions of Americans are that fat, Allison said.

The life-shortening effects were found to be lower for 20-year-old severely obese

white women (eight years of life lost) and black women (five years lost).

Obesity increases the risk for several life-threatening conditions, including heart disease, diabetes and some types of cancer. Allison said younger people are especially vulnerable, in part because they have more years to live and more time for the obesity to take its toll.

Dr. JoAnn Manson of Harvard's Brigham and Women's Hospital said the study helps emphasize that obesity is far worse than just "a cosmetic problem."

Until this week, data attempting to quantify the effects of obesity on life span were scarce.

In Tuesday's Annals of Internal Medicine, Dutch researchers presented data on about 3,400 mostly white, middle-aged Americans. The researchers found that being overweight at 40 is likely to reduce life expectancy by at least three years — as much, they said, as smoking cigarettes. Obese, or severely overweight people, lost even more years — about six or seven.

The JAMA study was based on an analysis of nationally representative surveys of more than 14,000 Americans.

Life-shortening effects were less dramatic in people who were less obese. And there were startling racial differences in how fat people had to be before life expectancy started to drop.

In blacks, life expectancy was not shortened in obese men with BMIs under 31 and in obese women under 37. But in whites, reductions of about one year occurred in young people who were merely overweight — in men with a BMI of about 25.5 and in women with a BMI of about 27.5.

BMIs between 25 and 30 are considered overweight; the ideal is between 18 and 25.

Allison said the reasons for the racial differences are unclear. But some researchers have speculated that blacks may have relatively more lean mass, or muscle, than fat.

A JAMA editorial said the differences may be due to limitations in the study.

"It would be a great disservice to blacks if these results were used to promulgate the concept that excess weight is not harmful to them," said Manson and Shari Bassuk of Brigham and Women's Hospital.

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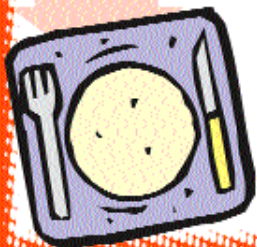
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NATIONAL



Kathy Willens/Associated Press

Chief U.N. weapons inspector Hans Blix, left, smiles as he talks to reporters while entering the United Nations Security Council for a briefing on the U.N. weapons inspectors' report on Iraqi weapons of mass destruction, Thursday, at United Nations in New York.

U.S.: Iraq has failed to prove it has destroyed weapons

By The Associated Press

WASHINGTON — A report from U.N. weapons inspectors supports the U.S. position that Iraq has so far failed to prove it does not possess weapons of mass destruction, the White House says.

"The problem with guns that are hidden is you can't see their smoke," said Ari Fleischer, press secretary to President Bush. "We know for a fact that there are weapons there."

The U.S. assertion came despite a statement from chief weapons inspector Hans Blix that no "smoking guns" have been found in inspectors' two months of searching Iraq for banned nuclear, biological and chemical weapons. Blix and counterpart Mohamed ElBaradei, who heads the International Atomic Energy Agency, briefed the United Nations Security Council in New York on their assessments of Iraq's 12,000-page weapons declaration.

Blix also told reporters before the briefing that Iraq's claim in its declaration that it has no such weapons is impossible to verify. "We think that the declaration failed to answer a great many questions," Blix said.

That conclusion is in line with U.S. statements that Iraq has not yet met the burden of proof laid out by the U.N. resolution ordering President Saddam Hussein to disarm, Fleischer said.

"The inspectors themselves have concluded that Iraq failed to make a serious effort to respond to this information that the world has required," he said.

In the report, weapons inspectors chide Iraq for merely maintaining it does not have weapons of mass destruction, instead of presenting credible evidence to prove it. Among the "discrepancies and inconsistencies" cited by the inspectors are Iraqi statements involving special munitions, missile engine imports, the chemical agent VX and the full list of

people who worked on weapons of mass destruction programs, Fleischer said.

Both Blix and ElBaradei said the inspections process needs more time.

Still, Fleischer maintained their briefing "gives ongoing cause for concern to the world."

Blix is to give the Security Council a formal report on the inspections on Jan. 27. Washington has identified that deadline as the point at which President Bush would begin deciding whether to go to war to disarm Saddam.

British Prime Minister Tony Blair, who has been a key ally of Bush's in rallying world opinion around confronting Saddam, said that date should not be seen as a deadline for conflict.

"We are in the middle of a process. The U.N. inspectors have just, at the beginning of the year, got their full complement of inspectors there," Blair told government ministers in London, according to his spokesman.

Bush has set no deadline, and wants to inspectors to continue their work, Fleischer said in seeking to dismiss the significance of the Jan. 27 date. He also suggested that the United States' ongoing military buildup in Saddam's neighborhood was a posturing tactic designed to encourage the Iraqi leader to comply with U.N. requirements.

"It is an important reporting date and we will see what they have to say," the Bush spokesman said of the inspectors. "The military has effective influence on diplomacy and making sure that Saddam Hussein understands that he needs to comply. Because if he doesn't, the United States has the means and the ability to make him comply."

After his last briefing to the council on Dec. 19, Blix urged the United States and Britain to hand over any evidence they have about Iraq's secret weapons programs so U.N. inspectors can check it.

INTERNATIONAL



Sharon says he didn't know about \$1.5M loan

BY DAN PERRY
Associated Press Writer

JERUSALEM — An angry Ariel Sharon said Thursday he did not know about a \$1.5 million loan from a longtime friend to his sons — the center of corruption allegations that for the first time seriously threaten the prime minister's prospects for re-election on Jan. 28.

A few minutes into his prime-time news conference, Sharon was yanked off the air. The head of Israel's Election Commission deemed the prime minister's claim that the opposition Labor Party was orchestrating the scandal to be political propaganda — which is not permitted on radio or television before an election.

The recent days' bitter exchanges — Labor leader Amram Mitzna has called Sharon a "Godfather" — reflected a new intensity in a campaign whose outcome could shift the course of two years of Mideast violence. Mitzna is calling for an unconditional return to peace talks with Palestinian leader Yasser Arafat.

"I never imagined that the behavior of the Labor Party would be so irresponsible," Sharon said just before Israel's three major TV stations and two radio networks cut away from the speech. He said his Likud Party was being portrayed as "the Mafia ... for the sake of politics."

Sharon could barely contain his anger. "Have you gone crazy?" he lashed out at his accusers at one point, pounding his fist on the podium.

Sharon called early elections after Labor bolted his coalition in November in a dispute over Jewish settlements in the West Bank and Gaza Strip. At the time, it was expected that Israeli voters, angry over two years of fighting with the Palestinians, would hand Sharon an easy victory. But several polls on Thursday showed Sharon's lead has been largely wiped out by the widening corruption scandal.

Another factor that could work against Sharon is renewed energy among Arab voters after the Supreme Court on Thursday overturned an Election Commission decision barring the candidacies of two of their leaders.

Arab Israelis are a key source of support for Labor and its allied parties. Last week, there were expectations many would boycott the election over the Election Commission decision to disqualify legislators Azmi Bishara and Ahmed Tibi on grounds they sided with Israel's enemies. In their landmark ruling, 11 Supreme Court justices restored the candidacies, ruling unanimously on Tibi and 7-4 on Bishara.

Although some of Israel's 1.2 million Arab citizens still say they plan to boycott the election, Bishara predicted that in the end they would vote in high numbers, harming Sharon's chances of re-election.

The high court also approved the candidacy of Baruch Marzel, a well-known Jewish ultranationalist who was once a leading figure in Kach, a movement founded by U.S.-born Rabbi Meir Kahane and later outlawed as racist.

Thursday's polls indicated that Sharon's hard-line Likud is continuing a slide that began after allegations surfaced of vote-buying and underworld involvement in last month's internal elections for the party's list of candidates for parliament.

Labor gained ground in three surveys

and held steady in one, but all showed the hawkish bloc led by Likud slipping considerably, down to a bare-bones majority.

Under the Israeli system, voters choose parties, not candidates for prime minister, and a party leader must stitch together a majority coalition to win the premiership.

A survey in the Haaretz daily showed Likud winning 27 seats, down from about 40 in November. Labor was up from 22 to 24. According to the Haaretz poll, Likud and its allies would win only 61 seats, a bare majority in the 120-seat parliament. That was down from 67 in November. Labor and its partners would receive 40 seats, up from 27. Centrist parties would get 19, the poll predicted. The poll questioned 521 eligible voters and had an error margin of 4.3 percent. Three other surveys had similar results.

"If the police want to come and interrogate me, let them come and ask questions. I have nothing to hide."

— ARIEL SHARON
Prime minister of Israel

The police investigation of the Sharon family focuses on a \$1.5 million loan made to Sharon's sons by South Africa-based businessman Cyril Kern, a longtime family friend who fought with Sharon in the 1948-49 war that established Israel.

Israel's attorney general, Elyakim Rubinstein, confirmed Wednesday that a police investigation was under way in the case, and that Israel had asked for South African assistance. But officials have said the investigation is not likely to be completed before the election.

Haaretz broke the story Tuesday, saying Sharon and his son Gilad were suspected of receiving bribes, committing breach of trust, fraud and deceiving the police and Israel's state comptroller. Labor leaders seized on the story, demanding Sharon resign until his name is cleared.

In his news conference, Sharon said he would not step down "because of a political provocation."

Sharon said his son Gilad arranged the money to help him repay what Israel's state comptroller decided was an improper campaign contribution from an earlier election, and that the loan was properly reported to the authorities.

"I did not know exactly how the money was obtained," Sharon maintained. "Everything was done the proper way... There is no bribery."

"If the police want to come and interrogate me, let them come and ask questions. I have nothing to hide."

Avraham Burg, a leading Labor legislator, ridiculed Sharon's explanations. "A prime minister doesn't know what's going on in his own pocket?" Burg said. "How does he know what's going on in Israel?"

Plane crash in Turkey



Burhan Ozbilici/Associated Press
Turkish military officials examine the wreckage of the Turkish Airlines plane that crashed Wednesday night, at Diyarbakir airport, Turkey, Thursday. Officials said 75 people were killed. The five survivors were hospitalized.

London mayor set to phase in pigeon feeding at Trafalgar Square

BY ED JOHNSON
Associated Press Writer

LONDON — A modern-day Battle of Trafalgar between London's pigeon-loathing mayor and angry British bird fanciers may, finally, be drawing to a close.

After a two-year protest by animal rights campaigners, Mayor Ken Livingstone announced Thursday that he had struck a deal to allow limited feeding of pigeons in Trafalgar Square, in the heart of London.

"I am confident that we have found a solution that will gradually reduce the numbers of pigeons on the square without causing them any harm," the mayor said.

Livingstone sparked protests in 2000 when he banned the time-honored tradition of feeding the birds and evicted the square's official birdseed vendor from his kiosk.

Livingstone argued the flock, estimated to swell to 35,000 during the day, was a health hazard and said the city faced a bill of \$160,000 a year to scrub away pigeon droppings.

But campaigners said that without the seed, thousands of pigeons would starve and flouted the ban by staging daily feedings. They argued that, far from being a nuisance, the birds draw tourists to the square, which is dominated by a huge column topped with a statue of British war hero Adm. Horatio Nelson.

In the Battle of Trafalgar on Oct. 21, 1805, Nelson gave Britain its most glorious naval victory when he crushed the combined French and Spanish fleet without losing a single ship of his own. Nelson, however, was fatally wounded.

Under the new deal, activists have agreed to stop flinging bags of seed around the square at midday. Instead, under the supervision of an independent scientist, city officials will gradually

reduce the amount of seed over a six-month period in an effort to encourage the birds to feed elsewhere.

The mayor, who had described pigeons as "rats with wings," welcomed the agreement. He said that along with a new cafe and pedestrian area, the reduction in pigeon numbers would make the square "far more attractive to visitors."

"It will also significantly reduce cleaning costs and prevent further damage to the historic fabric of the square caused by the birds' highly corrosive droppings," he added.

Campaigners also welcomed the deal, but maintained the pigeons were a popular London tourist attraction.

"These birds are more important to the history, the present and the future of London than Ken will ever be. He has got to show them some respect," said Andrew Tyler, director of Animal Aid, whose organization branded the mayor "Ken, the Pigeon Killer."

In an effort to reduce pigeon numbers, City Hall has also hired falconers to hunt the birds with hawks.

The yearly contracts to keep dozens of sites around the capital pigeon-free — such as Downing Street, where the prime minister lives — are worth up to \$65,000 each.

The pigeon feeding ban captured headlines worldwide, prompted pleas for help from pigeon lovers on the Internet and was even mentioned in the British Parliament.

Labor Party lawmaker Tony Banks introduced a motion in the House of Commons urging Livingstone to spare the "gentle London pigeon."

"The square's feral pigeons are social and intelligent creatures who have become accustomed to a food source provided by human beings," said the motion introduced at the time.



SPORTS

Philadelphia Eagles should soar over Atlanta Falcons

BY DAVE GOLDBERG

AP Football Writer

The oddsmakers don't buy the argument that Michael Vick can cancel out Donovan McNabb in Philadelphia.

They look at the Falcons and Eagles overall, which is why the Eagles are favored by 7 1/2 in their matchup in Philadelphia on Saturday night.

Even Dan Reeves acknowledges that crumbling Veterans Stadium, in its final season, will be a tough place for his Falcons to play.

"They've got great fan support," says Reeves, who visited Philadelphia often as a player and assistant coach with Dallas and as head coach of the New York Giants. "So we just go from Lambeau Field to Veterans Stadium. We go from one tough place to another."

The difference this week is that they're playing a healthier team, with McNabb back from his broken ankle. McNabb even thinks he'll be able to scramble — not like Vick, perhaps — but well enough to put the threat of the run in the minds of

the Atlanta defenders.

If Atlanta has any edge, it's that it has already played a night game in cold weather — this is another 8 p.m. Saturday start.

But the bottom line is that the Eagles, especially with McNabb, are the NFL's best team. And they were 11-0 against NFC teams until losing their final game to the Giants in the Meadowlands.

Go with the field. Go with the better team.

■ **EAGLES, 31-11.**

New York Jets (plus 5 1/2) at Oakland
This spread sounds just like the Monday night meeting between these two, won by the Raiders 26-20.

But that was a game New York could have won. Chad Pennington had a rare brain warp in that one, and the Jets were threatening when time ran out.

The Jets are everyone's favorite underdog after their 41-0 demolition of the Colts. Sure, Indianapolis didn't show up, but Pennington has been near-perfect since taking over for Vinny Testaverde — his coaches think he's starting to play like a young Joe Montana.

OK, that's premature. Maybe he's just a young Rich Gannon, who will be running the Raiders' offense.

But Charles Woodson and Tory James, the Raiders' cornerbacks, will play hurt, meaning Laveranues Coles, Wayne Chrebet and Santana Moss will have room.

This will be the fourth game in Oakland for the Jets in the past two seasons, so they should feel at home.

Upset special.

■ **JETS 24-23.**

San Francisco (plus 5) at Tampa Bay

Any team with Jeff Garcia throwing to Terrell Owens is never out of a game, as the 49ers proved in coming back from 24 points down against the Giants last week.

But they may have spent too much emotion and energy in that game to come back against the rested Bucs, who will have quarterback Brad Johnson back to get their offense restarted. Johnson is a lot like Kerry Collins, who shredded their defense for most of last week's game.

And ...

Tampa Bay's defense is too solid to

melt down the way New York's did last week, especially at home.

■ **BUCS, 26-17**

Pittsburgh (plus 4) at Tennessee

This is a replay of a 31-23 Titans win — the game in which Tommy Maddox injured his spine.

Maddox is back — the comeback player of the year for his emergence from nowhere and then from that injury. Last week, he rallied the Steelers from a 17-point deficit against Cleveland.

But the Titans are lurking quietly — nobody really seems to have noticed they finished the season with 10 wins in 11 games. No Tennessee player made the Pro Bowl, although linebacker Keith Bulluck made second-team All-Pro.

Tennessee is a solid overall team playing at home. The Steelers allowed a backup QB to throw for 429 yards last week.

■ **TITANS, 31-23**

■ **LAST WEEK:** 3-1 (spread) 2-2 (straight up).

Priest Holmes romps to top offensive player award

BY BARRY WILNER

AP Football Writer

Priest Holmes accomplished in 14 games what many players can't in two full seasons. His reward: The Associated Press NFL Offensive Player of the Year award.

The dynamic running back for the Kansas City Chiefs was on pace to shatter several NFL records before a deep hip bruise sidelined him for the final two games of 2002. Still, Holmes set 10 team records, including 1,615 yards rushing and 21 TDs. He also had three scores as a receiver, and the 24 TDs were two short of Marshall Faulk's league mark.

Holmes' 2,287 yards from scrimmage fell 142 short of Faulk's NFL record. And in 383 touches, Holmes had only one fumble.

Chiefs coach Dick Vermeil researched Holmes' total yards from scrimmage and found it was the most ever in a 14-game span.

"After I missed the last two games, I wasn't even thinking about any honors or awards or anything," Holmes admitted Thursday after receiving 20 1/2 votes from a nationwide panel of sports writers and broadcasters who cover the league. "I really appreciate this."

"But I'm grateful to my offensive line and coaches more than anything for what

they did for me."

Holmes' line, featuring Pro Bowl selections William Roaf at tackle and Will Shields at guard, was intact the entire season.

Still, Holmes' skills as a runner and receiver probably made the linemen look pretty good, too.

"It's nice to know his performance is being recognized," said Vermeil, who recruited Holmes as a free agent shortly after taking the Chiefs' job in January 2001. "His performance on the field on game day is only a reflection of what he's about every day. It's hard even for me to get him to talk about himself. And it's not an artificial humbleness. That's really just the way he is."

Holmes might be quiet off the field, but his numbers on it are incredibly expressive. He rushed for more than 100 yards nine times. He scored four touchdowns in a win over Cleveland in the opener and had three TDs in two other games. Holmes gained 307 yards against Seattle (197 rushing, 110 receiving).

That enabled him to beat out record-setting receiver Marvin Harrison of Indianapolis, who was second in the balloting with 14 1/2 votes. Harrison smashed the NFL mark for receptions in a season with 143, 20 more than the previous record.

Agassi victorious



Steve Holland/Associated Press

American Andre Agassi plays a return during his match against Richard Gasquet of France at the Kooyong International round robin tennis tournament in Melbourne, Australia, Thursday. Agassi won the match 6-2, 5-7, 6-2.

Ski champ Picabo Street to speak at UNR fundraiser

By The Associated Press

RENO, Nev. — Picabo Street, the 1998 Olympic Gold Medal winner who retired from the U.S. Women's downhill ski team last year, has agreed to speak at a University of Nevada fundraiser in April.

Street will address the 8th annual Salute to Champions Dinner benefiting the UNR women's athletic program on April 3, school officials announced Thursday.

The Nevada woman athlete of the year also will be announced at the dinner. Individual tickets are \$125.

Street suffered serious leg injuries in a crash shortly after she won the gold medal at the 1998 Nagano Games. She won a silver medal at her previous Olympics and claimed the only two World Cup titles ever by an American.

She retired after a 16th-place finish before an adoring crowd at the 2002 Salt Lake City Games in February.

"The last four years have been about coming into the finish and hearing the Americans' roar, and seeing the kids' faces painted with 'USA' on them. Just the pride of being an American and being an Olympian," Street said at the time.

Steve Axman hired as offensive coordinator for UCLA Bruins

By The Associated Press

LOS ANGELES — Former UCLA assistant Steve Axman was hired Thursday as the Bruins' offensive coordinator and quarterbacks coach.

Axman served as quarterbacks coach at Washington for the past four years and assistant head coach the past two.

In 1999, Axman's first year at Washington, Marques Tuiasosopo became the first player in NCAA history to rush for 200 yards and pass for 300 yards in one game. Washington's offensive coordinator that season was Karl Dorrell, hired last month as UCLA's head coach.

Axman joined Washington after serving as the quarterbacks coach at Minnesota in 1998. Axman was the head coach at Northern Arizona from 1990-97, and Dorrell was the offensive coordinator in his first two seasons with the Lumberjacks.

Axman was an assistant coach at UCLA from 1987-88.

COMICS

The Dinette Set by Julie Larson



Natural Selection® By Russ Wallace



CROSSWORD By THOMAS JOSEPH

ACROSS

- 1 Clearly amazed
- 8 Mine part
- 11 Sign of spring
- 12 Put off
- 13 Good quality
- 14 Hot crime
- 16 Aussie hopper
- 18 Paper workers
- 19 The lot
- 20 Highball it
- 21 Grant's foe
- 21 Go abroad
- 23 First appearance
- 25 Frank McCourt book
- 27 URL part
- 28 Fragrant wood
- 30 Nap sacks
- 33 Party staple
- 34 Keyboard key
- 36 Victory sign
- 37 Polluter's crime
- 39 Do something
- 40 More recent
- 41 Dole out
- 43 Peace goddess

DOWN

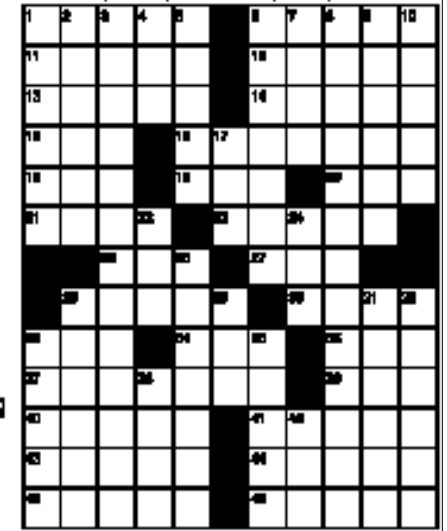
- 44 Bee
- Arthur sitcom
- 45 Kinds
- 46 Take the wheel
- 1 Turkish peak
- 2 Leave the band, perhaps
- 3 Corrupting influence
- 4 Chart shape
- 5 Come in
- 6 Like some windows
- 7 Hindi's mate
- 8 1, for -1
- 9 Broccoli bit
- 10 Past, e.g.
- 17 Bed bomb
- 22 Free
- 24 Short out
- 26 Parodies
- 28 Roman onitor
- 29 'Way cool'
- 31 Solve a cryptogram
- 32 Hunting dog
- 33 Comic Leary
- 35 Roof supporters
- 36 Copper
- 42 Back muscle



Yesterday's answer

- 9 Broccoli bit
- 31 Solve a cryptogram
- 32 Hunting dog
- 33 Comic Leary
- 35 Roof supporters
- 36 Copper
- 42 Back muscle

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1-10

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NEWS OF THE WEIRD by Chuck Shepard

'How to' authors get the book thrown at them

■ In Saskatoon, Saskatchewan, in October, David Voth, author of a best seller on how to keep from paying income tax in Canada, was fined for his failure to file income tax returns since 1995.

■ Robert H. Morrison, author of "Divorce Dirty Tricks" (on how to avoid child-support payments), pleaded guilty in Phoenix in December to avoiding support payments on his 12-year-old son.





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Westside Rentals

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Furnished Apts/Condos

MDR PENINSULA: \$3,595 Beach front 2+2 w/patio. 2 parking, updated kitchen, marble entry. Sammy (310)454-6095, (310)418-0089 Cell.

Houses For Rent

SANTA MONICA \$850.00 Guest House, pet ok, crpt, refrigerator, heat, prking, quiet.

310-395-7386
Westside Rentals

SANTA MONICA \$900.00 Guest House, r/s, Indry, quiet, yard, parking, gas & water incld.

310-395-7386
Westside Rentals

SANTA MONICA \$950.00 Duplex, pet ok, stove, balcony, Indry, utilities incld.

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Westside Rentals

SANTA MONICA Triplex \$950.00 Near beach, pet ok, balcony, unique, utilities included, parking.

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Westside Rentals

STOP PAYING RENT. FREE SPECIAL REPORT! Buy a Home With ZERO Cash. (888)799-9768 ext.8605. www.losangeleshomefinders.com.

VENICE CANALS House \$3,250 3bdrm/2ba, 2 car garage, canal front patios and views, fireplace. Great location! Repainted inside and out, new carpet downstairs, new wood trim, new garage door, new deck, new windows. 1 year lease. No pets. (310)396-4443 x102

Elly Nesis Company, Inc.
www.ellynesis.com

Roommates

LOOKING FOR Roommate in West Hollywood. GWM seeks GM to share 2bdrm townhouse style apartment. Room has balcony. Cable ready with your own phone line. Close to everything. \$805.50 plus 1/2 utilities + \$850.00 deposit. Call Mitch (310)358-0430.

S.M. SHARE 2bdrm furnished apt. 9th & Wilshire. \$2200.00 a month. You pay only \$675.00! Male preferred. 1250 sq. ft. (310)394-1050.

Commercial Lease

1318 Second Street, Santa Monica. Approximately 600 square feet. 2 ocean view offices w/reception. RTH Management (949)916-1430. Parking available.

VENICE: LOFT office space. 900 or 1800 sq. ft. Parking & bathroom. Wood floors & skylights. 215 Windward. \$1900 or \$3900. (310)567-9262.

Real Estate

GET YOUR HOME SOLD FAST AND FOR TOP DOLLAR! FREE SELLERS REPORT. (888)799-9768 ext.8606. www.losangeleshomefinders.com.

Massage

BETTER HEALTH for 2003. Help reduce your stress. Therapeutic Swedish and deep-tissue. Mike LMT (310)902-1564.

BLISSFUL RELAXATION! Heal your body, mind, spirit. Therapeutic, Swedish, Deep-tissue. Energy balancing. Non-sexual. Introductory specials from \$45.00/hr. In/out. Lynda, L.M.T. (310)749-0621

EXQUISITE, INTUITIVE, strong and tender relaxing bodywork by mature European. Professional Lady Sonja (310)397-0433.

MASSAGE ENJOY a really great, amazing and wonderful full body massage. Swedish, deep-tissue and Tantra. (Platonic only!) No time limit. Will come to you. 24/7 Cute, slim, fit, petite mature chocolate. 14 years experience. \$125/hour. Female diver w/car wanted. Dolly's pager (310)358-6535.

REVITALIZE & Rejuvenate. Body, Mind & Spirit with a therapeutic Swedish/Deep-tissue massage. Laura (310)394-2923 (310)569-0883.

STRECH-U-OUT SENSUAL full body massage by athletic male. In/Out Erick (310)915-1222.

STRONG & SOOTHING deep-tissue massage. Near Promenade. Intro: \$35/90min. Paul: (310)741-1901.

THERAPEUTIC MASSAGE, Swedish, Accupressure, Deep-tissue, Sports Massage, Reflexology. For apt call Tracy at (310)435-0657.

THERAPEUTIC MASSAGE. Swedish, Deep-Tissue, Sports Massage. Intro: \$35/hour. (CMT) Vlado (310) 397-7855

Computer Services

NEED HELP with your PC &/or the internet? Call your computer helper. All welcome. (310)236-1474.

Classified Advertising

Conditions :REGULAR
RATE: \$2.50 a day. Ads over 15 words add 20¢ per word per day. Ad must run a minimum of twelve consecutive days. **PREMIUMS:** First two words caps no charge. Bold words, italics, centered lines, etc. cost extra. Please call for rates. **TYPES:** Check your ad the first day of publication. Sorry, we do not issue credit after an ad has run more than once. **DEADLINES:** 4:00 p.m. prior the day of publication except for Monday's paper when the deadline is Friday at 4:00 p.m. **PAYMENT:** All private party ads must be pre-paid. We accept checks, credit cards, and of course cash. **CORRESPONDENCE:** To place your ad call our offices 9 a.m. to 5 p.m., Monday through Friday, (310)458-7737; send a check or money order with ad copy to The Santa Monica Daily Press, P.O. Box 1380, Santa Monica, CA 90406 or stop in at our office located at 1427 Third Street Promenade, Ste. 202. **OTHER RATES:** For information about the professional services directory or classified display ads, please call our office at (310)458-7737.

CLASSIFIEDS



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Santa Monica, CA 90406-1380

Phone: 310-458-7737

FAX: 310-576-9913

RATES

**\$9.50 per column inch
for display ads.
\$2.50 per day for
the first 15 words.
20¢ per word for
each additional word.**

EXTRAS

Bold: 50¢ per word
Italic: 50¢ per word
Boxed: 50¢ per ad
Reverse: 50¢ per line
CAPITALIZED: 50¢ per word
Underlined: 50¢ per word
Blank Lines: 50¢ each

Santa Monica Daily Press

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001 Announcements	200 For Sale	500 Vehicles for Sale
010 Meetings	250 Wanted	600 Services
020 Legal Notices	300 For Rent	650 Health/Beauty
100 Employment	400 Real Estate	

SANTA MONICA SCENE °CALENDAR EDITION

FRIDAY, JANUARY 10, 2003

FRIDAY

Santa Monica High School Theater Arts Department presents *Romeo & Juliet*. Friday and Saturday nights at 8:00pm. November 22nd through December 21st. \$10.00 for students, children, and seniors, \$15.00 for adults. Humanities Center Theater at Santa Monica High School, 601 Pico Blvd. For more information please call (310)458-5939.

MAGICOPOLIS presents *HOCUS POCUS!* (Fish Bones Choke Us). The stage explodes with a colorful mix of Magic, Special Effects, Sleight of Hand, Comedy and Music that's sure to delight audiences of all ages. At MAGICOPOLIS, 1418 Fourth Street, Santa Monica. Fridays & Saturdays at 8pm, \$20. Saturday & Sundays at 2pm, \$15. For tickets call 310-451-2241.

Santa Monica Strutters, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable environment. The Santa Monica Strutters meet Mondays, Wednesdays, and Fridays, from 8 a.m. To 10 a.m., at Santa Monica Place, Fourth St. and Broadway Ave. in Santa Monica.

Senior Suppers - Discounted meals for people AGE 55 or older are served daily, from 3:30 p.m. To 7 p.m., in the cafeteria at Santa Monica-UCLA Medical Center, 1250 16th Street in Santa Monica. \$3.69 Info only: (310)319-4837.

SATURDAY

Organic Farmer's Market every Saturday. 8:30am to 1pm, Arizona and Third Street. (310)458-8712

Weekly Storytime, 11:00 a.m. Come to **Barnes & Noble** for Saturday readings with the kids! Call 310-260-9110 for more information.

Puppetolio! presented by the Santa Monica Puppet & Magic Center.

All ages, 3 and up. This musical revue features marionettes, ventriloquism, magic and more. Shows are always followed by a demonstration, Q & A, and a tour of the Puppet workshop and Museum. Saturdays and Sundays at 1pm and 3pm. Wednesdays and Holidays at 1pm. Seats are \$6.50. 1255 2nd Street in Santa Monica. Reservations/Information (310)656-0483. www.puppetmagic.com

Cat & Kitten Adoption Fair: Every Sat & Sun, 12pm to 4pm @ Centinella Feed, 1448 Lincoln Blvd in Santa Monica. Donations include spay/neuter, 1st vaccines, flea/worm treatment as needed. Knowledgeable support for new adopters. Rescue Me Pet Foundation. (310)452-9568.

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Music Showcase. **UnUrban Coffeehouse**. 3301 Pico Blvd., Santa Monica, (310)315-0056.

The Red Ribbon Squares, Santa Monica's official square dance club, invites you to enjoy an evening of plus level square dancing, alternating with round dancing, with an A-1 tip during break time. We dance every Saturday at Marine Park from 7:45pm to 10:30pm. Pre-rounds begin at 7:15pm. Admission is \$5 for dancers, including refreshments. Spectators are free. For more information, please call (310)395-3383

MOVIE °GUIDE

LOEWS CINIPLEX BROADWAY CINEMA

1441 Third St. at Broadway
About Schmidt (R) 12:40, 3:40, 6:40, 9:40. **Two Weeks Notice** (PG-13) 12:10, 2:40, 5:10, 7:40, 10:10. **Antwone Fisher** (PG-13) 1:00, 4:00, 7:00, 10:00. **The Hours** (PG-13) 1:20, 4:20, 7:20, 10:20.

MANN CRITERION

1313 Third St.
Harry Potter and the Chamber of Secrets (PG) 11:30, 3:15, 7:05, 10:30. **Treasure Planet** (PG) 12:00. **The Hot Chick** (PG-13) 2:30, 5:00, 7:45, 10:10. **Gangs of New York** (R) 11:15, 12:15, 3:00, 4:15, 7:10, 8:15, 10:40. **Narc** (R) 11:00, 1:45, 4:30, 7:15, 10:00. **Adaptation** (R) 12:30, 3:45, 7:30, 10:20.

AMC THEATRE SM 7

1310 3rd Street
Die Another Day (PG-13) 4:05. **Drumline** (PG-13) 12:30. **Maid in Manhattan** (PG-13) 1:40, 4:20, 7:25, 10:00. **Star Trek: Nemesis** (PG-13) 1:45, 4:30, 7:15, 9:50. **The Lord of the Rings: The Two Towers** (PG-13) 1:00, 4:45, 8:30, 9:20. **Catch Me If You Can** (PG-13) 12:45, 3:10, 4:00, 6:20, 7:10, 9:30, 10:15. **Analyze That** (R) 1:30, 7:00. **Chicago** (PG-13) 1:15, 4:20, 7:40, 10:20.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
Love Liza (R) 12:15, 2:30, 4:45, 7:30, 10:00. **The Pianist** (R) 12:30, 3:45, 7:00, 10:15.

LAEMMLE MONICA

1332 2nd St.
Pinocchio (NR) 1:45, 4:20, 7:00, 9:40. **Frida** (R) 1:45, 4:30, 7:15, 10:05. **Max** (R) 1:30, 4:35, 7:25, 10:05. **Far From Heaven** (PG-13) 1:30, 4:15, 7:00, 9:45.

AERO THEATER

1328 Montana Ave.
My Big Fat Greek Wedding 5:30, 7:30, 9:30.

Attention Business Owners and Entrepreneurs

**Great
Networking
Event!**

Broaden Your Entrepreneurial Horizons
By Attending

Where's the Money?

Presented by the Westside Small Business Development Center and VEDC

*A half-day seminar for entrepreneurs who are looking for funding
for their business and information on all aspects of business.*

Experts in financing, credit, loans, marketing/sales and international trade will present
as well as success stories from local business owners.

Keynote Speaker

Burke Franklin

CEO of Jian Software

A Silicon Valley software company renowned for "BizPlanBuilder".
Mr. Franklin was also nominated for the Ernst & Young's Entrepreneur of the Year Award.
Burke has just released his new book "Business Black Belt"

Saturday, January 25th, 2003

Registration 7:30 am

Breakfast Buffet 7:45 am

Seminar Begins at 8:00 am

Admission Fee: \$20 for one participant
\$30 for two

Ramada Plaza Culver City

6333 Bristol Parkway
Culver City, CA 90230

call 310-398-8883 for registration and information

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