WEDNESDAY, JANUARY 11, 2006 Volume 5, Issue 51

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO
5 17 29 32 39
Meganumber: 3
Jackpot: $65 Million

FANTASY 5
8 11 14 17 36

DAILY 3
Daytime: 5 7 3
Evening: 4 7 2

DAILY DERBY
1st: 09 Winning Spirit
2nd: 08 Gorgeous George
3rd: 05 California Classic

RACE TIME: 1:44.20

Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site: http://www.calottery.com

NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ Police in Hampton, Va., knew who the suspect was for the robbery of a Wachovia Bank in October (a man named David Wescott, 44), but he got away. They learned his identity because, said witnesses, after he fled the bank with the money, he ran to a nearby cellular phone store to pay his bill before leaving the area.

■ Quebec's La Fromagerie Boivin announced in October that, even with divers and high-tech equipment, it had given up on finding the nearly 1 ton of cheese that it had sunk underwater in 2004 north of Quebec City in a plan to improve its taste.

TODAY IN HISTORY

Today is the 11th day of 2006. There are 354 days left in the year.

On Jan. 11, 1964, U.S. Surgeon General Luther Terry issued the first government report saying smoking may be hazardous to one's health.
In 1805, the Michigan Territory was created by an act of Congress.

QUOTE OF THE DAY

"The essence of taste is suitability. Divest the word of its prim and priggish implications, and see how it expresses the mysterious demand of the eye and mind for symmetry, harmony and order."

EDITH WHARTON

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Cemetery staff members testify

BY RYAN HYATT
Daily Press Staff Writer

PUBLIC SAFETY BUILDING — City Hall continued to make its case on Monday regarding the termination of Woodlawn Cemetery's former funeral director.

Three city employees testified on Monday against Michael Steen, who was fired in September after three audits revealed the management of the cemetery's finances was not in line with general accounting practices. Steen appealed City Hall's decision to terminate him after a nine-month investigation concluded there was no criminal wrongdoing on his part.

Steen, who is appealing City Hall's decision to fire him on the grounds his dismissal was unjust, is author of "Celebrity Death Certificates," a book that highlights the lives and passings of some of Hollywood's biggest stars.

Monday's testimony was a continuation of a personnel board hearing that began in December. The hearing is set to continue at least through Tuesday, during which time Steen's attorney, William Becker, is expected call on witnesses to make his client's case.

In the lineup to testify are Steen and his domestic partner, who owned Woodlawn Monument, a company that received referrals from Steen and operated out of the home they shared, according to testimony.

Officials at City Hall haven't said how much money is involved in the alleged financial irregularities at Woodlawn. They have, however, paid outside firms to conduct two audits. These, as well as the city's own audit, have all shown discrepancies in Woodlawn's financial books, officials say.

Woodlawn is a gated, tree-lined cemetery located between Pico Boulevard and Michigan Avenue, between 14th and 17th streets. City Hall purchased it in 1897.

More than 51,000 Santa Monicans have been interred on the 26.6-acre site, according to

See WOODLAWN, page 5

Christmas cleaning



Carolyn Sackariason/Daily Press

Workers on Tuesday haul off the last remnants of the holidays by loading up the faux Christmas tree on Broadway. The plastic tree was one of three that were stationed on the Third Street Promenade as part of the business district's 'Winterlit' holiday theme. The trees will be back in November for the 2006 holiday season.

LOCAL

SM Pier security efforts to continue

BY RYAN HYATT
Daily Press Staff Writer

SANTA MONICA PIER — More than half a dozen members of the Santa Monica Police Department conducted random searches of vehicles entering here on Tuesday.

Police spokesman Lt. Frank Fabrega, who didn't say the SMPD was acting on a specific threat, said police were continuing efforts that began this past summer that are designed to thwart potential acts of terrorism in Santa Monica.

To maximize the effectiveness of such efforts, the searches will continue indefinitely, Fabrega said.

See PIER, page 6

Westside cop pleads guilty to selling information

By Daily Press staff

A former Beverly Hills police officer pleaded guilty this week to selling confidential information about four people to a private investigator.

The officer and another individual faced federal criminal charges related to their involvement in investigations conducted by private investigator Anthony Pellicano, according to Acting U.S. Attorney George S. Cardona and FBI Assistant Director in Charge J. Stephen Tidwell.

A 24-year veteran of the Beverly Hills Police Department, Craig Stevens, 45, pleaded guilty Monday to seven felony counts and admitted that he accessed law enforcement databases for the purpose of supplying confidential information to Pellicano and employees of his now-defunct investigation agency.

Stevens, of Oak Park, pleaded guilty in federal court to two counts of wire fraud, according to the U.S. Attorney's Office. Stevens also pleaded guilty to four counts of unauthorized access of protected computers to commit fraud. In doing so, he admitted that he used the Beverly Hills Police Department's computers to obtain information about four individuals from the Department of Motor Vehicles and sold that information to Pellicano and his employees. Stevens also pleaded guilty to lying to the FBI when he denied

See WESTSIDE COP, page 6

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HOROSCOPE

Avoid power plays, Gem

Santa Monica Daily Press



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)
★★★★★ Talk about your dreams, and you'll have a strong chance of making those wishes realities. Review a personal matter with an eye to success. Your magic touch makes a difference. Flex with others. Power plays could overwhelm you. Tonight: Favorite spot, favorite people.

TAURUS (April 20-May 20)
★★★ Deal with your finances directly and don't allow others to take charge. You need to be responsible for what comes down your path. Someone might be trying to get you to do what he or she wants. Vagueness could cause a hassle. Tonight: Fun doesn't need to cost.

GEMINI (May 21-June 20)
★★★★★ You are full of energy and personality. You are inspired by others, and they by you. Be willing to break through your barriers. Think independently and get past rigid thinking. You are more lively than you have been in a while. Tonight: Avoid a power play.

CANCER (June 21-July 22)
★★ Know when to cut back. You could be overtired. Listen to others and focus on what you must. Your ability to understand others might have you too busy helping those around you. Put yourself first. Tonight: Vanish.

LEO (July 23-Aug. 22)
★★★★★ You work best with others, where you naturally score a success. You know what you want. Don't let a tendency to risk too much stop you from achieving your goals. A child or new friend could be touchy. Tonight: Play it conservatively.

VIRGO (Aug. 23-Sept. 22)
★★★ Take charge and follow through on what counts. You might not be completely happy with someone you look up to. You might want to pull back or do something differently. You have a good sense of direction when you follow your sixth sense. Tonight: In the limelight.

LIBRA (Sept. 23-Oct. 22)
★★★★ Detach and gain an overview. Seek out other opinions. Your ability to work through a problem could cause pressure. Many seek you out. You need to think of yourself first. Screen calls and visitors, if need be. Tonight: Plans could change quickly.

SCORPIO (Oct. 23-Nov. 21)
★★★★ You have an edge over others in that you have strong support. You might be confused by a personal situation. Talk to a key person directly. Touch base with friends and associates. Tonight: Discuss a problem rather than become controlling.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★ You have the ability to stop causing yourself so many problems. Are you aware of how challenging you are? Instead of making assumptions, hold up a mirror. Avoid a game by not playing. Tonight: Let someone else choose.

CAPRICORN (Dec. 22-Jan. 19)
★★★ Revamp your thinking, and you will be a lot happier. Know when to avoid a difficult situation. You will find that your perspective can and will make all the difference. Focus on where you'll have an impact. Tonight: Get advice from someone in the know.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Your ability to devise solutions comes to the forefront and could prevent a difficult situation. A friend pushes the limits. You have answers. Don't get into a power play. Work through a problem. Tonight: Fun and games.

PISCES (Feb. 19-March 20)
★★★ Make your family your highest priority. You need to listen to your sixth sense. You might not be as sure of yourself as before. You might be pushing your luck without realizing it. Get back to the basics. Tonight: Head home.

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LOCAL

COMMUNITY BRIEFS

Tax season has hit

By Daily Press staff

The Internal Revenue Service is trying to make tax season a little less painful this year.

The IRS has launched the 2006 filing season with a new look to its Web site, improved online tools and enhanced electronic services that will better assist the 15.5 million California taxpayers expected to file returns this year, officials said.

"The filing deadline is normally Apr. 15, but because that date falls on a Saturday this year, California taxpayers have until Monday, Apr. 17, to file their returns," said IRS Los Angeles spokesman Victor Omelczenko.

The IRS expects to process about 135 million individual tax returns nationwide in 2006, and expects continued growth for IRS e-files. IRS e-files will be available beginning later this month.

Taxpayers who use IRS e-file and have their tax returns deposited directly into their bank account can receive their refund in two weeks or less. That's less than half the time needed for paper returns.

"In California last year, about 8.5 million taxpayers saw the advantages of e-filing, swapping their pencils for their mouse to do their taxes," said Omelczenko.

Taxpayers can find help 24 hours a day, seven days a week on IRS.gov. New features for the IRS Web site include:

■ 1040 central — A one-stop online shop for people hunting key forms, looking for what's new in the tax code and answers to frequently asked questions.

■ Free file — The IRS and a consortium of tax software manufacturers will begin the fourth year of the popular service to income-eligible individuals later this month. Free file provides free tax preparation software and free e-filing to individuals who earn approximately $50,000 or less. Each manufacturer offers a proprietary product and sets its eligibility criteria within certain limits. Users must access free file through the Web site to qualify.

■ Alternative minimum tax assistant — Every year, taxpayers need to consider whether they will have to pay the alternative minimum tax (AMT). The AMT assistant is intended to provide a simple test for taxpayers who fill out their tax returns without using software to determine whether they may be subject to the AMT.

■ EITC assistant — The EITC assistant helps determine an individual's eligibility for the valuable tax credit and provides an estimate on the amount of the credit. This year, it also will help Hurricane Katrina victims determine which optional income to use. It is available in English and Spanish.

■ Hurricane assistance — The IRS has established a toll-free number for hurricane victims, (866) 562-5227. There also are numerous tax law changes for the victims of Hurricane Katrina, Rita and Wilma; businesses located in the disaster areas; and for individuals donating to charities helping the victims. Also, the agency is preparing publication 4492 that also will detail these changes.

Another change will give late-filers six months to get their return in the mail. Taxpayers who cannot meet the April deadline should file Form 4868, an application for automatic extension. Now, the extension to file will be through Oct. 16 for most taxpayers. Previously, Form 4868 automatically gave taxpayers four months.

Once taxpayers file their tax return, they can track their refund through the online tool "Where's my refund?" Taxpayers will need some of the exact information from their tax return in order to use the tool.

Tell Santa Monica what you think!

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Email to: editor@smdp.com
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Santa Monica Daily Press



SNOW AND SURF REPORTS

CONDITIONS

DATA PROVIDED BY ONTHESNOW.COM

BEAR MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:30am - 4:00pm	10	9/12

CONDITIONS: Packed Powder, Machine Made, Machine Groomed, Loose Granular

JUNE MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	60" - 84"	8:30am - 4:00pm	35	6/6

CONDITIONS: Packed Powder, Machine Groomed

MAMMOTH MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	120" - 144"	8:30 am - 4:00 pm	150	25/28

CONDITIONS: Packed Powder, Machine Groomed

MOUNTAIN HIGH

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:00 am - 10:00 pm	12	9/16

CONDITIONS: Machine Made, Machine Groomed, Hard Packed, Thin Cover

MT. BALDY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	6"-12"	8:00 am - 4:30 pm	4	2/4

CONDITIONS: Packed Powder, Machine Made

SNOW SUMMIT

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:00 am - 6:00 pm	10	9/13

CONDITIONS: Packed Powder, Machine Made, Machine Groomed, Loose Granular

SNOW VALLEY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:30 am - 9:00 pm	2	4/11

CONDITIONS: Machine Groomed, Spring

CONDITIONS — **WATER TEMP: 58°**

DATA PROVIDED BY WETSAND.COM

SWELL FORECAST (3-5 FT)

Today the swell that we're starting to see now comes to its peak. This system, which originated near the Kamchatka Peninsula, has been riding far too high in the 40-45N+ latitudes, resulting in a high degree of angular spreading decay.

LONG RANGE SYNOPSIS

NW swell peaks tomorrow...
NW swell fills in during the weekend but...
Tracking NW for middle of next week...

TIDE FORECAST FOR SANTA MONICA

SATURDAY				
Low Tide:	10:41AM	1.1FT	9:25PM	1.7FT
High Tide:	3.29AM	5.2FT	4:29PM	3.0FT
SUNDAY				
Low Tide:	11:55AM	0.4FT	10:27PM	2.2FT
High Tide:	4:22AM	5.4FT	6:16PM	3.0FT
MONDAY				
Low Tide:	12:52PM	-0.2FT	11:28PM	2.4FT
High Tide:	5:13AM	5.7FT	7:32PM	3.2FT
TUESDAY				
Low Tide:	1:38PM	-0.7FT	N/A	
High Tide:	6:00AM	6.0FT	8:24PM	3.4FT
WEDNESDAY				
Low Tide:	12:23AM	2.5FT	2:53PM	-0.9FT
High Tide:	6:44AM	6.0FT	9:04PM	3.7FT
THURSDAY				
Low Tide:	1:10AM	2.5FT	2:53PM	-1.0FT
High Tide:	7:24AM	6.1FT	9:36PM	3.7FT
FRIDAY				
Low Tide:	1:50AM	2.4FT	3:26PM	-1.0FT
High Tide:	8:01AM	6.1FT	10:05PM	3.7FT

SURF AND SNOW QUESTIONS OR COMMENTS? EMAIL ALEX@SMDP.COM

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The Q Line

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Officials are giving renewed consideration to construction of a subway line that would run from downtown Los Angeles to the beaches of Santa Monica. Leaders at City Hall say they are generally supportive of the 15-mile underground transit line that would free up commuters from freeway gridlock, though there is some debate as to exactly what path the transit line should take. Some officials say a monorail system might make more sense for the area.

So this week, Q-Line wants to know, **"If plans for a mass-transit line between downtown Los Angeles and Santa Monica go forward, what shape should they take?"**

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your responses in the 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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A systemized approach to the homebuying process can help you steer clear of these common traps, allowing you to not only cut costs, but also buy the home that's best for you.

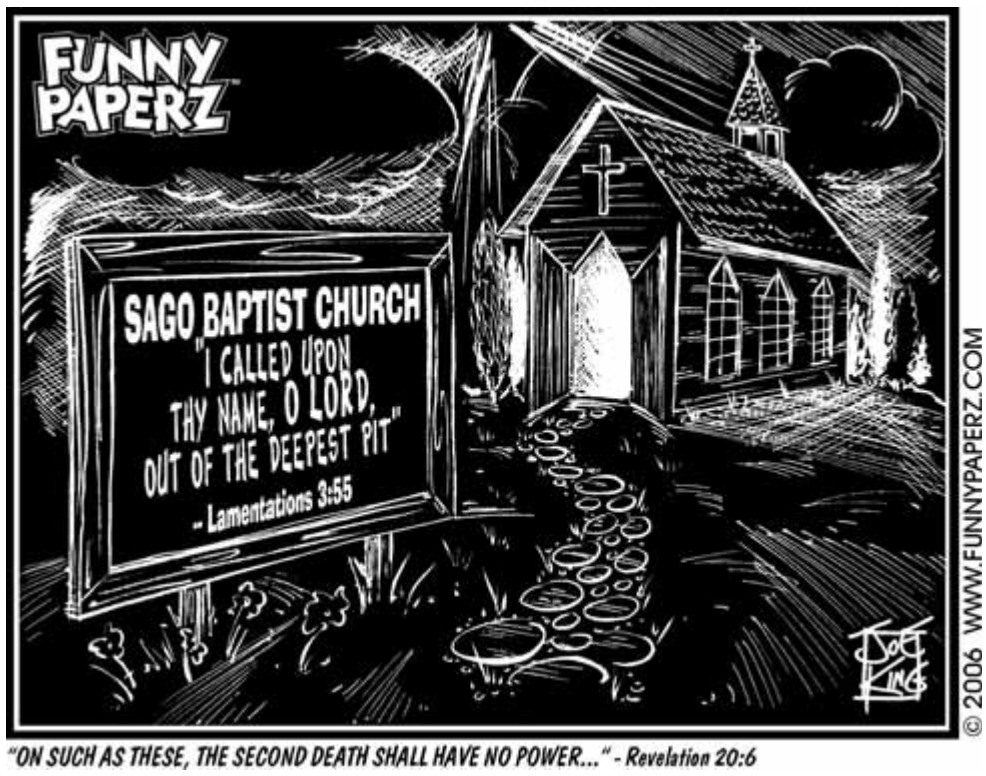
An industry report has just been released entitled *"Nine Buyer Traps and How To Avoid Them."* This important report discusses the 9 most common and costly of these homebuyer traps, how to identify them, and what you can do to avoid them.

To hear a brief recorded message about how to order your FREE copy of this report, call 1-800-282-0185. You can call anytime, 24 hours a day, 7 days a week.

Call NOW to learn how to avoid costly buyer mistakes before you purchase your next home.

This report is courtesy of James Costello & John McCormack, Prudential California Realty. Not intended to solicit properties currently listed for sale. Copyright © 1998.

OPINION



"ON SUCH AS THESE, THE SECOND DEATH SHALL HAVE NO POWER..." - Revelation 20:6

LETTERS TO THE EDITOR

Go Expo

Editor:

It's definitely exciting that Santa Monicans and other Westsiders are focusing on a Red Line "to the beach," but here's some regrettable fiscal realities:

1) Expo Line to Culver City: $640 million, of which only $600 million exists to date.

2) Expo Line from Culver City to Santa Monica: $711 million, estimated.

3) Expo from Staples Center/downtown terminus to Union Station via a downtown connector subway: $450-500 million, estimated.

4) Red Line Subway to Fairfax/Wilshire boulevards: $1.2 billion, estimated.

5) Red Line Subway from Fairfax/Wilshire boulevards to Century City: $2 billion, estimated.

6) Red Line Subway from Century City to UCLA (Wilshire/Westwood): $1 billion, estimated.

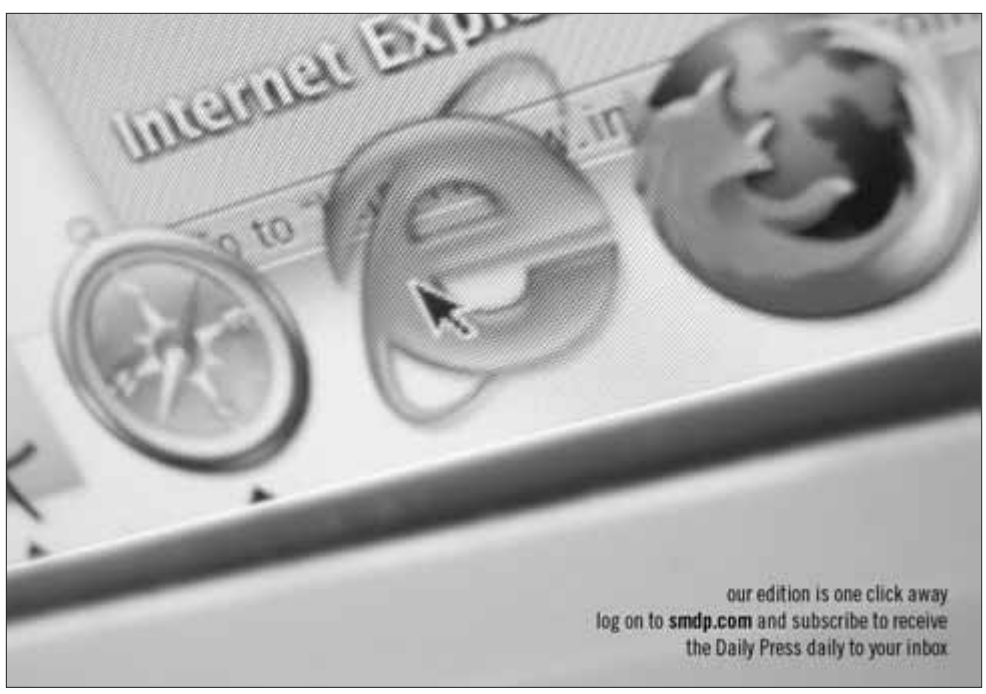
Discussions of the "Red Line to the beach" have to date usually been to UCLA/Westwood Village or thereabouts. To some planners, the congestion west of the 405 freeway traffic doesn't necessarily warrant a subway.

As for a Wilshire Boulevard monorail, a technology which is still mired in the 1950s, or some other elevated rail, what would Santa Monicans think about the visual impact of a virtual freeway overpass running down the middle of the street?

Like it or not, the whole Expo Line costs about the same as the Red Line to Fairfax Boulevard, and the $4 billion quoted in your article (SMDP, Dec. 9, page 1) really only gets the Red Line Subway to Westwood. I vigorously favor the Expo Line to Santa Monica, which remains at the top of the MTA Long Range Transportation Plan, as well as the Red Line to Fairfax Boulevard, considerably lower on the priority list of this plan, but guess which one we'll see in the next several years?

Go West, Expo and Red Lines. Yet, let's keep our eyes on the Expo Line first.

Ken Alpern
Santa Monica
President, The Transit Coalition
Steering Committee, Friends4Expo Transit



New Years cheers



THE WITNESS STAND
BY CLIFF NICHOLS

Cheers. Here's to looking forward to a new year. Before we go about it, however, perhaps we would do well to reflect upon whether all the things we did over the holidays were worth it. The trips, the reunions of friends and family and the general festivities were most definitely treasured events. But are there other things that you feel you would do differently if you were able to do them over again? To those who found themselves driving after they had been drinking, I have come to hope that your answer today would be, "yes."

Every Christmas and New Year season people approach me — as some did again this year — to ask, "How many drinks can I have without going over the legal limit?" The answer depends on what you hope to achieve, I suppose. For example, if you want to achieve a "buzz" without exceeding the adult drunk driving limit of .08, you may already have made your first mistake — believing both objectives can safely be achieved at the same time. If such people were to be honest with themselves, they would realize that what they're really asking is how many drinks can a person get away with without running the risk of ruining their evening if they are stopped by the police? The answer to that question is easier: None. One reason is simply because if you are stopped and the officer smells any alcohol on your breath, you stand a very good chance of having your evening ruined whether or not you are, in fact, over the .08 limit.

The procedure alone required for you to exonerate yourself can in some situations take all evening or longer and may even include the impounding of your vehicle and a complementary ride to the station to provide a breath, blood or urine sample. How fun is that? As a result, today when people approach me to ask me such silly things I no longer even try to guess the right answer. Instead, I simply advise them that if they plan on drinking, don't drive … and if they plan on driving, don't drink. To me, that's an easier rule to remember — especially after you have started drinking — than whether, based on your body weight, you can get away with either two glasses of wine or three beers … or was it two beers and three glasses of wine? Anyway, I hope you get the point.

For those who don't, they perhaps would do well to consider the following true story. Not too many years ago I had the honor of representing a highly educated and otherwise responsible professional who had a daily habit of stopping by his favorite pub on his way home to enjoy literally "one" drink — and, really, that is all he would ever have. One night after doing so, however, he stopped by a fast food outlet to get some take-out. As he was driving down the last major boulevard on his route home he averted his eyes for but a second to reach for his burrito and failed to see a 14-year-old boy who rode his skateboard directly across his path. His first awareness of the boy's presence came from the impact that crushed both his windshield and the boy.

My client had not been speeding. He had not been weaving. He had not been driving erratically, irresponsibly or negligently. The truth of the matter was that if there was anyone who might more properly have been accused of such things, it was the youth who had unthinkingly chosen to skateboard his way across a busy boulevard from the middle of the block without looking. From the point of view of "culpability," my client had been involved in nothing more than what most people under other circumstances would have called a mere accident. Nevertheless, for him, because he had had a drink, it became an accident that would irretrievably impair the remainder of his life.

The police who arrived at the scene smelled alcohol on my client and saw that a child had been killed. That was all they seemed to need to justify placing my client under arrest for vehicular manslaughter. Then, due to the high bail later set by the court at his arraignment, he sat in county jail for weeks before we were able to have the more serious charges dropped. You see, the police, the district attorney and the child's mother very much wanted my client to be put in prison for years, and for some time none of them were willing to let go of that idea easily. Like the police at the scene, to them the only facts that really mattered were that a child was dead and the driver of the car that killed him had been drinking. Moreover, even when they finally did agree to a dismissal of the more serious charges, the judge was persuaded at sentencing to permit the boy's mother to vent her emotions directly to my client in open court before releasing him — all the while holding the urn containing her child's remains. For most of us who were present, it was an extremely vitriolic public display of understandable anger that lasted nearly 20 minutes. For my client, however, her humiliating words probably continue to periodically resound in his thoughts to this very day. After my client was released from jail, I never again heard from him, and the only thing I later heard about him was that he had quit his job and moved his family to another state.

Perhaps each of us would do well to bear in mind this man's experience the next time any of us attends a party from which we know we intend to drive home. We might imagine asking him today how much he thinks a person can drink and still drive safely. Clearly, for him one drink had been far too much. If his story would cause you to agree, perhaps then he could at least take some comfort in knowing that his experience will have served a valuable purpose. Cheers.

(Cliff Nichols is an attorney practicing criminal defense/entertainment law in Santa Monica. He may be contacted at either 310-917-1083, cliff@cliffnicholslaw.com or www.cliffnicholslaw.com, and you may join his blog at www.thedailystand.com.)

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Staff members cite conflicts of interest

WOODLAWN, from page 1

city records.

The cemetery brings in about $450,000 a year in revenue. Because Steen's firing is a personnel matter, city officials won't elaborate on circumstances surrounding the criminal investigation or his termination beyond what is said in the appeal hearing, which is public record.

Becker said City Hall may be partially to blame for the questionable circumstances surrounding Steen's dismissal. Becker has suggested officials might have set up false expectations about Steen's performance at the graveyard.

Evidence to support Becker's position will be presented in forthcoming testimony, he said.

STEEN'S SUPPORT STAFF TESTIFIES

On Monday, the personnel board heard from city employees, including Steen's business assistant, Phyllis Romleski. Charged with clerical support and running the office when Steen was absent, Romleski worked with her former boss for more than a decade and described their working relationship as "good."

However, she also said Steen's work performance was not always "free of errors."

Romleski was put on paid administrative leave, along with Steen, and later cleared of any wrongdoing. She has returned to work at City Hall and been transferred to another department.

Romleski described Steen's supervisory style as "relaxed." According to her testimony, Steen came and went as he pleased. He often dropped by the office in the mornings, worked for half an hour, then left, she said. Sometimes he said he'd be attending meetings at City Hall, but much of the time he was simply unaccounted for, according to Romleski.

Steen would return at lunchtime and resume working for a half an hour. Sometimes he didn't return to the office until 4 p.m., around closing time, she said.

Meanwhile, Steen's personal office, which was attached to the main one, was a mess, Romleski said. Paperwork was stacked a foot high above his desk, including material for his "Celebrity Death Certificates" series. Two birds, kept in a cage, were maintained by staff, Romleski said, since Steen only changed out the litter paper once a month.

Among the discrepancies cited by the city, Steen allegedly allowed families to pay on installment for graves and crypts, which goes against City Hall's guidelines. And some payments that were made for services apparently went uncashed. A check made out to the cemetery that was valued less than $200 reportedly was found in Steen's desk shortly after he was put on paid administrative leave.

It had been sent to the cemetery on Aug. 19, 1998, according to testimony.

Additionally, during an audit for fiscal year 2003-04, City Hall recovered $17,000 out of a missing $21,105 in credit cards transactions, which were Steen's responsibility to process, Romleski said.

Steen also allegedly allowed a mourning woman to upgrade her husband's crypt to a premium slot, which was supposed to cost $200,000. That money might not have been secured until City Hall became involved, according to testimony.

In addition, Steen for years referred families to Woodlawn Monument, the business cards for which were openly placed in the office. Steen was supposed to charge Woodlawn Monument, as well as other marker companies, a fee of $275 for installations to be placed at graves.

However, Steen apparently waived the fee for his domestic partner's business, according to Romleski's testimony.

Romleski said she regularly asked Steen why he'd allow his domestic partner to not pay the fee, and he reportedly told her, 'Don't worry, I'll take care of it.'"

During cross examination, Becker asked Romleski if she ever followed up on whether or not Steen had 'taken care' of it.

"Do you know if payment was ever issued by Woodlawn Monument?"

"No," Romleski said.

Irma Rodriguez-Moisa, City Hall's attorney, countered this line of questioning.

"By saying he would 'take care of it,' Mr. Steen was undermining a system you were following, is that correct?" Rodriguez-Moisa asked.

"Yes," Romleski said.

Becker, meanwhile, noted that Romleski could have done more to notify Steen's superiors about the alleged discrepancies.

Romleski, who said she feared reprisals, admitted she didn't.

"He was my boss," Romleski said.

CONFLICTS OF INTEREST

In additional testimony, a female clerical employee said Steen helped her become employed at the cemetery. The employee — still working at City Hall and not part of the investigation — testified that she was Steen's neighbor.

The employee said Steen was a friend of her mother and he joined them both regularly for dinner. However, the employee felt it was inappropriate that Steen referred business to his domestic partner while Romleski's husband — who owned a landscaping company — was having trouble renewing a contract with City Hall to maintain the cemetery grounds.

The employee said she finally confronted Steen about the situation.

She says Steen insisted that he was not on his partner's business license and because of this, there was no conflict in his referring business to Woodlawn Monument, according to the employee's testimony.

"I asked (Steen) why Phyllis' husband was a conflict of interest," the employee said. "He said that it's because she was on her husband's license."

Future testimony, including that of Steen, his domestic partner and former boss, is set to be recounted in upcoming articles.

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Sentencing is set for October

WESTSIDE COP, from page 1

that he had ever provided information to, or received payments from, Pellicano, when in fact he had repeatedly sold information to Pellicano.

Stevens entered his plea before U.S. District Judge R. Gary Klausner, who is scheduled to sentence Stevens on Oct. 16. At sentencing, Stevens faces a maximum of 35 years in federal prison. Stevens, who started with the Beverly Hills Police Department in 1982, resigned on Friday.

In the second case, a former client of Pellicano, Sandra Will Carradine, a 58-year-old Carpenteria resident, pleaded guilty on Friday to two counts of perjury. Carradine, who hired Pellicano in relation to her divorce proceedings, admitted that during a grand jury appearance in October 2004 she lied when she denied knowing that Pellicano had wiretapped her ex-husband's phone. The case against Carradine was made public Tuesday when U.S. District Judge Robert M. Takasugi unsealed criminal information and documents related to Friday's proceedings. Judge Takasugi is scheduled to sentence Carradine, who faces up to 10 years in prison, on Sept. 25.

Pellicano is scheduled to complete a 30-month sentence he received for possessing illegal weapons early next month.



Pier searches to continue

PIER, from page 1

An estimated $2 million in security upgrades were approved after the Santa Monica Police informed the public in August that a citizen on July 3 spotted three men, all of Middle Eastern descent, suspiciously videotaping specific areas of the pier, including access roads and the SMPD's police substation.

Based on intelligence from other agencies, the same men were seen this summer videotaping bridges and piers along the Southern California coast. Another agency confirmed that the same individuals were seen videotaping at the 2003 Academy Awards.

That prompted officials to make preemptive changes to the city's security systems to further protect the public from the threat of a terrorist attack.

SMPD has added four overtime police officers and reconfigured the observation posts at the pier. Security has been increased underneath the pier and surrounding the structure's pilings. The SMPD has also been in the process of training and hiring additional K-9 officers with bomb-sniffing dogs. The dogs cost $5,000 a piece, and the specially trained officers command about $100,000 a year in salary.

Third Street Promenade is also seeing an increase in security, including the installation of security cameras, to be placed throughout the downtown area and the pier once a company is hired. Signs will be posted throughout the Bayside District indicating that there are cameras rolling. The cost of the surveillance system is estimated at $1.1 million.

The citizen who spotted the men on the pier this summer noticed their behavior because they weren't videotaping each other as tourists do. The men were instead seen acting as "look-outs" while another man videotaped. The citizen photographed the individuals from a distance and held onto the images. Then, after the terrorist attacks occurred in London on July 7, the citizen contacted the SMPD on July 22.

It wasn't until July 26 that the citizen handed the photos of the men over to the SMPD. The next day, the SMPD shared the photos with state and federal agencies.

When the SMPD distributed a flyer to state and federal authorities about the suspicious activity, two agencies informed Santa Monica police that they had been in contact with the individuals in recent months. Those agencies intercepted video footage from the individuals that contained images from Universal City Walk and the Santa Monica Pier.



STATE

TiVo uncharacteristically quiet at TV-dominated CES

BY MATTHEW FORDAHL
AP Technology Writer

SAN JOSE — TiVo Inc., the digital video recorder pioneer, made headlines a year ago in vowing to take TV to the next level with support for high-definition video, software that can sling shows outside the box and a plan to pipe movies over the Internet.

But at this year's Consumer Electronics Show, the company was unusually quiet despite the event's major focus on big changes in how TV is distributed and watched — something TiVo helped start but from which it hasn't consistently profited.

Fact is, rival set-top boxes often cost less but offer the same features that made TiVo a household name. And the competition is heating up.

"The standalone TiVo boxes now are facing a real challenge from the DVRs offered by cable and satellite operators," said Josh Bernoff, an analyst at Forrester Research. "As a result, they have to pull back and look at who it is they are and who it is they're going after."

TiVo says nothing should be read into its lack of activity at the gigantic trade show that ended Sunday. Its management team opted instead to make announcements late last year, said Jim Denney, TiVo's vice president of product marketing.

TiVo's news would have had trouble competing with such CES announcements as Google's that it was entering the online video store business and its deal with media companies like CBS — as well as other Hollywood-Silicon Valley dalliances.

At the show, Alviso-based TiVo touted a deal with Yahoo Inc. where subscribers can remotely schedule recordings on the Web portal as well as view some of its content on their TVs through their DVRs. It highlighted some previously announced online services such a deal with Live365 for radio and the ability to browse and order movie tickets online on a TiVo through Fandango.

It showed off improvements to its TiVoToGo feature that will enable automatic transfers and support for Apple Computer Inc.'s video-capable iPod and Sony Corp.'s PlayStation Portable — a move that miffed some content providers' legal departments.

In a move that might generate some revenue but appears a dubious selling point, TiVo announced plans late last year to offer a service that lets customers search for TV ads and view them on demand.

"These efforts toward product differentiation could face future legal challenges from the networks," Standard & Poor's analyst Tuna Amobi said in a research report. "Also, the potential advertising opportunity could take several years to scale, if at all."

And while companies like Google, DirecTV (with its own DVR) and Intel struck deals for major content for distributing over the Internet, TiVo pointed to its limited trials that offered material from CNET tech news, Independent Film Channel, College Sports Television and a video blog called Rocketboom.

Last year, the buzz was considerable about TiVo's plans for a movie download service with Netflix. But that's currently on ice because the DVD rental service is focusing on high-definition, while TiVo's primary focus remains standard-definition video, Denney said.

"We still have a relationship," he said. "When appropriate, we will re-explore or revive that type of arrangement."

Denney wouldn't comment on other possible deals, except to say TiVo is "looking for content that more complements broadcast television or provides things you can get through the (regular) channels."

TiVo also showed off a working prototype of its next-generation, high-definition capable DVR, which sports built-in Ethernet networking and USB ports, support for an external hard drive and two TV tuners. It also will be capable of acting like a cable descrambling box — a move that should make setup and use easier for digital cable subscribers.

But it was something less than a revelation: The new box was first announced early last year to great acclaim, and TiVo isn't saying when it will be available or how much it will cost. It's expected to be a premium offering — and TiVo could use the money.

In late November, it reported a fiscal third-quarter loss of $14.2 million on sales of $49.6 million but predicted the red ink in the current quarter would be between $17 million and $22 million. It has reported only one profitable quarter in its history.

The company's biggest source of new subscribers, a long-running relationship with DirecTV, is set to end next year as the satellite TV company switches to a different DVR platform.

The DirecTV relationship brought in 379,000 of TiVo's 434,000 new subscribers in the fiscal third quarter. In all, TiVo has slightly more than 4 million subscribers.

Last year, TiVo announced it would supply higher-end DVRs for Comcast Corp., the nation's largest cable TV company. That's still on track with the first boxes expected to be available in mid- to late-2006, Denney said.

But deals with cable and satellite companies and steeply discounted hardware make the standalone DVR business very tough, said Anthony Wood, who founded TiVo rival ReplayTV and later started Roku LLC, a maker of advanced digital media players.

"It's always been my opinion that DVR is sort of a stepping-stone technology, more of a feature than an actual product," he said. "Really, the future is Internet delivered content — not recording it and watching it later."

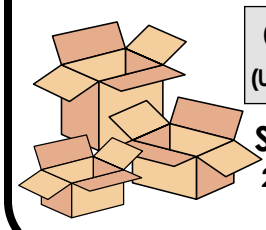
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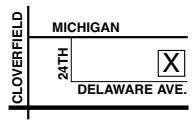
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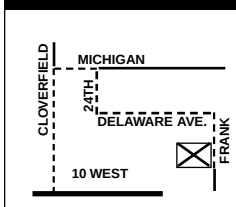
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City Council kicks up dust

By The Associated Press

DESERT HOT SPRINGS, Calif. — The City Council is clamping down on developers who violate the city's dust ordinance.

The city had been lenient on strict enforcement of the law, but clouds of dust and sand blowing through the community led to a council vote to "red-tag" developers in violation.

"We were being more development friendly, but some of those folks have not worked with us as well as we had hoped," interim City Manager John Soulliere said Monday. Enforcement officers will now shut down work for a first violation.

Among other measures, the ordinance requires construction crews to water the ground to keep dust down and to install fences around all four sides of a construction site. Fines up to $10,000 a day can be levied until the problem is corrected, but not for a first offense.

Library computers get $340K upgrade

By The Associated Press

LOS ANGELES — Supervisors voted to spend $340,000 for computer software and other equipment to block access to pornographic Web sites at county libraries.

The Board of Supervisors voted in October to install limited filters on adult computers and more restrictive filters on children's computers to prevent library visitors from viewing sexually explicit sites.

Funding was approved Tuesday on a 3-0 vote.

Computers will also be relocated to prevent adult computers from being in the direct path of children, and signs will be posted informing library visitors that inappropriate sites may not be viewed on library computers.

Libraries will receive $344,000 from the county's Information Technology Fund for filters, privacy monitors and the redesign of computer layouts at 14 libraries.

Audit: Parks poorly managed

By The Associated Press

LOS ANGELES — A city audit shows the Department of Recreation and Parks lacks a proactive maintenance plan and hundreds of older parks are deteriorating because of a lack of upkeep.

City Controller Laura Chick released an audit Monday that shows the department doesn't adequately manage 390 parks, 176 recreation centers, 13 golf courses and 30 senior centers.

"The way we are maintaining our assets now is we wait for them to break down, then we go in to fix them," Chick said.

The Matrix Consulting Group auditors found that out of 54 municipal swimming pools, six are closed and 24 have very poor infrastructure.

"What this audit shows is the problem that started with Proposition 13 — the problems of 20 to 30 years of deferred maintenance," said Recreation and Parks general manager Jon Kirk Mukri, who has been on the job less than two years.

The audit also calls on the department to conduct more preventive maintenance of roofs, plumbing and electrical systems, heating, ventilation and air conditioning. It also calls the agency's inventory of sites inadequate and suggests that workers could be shuffled so more are performing core maintenance duties.

Bath houses to pay for health permits

By The Associated Press

LOS ANGELES — The county's 11 bath houses will now be charged $1,008 a year for quarterly health inspections and a health permit.

The Board of Supervisors voted 3-0 on a new ordinance Tuesday that classifies the bath houses as "commercial sex venues" and charge a fee for the health inspections and permit.

Commercial sex venues are defined as "any establishment that charges patrons or members a fee for admission or membership and which as one of its primary purposes allows, facilitates and/or provides facilities for its patrons or members to engage in any high-risk sexual contact while on the premises."

Supervisors approved an ordinance in September 2004 requiring commercial sex venues to follow health regulations and obtain health permits. By establishing a fee, the Department of Health Services can inspect facilities and issue permits.

"If successful, the project will reduce the spread of HIV and other (sexually transmitted diseases) by reducing high-risk behavior within commercial sex venues," county health director Dr. Thomas Garthwaite wrote in a memorandum to supervisors.

In November, the AIDS Healthcare Foundation criticized the county for failing to enforce health regulations at bath houses despite research showing cases of HIV infection were significantly higher at the facilities.

Ambulance executive convicted of sexual assault

By The Associated Press

TORRANCE, Calif. — A former Gerber Ambulance executive was convicted of sexually assaulting two female emergency medical technicians.

Fernando Cantoni, 33, was convicted Monday of fondling and sexually assaulting the two employees in 2004. He agreed to have his trial heard by a judge rather than a jury and prosecutors agreed not to seek more than a year in jail if he was convicted.

Cantoni, convicted on two counts of misdemeanor sexual battery, two counts of sexual battery and one count each of digital penetration and forcible oral copulation, returns to court Sept. 1 for sentencing.

The victims testified that Cantoni would summon them to his office, where he would assault them. They felt they had to comply with his demands and delayed reporting him because they feared they would be retaliated against and would lose their jobs.

Group home housing too many sex offenders

By The Associated Press

MUSCOY, Calif. — A code enforcement complaint was filed against a group home because it is housing nearly twice as many paroled sex offenders as legally allowed.

The San Bernardino County complaint and the Megan's Law Web site said 11 sex offenders convicted of child molestation live at the house. Only six are permitted.

Residents complained to the county about the group home.

"Nobody wants any of them in their neighborhood, of course. Dumping that many in one neighborhood is a ridiculous idea," said Larry Claunch, chairman of the Muscoy Municipal Advisory Council who lives near the group home.

The county filed a Superior Court injunction request Friday against the West Third Avenue group home to force eviction of all but six of the residents. The county is seeking civil penalties and damages of $500 per day per violation against operators Nancy and Hughlyn Henry.

Deputy County Counsel Paymon Bidari said the Henrys have ignored county notices.

Nancy Henry said she was unaware of the county complaint and denied having more than six people there. She said the Megan's Law Web site listed residents who didn't live at her home.

"I am within my rights and have been within the limits," she said.

Authorities want Measure M renewed

By The Associated Press

ORANGE, Calif. — The Orange County Transportation Authority wants sales taxes hiked a half-cent to fund $11.8 billion in transportation projects, including additional freeway lanes, synchronization of traffic signals at 2,000 intersections and Metrolink service.

Transportation officials want to get a measure on the November ballot that would extend half-cent Measure M sales taxes for 30 years. Measure M, expected to raise $4.2 billion over 20 years, expires in 2010.

The authority, which directed staff to draw up the language for a proposed ballot measure, also hired a firm for up to $1.5 million to mail out brochures to residents telling them about current Measure M projects and what an extension of that sales tax would bring.

"Today really starts the discussion with the public on the whole question: Should Measure M be renewed?" authority chief Art Leahy said.

Transportation officials want a November election on a Measure M extension so that there is time for a second effort if it fails to get the two-thirds vote necessary.


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Helping Buyers and Sellers Save

Californians optimistic about land values in '06



DAYS ON THE MARKET
BY JODI SUMMERS

It's like Southern California property owners have won the lottery. 2002 saw close to a 20 percent increase in housing prices. 2003 saw the same. In 2004 we saw a 23 percent rise, and 13 percent in 2005. We will win again this year, though the spoils won't be quite as rich. In 2006 property prices are expected to be mellower, but we will be rewarded single digit appreciation. Will the relatively modest growth be a problem? Perhaps. According to a recent survey of 2,261 homeowners in the 13 areas of the country, if housing prices stop rising, one in four homeowners will have to rearrange their budgets. If values should fall by 10 percent, one in three would have to tighten their belt. And if values should drop by 25 percent, half of the homeowners would be financially challenged.

"These double-digit (home) price increases have been going on in California for years," Wells Fargo regional economist Scott Anderson says about our part of the world. "People have been using their houses as cash machines."

"Homeowners in markets where prices drop are in for a hairy ride," says James Chung, president of Reach Advisors, the market strategy and research firm that conducted the recent survey. "Even if prices simply flatten, it is going to cause significant pain and have a large impact on the economy. Appreciation isn't bonus money for a lot of families; it's money that's already been spent."

The survey, titled "Moving Away From Easy Street," studies what consumers might do if the housing market turns. For many homeowners, their primary residence is an investment vehicle, and the mainstay of their retirement planning.

"A sizable part of the population is betting that housing prices are going to continue to increase," Chung says about the study. "So if prices don't keep gaining ground, many people will be forced to alter their spending habits, which is an issue that has major macroeconomic implications."

The study shows that just one in three families with adjustable rate mortgages (ARMs) have a plan in place for handling higher house payments if their loan rates should increase.

Hardest hit could be the Generation Xers. Because they haven't had long-term experience in the real estate market, they are twice as likely as others to believe that the rate of appreciation will soon allow them to trade up from their starter homes to bigger and better models.

And because of our state's extremely high housing costs, Xers are the least likely to hold more-conventional fixed-rate loans.

"They're the ones in the most precarious situation," says Chung, "and that's where the greatest percentage of foreclosures will be."

Boomers are in a better position because they have amassed impressive amounts of home equity. This fortunate generation has the least problem with a potential drop in home prices.

How many will be able to weather a market slowdown? Only time will tell. The most recent UCLA Anderson Forecast — considered to be one of the most accurate housing forecasters — concludes that the California economy will probably experience slow growth in 2006, but should avoid a recession if housing prices cool and do not crash. But any slowdown in the housing market could easily affect the economy.

The UCLA report notes that in the third quarter of 2005, the nation's total spending on residential real estate — which includes new construction and remodeling — hit $3,400 per capita. This is up 4.3 percent from the previous high of $2,700 in 1973 and is 70 percent higher than the $2,000 average over the last 35 years.

If per-capita real estate remodeling spending were to fall to its previous peak of $2,700, it would shave about 1 percent off the Gross Domestic Product. If outlays were to fall to the 35-year average of $2,000 per capita, "the spending reduction would be about 2 percent of GDP," says Anderson Forecast economist Edward Leamer.

The California economy has had weak hiring — with the exception of construction — coupled with strong growth in personal income and taxable sales. Rising home prices are what account for this economic paradox.

"The big news is that manufacturing jobs have been just pummeled in recent years," Leamer says. "When you're down on your knees, it's hard to fall further."

Operating under the hypothesis that California housing prices will plateau but not plunge, economist Ryan Ratcliff forecasts two years of weak growth in state payrolls. It is anticipated that payrolls in California grew 1.6 percent in 2005. They are predicted to increase 1.1 percent in 2006, and slow to 0.8 percent in 2007.

Those are the predictions, but property owners are not necessarily buying into the concept. According to a survey by The PNC Financial Services Group, nearly two-thirds of American property owners expect to see double-digit increases in the value of their primary homes over the next five years, with about one-third anticipating the value to rise 20 percent or more.

"As an investment, real estate has been an increasingly dominant asset class over the past five years," says Nicholas Buss, senior vice president and real estate economist at PNC, a financial organization that provides banking, real estate finance and lending services.

"Our findings indicate that many … will not believe there is a real estate slowdown until they see it reflected in their property values, especially in regions of the country where prices have skyrocketed during the past five years," Buss says.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com, or call 310-309-4219. Visit her community history Web site at www.santamonicalandmarks.com .)

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Unlock your wealth



IN YOUR SPACE
BY CHRISTINA S. PORTER

Many Southern California property owners find themselves trapped by management responsibilities while earning only a fraction of the monthly income they desire. With good investment planning, they can frequently double and sometimes triple their monthly income, as well as reduce the risk of their investment portfolio and minimize management responsibly — all while avoiding taxes in the process.

This article is one in a series on how investors can reposition their portfolios and change their lives with significantly greater income, security and peace of mind.

PRESERVATION OF EQUITY

A properly structured 1031 exchange provides real estate investors with the opportunity to defer 100 percent of both federal and state capital gains taxes on the sale of their existing properties. In effect, the 1031 exchange is a tax-free loan that allows the investor to continue to reposition assets and build wealth with money that would otherwise be lost to taxes as they exchange into progressively more desirable properties.

INCREASE INCOME AND TAX DEDUCTIONS

Many investors exchange from a property where they have a high equity position or one that is "free and clear" into a more desirable property. A larger property can produce greater cash flows and the opportunity to more rapidly build equity and to increase the tax shelter that great depreciation can provide.

DIVERSIFICATION

Real estate investors make their money by concentrating their wealth in a given area. They keep that wealth by diversifying. To fully diversify and protect the wealth they worked so hard to build the investor should diversify by geography, asset class — retail, multi-family, office, etc. — and by risk category.

MANAGEMENT RELIEF

Frequently investors have created wealth through management-intensive asset classes such as multi-family or single-family rentals. While this is an excellent way to create wealth, investors can reach a time in their lives where they have had enough and want to enjoy the fruits of their labor. By switching asset classes to net leased properties — the tenant does all the management and the owner receives a monthly check with little to no involvement in the property — or to a synthetic net lease investment, tenant in common or similar, the owner can enjoy the benefits of real estate ownership while avoiding burdensome management responsibilities.

ESTATE PLANNING

Capital gains taxes are forgiven and a new basis is established when a property is passed from one generation to the next. A diversified portfolio of properties that requires little or no management has the flexibility to designate specific properties for heirs who might not have the time or the inclination to manage real estate.

As with any investment decision, it is important to consult your tax and/or legal professional to make sure the investment fits your needs.

(To contact Christina Porter, call her at 1-877-4TM1031, or e-mail her at Christina@TM1031Exchange.com for further assistance. TM 1031 Exchange specializes in assisting investors in planning and executing successful real estate investment strategies. Visit www.TM1031Exchange.com for a complete list of investment properties and to download a free 1031 exchange tool kit. TM 1031 did more than $100 million in successful 1031 exchanges in 2005.)

Tenant In Common Properties – Synthetic Net Leased Investments

Type	State	Minimum	Cash on Cash First Year*	Cash on Cash Five Year*	Comments
Assisted Living	USA	$100,000	10%	10%	Net Leased Investment
Kroger Anchored Shopping Center	GA	$250,000	7.50%	8.80%	100% Leased Good Demographics
Food Lion Retail Center	NC	$400,000	7.81%	10.8%	National Credit Anchor
Office	NV	$750,000	7.50%	8.0%	Excellent Demographics Good Tenant Mix

*Cash on cash is estimated

Net Leased Investments

Name	State	Price	Cap Rate
KFC/Taco Bell	AZ	$985,000	7.60%
Walgreens	FL	$4,050,000	6.44%
Staples	CT	$4,500,000	8.2%
Dollar General	MI	$7,559,140	7.25%
Covington Square Shopping Strip	GA	$14,500,000	8.21%

The above information is deemed reliable but not guaranteed.

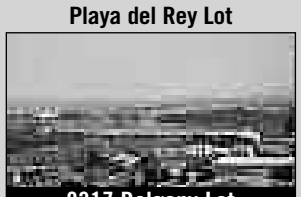
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Feds installing new barriers

BY ARTHUR H. ROTSTEIN
Associated Press Writer

TUCSON, Ariz. — Federal officials will begin installing steel pole barriers this month to stop drug and migrant smugglers from driving through what have been high-traffic corridors along sections of the Mexican border in Arizona and New Mexico.

The poles, which will be spaced about four feet apart, will be placed along two miles of border east of San Luis, Ariz., and along a one-mile stretch west of Columbus, N.M., in areas frequented by smugglers using cars, pick-ups and vans. The barriers have previously been used near San Diego.

Officials say smugglers driving around the barriers will go into isolated terrain where they will be easier to catch. Additionally, the western side of the Arizona barrier will end where officials are extending an existing wall of corrugated metal to form a contiguous barrier.

Agents aided by sensors, cameras and other technological devices will increase the chances of catching smugglers coming around the ends, said Todd Fraser, a Customs and Border Protection spokesman in Washington.

The galvanized hollow steel poles are 10 to 12 inches in diameter and 12 to 13 1/2 feet long. Heavy equipment will hammer them about halfway into the ground. The poles will also be filled with solid resin.

The barriers are expected to be able to withstand crashes of up to 40 mph without damage, said Michael Gramley, a spokesman for the Border Patrol's Yuma sector, which includes San Luis in southwestern Arizona.

"This particular design has been put through many different tests, and it appears that it will be effective in preventing vehicles from being able to cross the international boundary and will be very durable if someone is attempting to vandalize them," Gramley said.

During the 2005 fiscal year, more than 2,700 vehicles, a record, crossed the border illegally through the Yuma sector, he said.

Agents have seized large amounts of marijuana and apprehended large numbers of illegal immigrants in the area where the Arizona barriers will be erected, Gramley said.

There are no paved roads where the smuggling vehicles typically drive north across the border. But the high volume of traffic has created rutted tracks in the sandy terrain, said Gramley and Doug Mosier, a spokesman for the Border Patrol's El Paso sector, which includes western New Mexico.

Gramley said the Arizona barriers won't impede the movement of wildlife, a concern for conservationists.

An environmental specialist will be on site during installation to ensure that the endangered Sonoran pronghorn that roams the area isn't harmed, Gramley said.

The fleet, elusive animals, which have managed to survive some of the harshest terrain and heat in the western hemisphere, have been cut off from some traditional water sources by highways, canals and railroads.

Gramley said it will cost about $1.1 million per mile to install the barriers in the Yuma sector.

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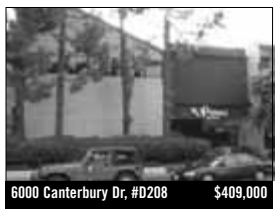
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SoCal realtor found guilty of illegal flipping

By Daily Press staff

The former owner of several Anaheim Hills-based real estate companies was found guilty Tuesday of federal charges related to an illegal property-flipping and loan fraud scheme in which he and others submitted fraudulent mortgage applications that led to the issuance of more than $6 million in fraudulent loans.

Following 14 days of trial, James Davis Bennett, 52, of Rancho Santa Fe, was convicted of 11 counts. The jury found Bennett guilty of operating a continuing financial crimes enterprise, four counts of wire fraud and six counts of bank fraud, according to the United States Attorney's Office.

The evidence presented at trial showed that Bennett purchased multiple-unit properties in distressed areas of Los Angeles and Long Beach for fair market value. Bennett purchased the properties in cash in the name of his mother, his wife and his stepson. Simultaneously, Bennett sold the properties to "straw" buyers for inflated prices, usually approximately $100,000 more than the fair market value, according to prosecutors.

Bennett and his partners recruited the straw buyers with the promise that they would get the properties without having to make any down payment or deposit, according to prosecutors. Bennett and his partners prepared mortgage loan applications for the straw buyers that contained false employment, income, down payment and credit information, prosecutors said.

To qualify for the mortgage loans, lenders require borrowers have a number of qualifications, including sufficient income to cover the mortgage payment, current employment, an acceptable credit history and sufficient assets to cover the down payment for the property. Bennett and his partners prepared fraudulent loan applications for the straw borrowers who could not qualify for the loans, knowing that the lenders and banks would rely on the false information to determine whether to fund and insure the loans. Bennett also prepared fraudulent appraisal reports, concealing his purchases of the properties and the true value of the properties, in order for the lenders to fund loans for approximately $100,000 more than Bennett paid for the properties, according to prosecutors.

Bennett reportedly acted as the escrow officer on the transactions to provide fraudulent information to the lenders, leading them to believe significant down payments were made by the borrowers, when no such down payments existed.

As a result of the scheme, lenders issued more than $6 million in mortgages to unqualified and "straw" purchasers, many of whom fell into foreclosure.

Bennett, a licensed mortgage broker and a licensed appraiser who lived in Yorba Linda during the scheme, formerly operated West Belle Mortgage, West Belle Mortgage Escrow, West Belle Realty and Independent Appraisers.

Following Tuesday's verdicts, Bennett was remanded into custody. Bennett is scheduled to be sentenced by Chief U.S. District Judge AliceMarie H. Stotler on April 14. Bennett faces a mandatory minimum sentence of 10 years in prison and a maximum possible sentence of life in prison for the continuing financial crimes enterprise count. Bennett also faces up to five years in prison for each wire fraud count and up to 30 years in prison for each bank fraud count.

Previously in this case, four others — Bernardo Fernandez, Benny Ibarra, Steven Rogers and Ricardo Garcia — pleaded guilty to wire fraud and bank fraud charges. They will be sentenced by Judge Stotler in the coming months.

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NATIONAL

In Seattle, it's gonna rain, again

BY ELIZABETH M. GILLESPIE
Associated Press Writer

SEATTLE — After 23 consecutive days of measurable rain, Seattle is closing in on a record so dismal, even forecasters in this city famous for its gray skies are complaining — albeit politely.

With more wet weather predicted over the next several days, Seattle may soon break a record set in 1953, when there 33 consecutive days of measurable precipitation — the most since the local National Weather Service branch started tracking rainfall in 1931.

"Usually we have a few days of rain and one or two days of cloudy and dreary days and then it rains again and that's the way it goes," National Weather Service meteorologist Johnny Burg said Monday. "We're not getting our dry days in between — just having one system follow another."

A trace of rain fell on Dec. 18, but the real stuff started the following day.

Since the agency's "weather year" began in October, Seattle has had nearly 18 1/2 inches of rain, about 2 inches above normal and well above tthe 11 inches in the city at this time last year. More than half an inch of rain fell between midnight and 6 a.m. PST Tuesday at King County International Airport (Boeing Field) in the city's south end.

Mudslides blocked railroad tracks north of Seattle for most of the weekend and again early Tuesday, and Washington 166 near Port Orchard on the Kitsap Peninsula was closed indefinitely in both directions Saturday because of road damage from another slide.

Other slides early Tuesday hit railroad tracks south of Tacoma, blocked one lane of Interstate 5 between Tacoma and Olympia and forced the evacuation of a University of Washington fraternity annex in Seattle.

The U.S. Geological Survey said more mudslides were possible around the Puget Sound area because the land is saturated.

It was miserable in the mountains Monday, too. Forecasters said heavy snow falling amid gusty winds in the Cascades would continue through Tuesday. The Olympic Mountains were also getting slammed with snow.

In the lowlands, the weather service said flooding was possible, but not imminent, for rivers in parts of Western Washington, including Pierce, Thurston, Lewis, Pacific and Grays Harbor counties. Flood watches were also issued for several counties in southwest Washington and northwest Oregon.

Native Northwesterners joke that it's easy to spot the tourists and transplants when it's raining. They're the ones sporting umbrellas.

Not Nora Bailey, a dental hygienist who moved to Seattle from northeastern France about 10 years ago. Nibbling on a piece of bread she got at a Pike Place Market bakery, Bailey said the rain doesn't bother her as much as the unyielding grayness.

"It's been a little depressing, but you know, what are you going to do?" said Bailey, 32. "I think all that you can say is: 'Merde, alors. Il pleut, encore.' (Loose translation: Ah, shoot. It's still raining.)"

Richard Comer, a street guitarist who moved to Seattle from the Fresno, Calif., area four years ago, went without a raincoat Monday. Cleopatra, the pit bull-lab that kept him company, wore a yellow slicker over her rusty-colored coat.

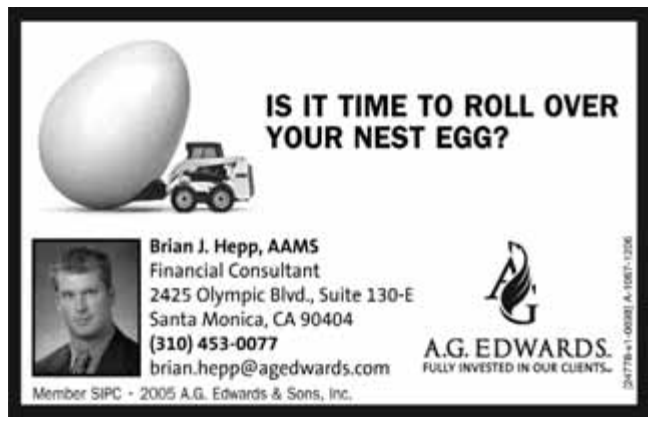
"I'm getting pretty used to it, so I don't really notice it that much anymore. I mean, you know, it's raining, but it always rains. Like today is not a rainy day," the 43-year-old Comer said, holding his hand out to catch some of the mist. "Today is just kind of a moist day."

Things were pretty quiet at the market's seafood counter where, on busy days, tourists snap pictures of salmon being tossed from the cases to the scales. The pace of the day was nothing unusual for this time of year, said Ryan Rector, 22, one of the shop's salesmen.

Still, he wonders if the rain is bumming people out.

"I do notice the people that come in are kind of dragging ... as opposed to when it's sunny in the summer, you know. People are always coming in laughing, smiling."

Though Seattle is famous for its rain, it gets far less in an average year than many places. The city's mean annual rainfall from 1970 to 2000 was 37.07 inches, compared to 49.71 inches for New York City.

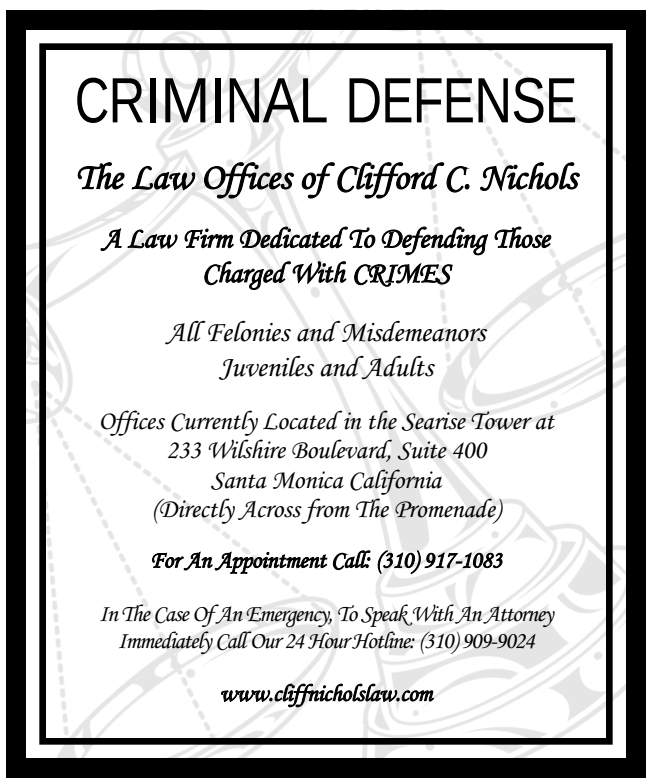
















NATIONAL

Tests on mine survivor show activity

BY DAVID DISHNEAU
Associated Press Writer

TALLMANSVILLE, W.Va. — The sole survivor of the Sago Mine disaster remained in a partial coma but showed signs of brain activity, doctors said Tuesday, and mourners prepared to say farewell to the last two victims of West Virginia's worst coal-mining accident in more than 35 years.

The funeral for 59-year-old Fred Ware was scheduled for Sago Baptist Church in Tallmansville, followed by services for Terry Helms, 50, in Masontown. Funerals for the other 10 men killed were held Sunday and Monday.

There was no significant change Tuesday morning in the condition of Randal McCloy Jr., 26. He remained in critical condition at West Virginia University's Ruby Memorial Hospital in Morgantown with a fever of undetermined origin.

McCloy has yet to fully awaken from a medically induced coma, but doctors did not express concern. Dr. Julian Bailes, a neurosurgeon, said it could be a lengthy process, which is likely to be gradual in nature.

"I think we have no clear clue of the extent of his injury or the time of his recovery," Bailes said.

Bailes said doctors had performed tests of McCloy's brain activity, which showed a lot of activity on both sides of his brain.

"It is probably too early for us to tell what that means, but it is very important to us that he has a lot of brain activity," Bailes said.

On Monday, authorities announced investigations were into both the Sago Mine disaster and overall national mining safety.

Among the issues to be probed will be the tragic miscommunication that led to the mistaken belief that 12 of the 13 miners had been rescued alive the day after the explosion trapped them Jan. 2.

"I am asking for that because I have witnessed firsthand the unbelievable human suffering that comes from miscommunication," Gov. Joe Manchin said Monday.

Federal and state mine safety officials said they would hold joint public hearings into the disaster. Sen. Robert C. Byrd, D-W.Va., said federal mine safety officials would be called to testify before a Senate subcommittee that would hold hearings beginning Jan. 19.

"It's time for the decisions affecting America's miners to be made with their best interests at heart," Byrd said in a statement. "That should be the legacy of the Sago miners."

Sen. Jay Rockefeller, D-W.Va., also called for hearings into the specific issue of coal mine safety. He said Congress had not held a comprehensive oversight hearing of the federal Mine Safety and Health Administration since 2001.

Also Monday, Manchin named J. Davitt McAteer, who oversaw the federal MSHA during the Clinton administration, to serve as his consultant, oversee the work of state and federal investigators, and issue a report on the disaster by July 1.

McAteer said legitimate questions exist about the number of citations at Sago Mine, which had 208 alleged violations of federal mine rules in 2005. The mine's owner, International Coal Group Inc., has said it is working to correct the violations inherited from the mine's former owner.

"We have made tremendous strides in this country in terms of production," McAteer said. "We are in the 21st century in terms of the way we can produce the coal. We simply haven't brought the health and safety aspects of mining into the 21st century."

Alito: Open mind to abortion

BY JESSE J. HOLLAND
Associated Press Writer

WASHINGTON — Supreme Court nominee Samuel Alito said Tuesday he would deal with the issue of abortion with an open mind as a justice, though he defended his 1991 judicial vote saying women seeking abortions must notify their husbands.

In the second day of Senate hearings, Alito also said no president or court is above the law as he addressed questions on presidential powers. The issue has been at the forefront since the revelation that President Bush had secretly ordered the National Security Agency to conduct wiretaps of Americans in the terror war.

The federal judge also faced tough questions about his decisions during 15 years on an appeals court, his writings on wiretaps and his membership in a college organization opposed to the admission of women and minorities.

Bush's choice for the high court said his Reagan-era writings opposing abortion reflected an attorney representing a client's interests and, if confirmed and faced with an abortion case, "I would approach the question with an open mind."

The judge defended his dissent in the 1991 case of Casey v. Planned Parenthood, in which the 3rd U.S. Circuit Court of Appeals struck down a Pennsylvania law that included a provision requiring women seeking abortions to notify their spouses.

The Supreme Court also rejected the spousal notification, but Chief Justice William Rehnquist quoted from Alito's opinion in his own dissent. The high court, on a 5-4 vote, upheld a woman's right to the procedure but was divided on other elements of the case.

Alito told the Senate Judiciary Committee: "I did it because that's what I thought the law required."

In a 1985 memo as an official of the Reagan administration, Alito described a legal strategy for chipping away at abortion rights. Questioned about the document, he told the committee, "That was a statement that I made at a prior period of time when I was performing a different role and, as I said yesterday, when someone becomes a judge you really have to put aside the things you did as a lawyer at prior points in your legal career."

Bush's pick to replace retiring Justice Sandra Day O'Connor told the Judiciary Committee that courts in general should follow their earlier decisions and avoid being moved by public opinion on controversial issues.

"The legitimacy of the court is undermined if it makes its decision based on public perception," Alito said.

Alito, who has been criticized by opponents for advocating broad presidential powers, said he did not believe war allowed the president to bypass the Constitution.

"No person is above the law, and that means the president and that means the Supreme Court," the judge said.

Committee Chairman Arlen Specter, R-Pa., started the hearing by questioning Alito about abortion and privacy rights, divisive issues that loom large as the Senate decides whether to confirm the conservative jurist.

Alito told the panel that he agrees "with the underlying thought that when a precedent is reaffirmed, that strengthens the precedent."

Alito said he doesn't believe in the idea of a super precedent — or, he added, in a moment of levity, "superduper" precedents either.

O'Connor, whom Alito would replace, wrote in 2004 that "a state of war is not a blank check for the president when it comes to the rights of the nation's citizens." Specter asked Alito his view on her comments, and Alito said he endorsed them.

"It's a very important principle," Alito said. "Our Constitution applies in times of peace and in times of war. And it protects American citizens in all circumstances."

Alito didn't answer directly when Specter asked about whether the November 2001 act of Congress authorizing use of force against terrorists responsible for the Sept. 11 terrorist attacks gave the president the authority to order warrantless wiretaps, as the administration contends.

"These questions are obviously very difficult and important ... and likely to arise in litigation even before my own court or before the Supreme Court," he said.

Like Chief Justice John Roberts at his confirmation hearings in September, Alito repeatedly explained his writings as a lawyer in Republican Justice Departments as examples of an attorney representing a client.

In a 1984 memo, Alito suggested that the attorney general should be immune from lawsuits when acting to protect national security — even if it included illegal wiretapping of U.S. citizens. At issue was a lawsuit against President Nixon's attorney general, John Mitchell.

Alito said he believed the case could be made for such immunity. Asked if he believes now that an attorney general should be immune from civil liability, Alito said, "No, he would not. That was settled in that case."

In a 1985 application for a job in the Reagan Justice Department, Alito cited his membership in the Concerned Alumni of Princeton, a conservative alumni group known for its opposition to opening the school to women and bringing in more minorities.

"I have no specific recollection of that organization," Alito told the panel. The Princeton graduate said he was not actively involved in the conservative organization.

Asked if he opposed the admission of women and minorities in colleges, Alito said, "Absolutely not," and added, "I had never attended a non-coeducational school until I went to Princeton and after I was there a short time I realized the benefits of attending a coeducational school."

On other issues:

■ Alito pledged in 1990 that he would recuse himself from cases involving the Vanguard companies. Some Alito opponents say his participation in a 2002 Vanguard case raises doubts about his fitness for the Supreme Court. Alito holds six-figure investments with Vanguard.

"If I had to do it over again there are things that I would do differently," said Alito, although he also said he did nothing wrong.

■ He defended his 2004 dissent in which he supported the strip search of a 10-year-old girl, explaining that his interpretation was based on "common sense" that a warrant included searches of anyone on the premises of a drug suspect.

■ Alito acknowledged an example of precedent evolving into accepted practice, and a justice changing his opinion. Specter noted that Rehnquist had initially opposed the familiar Miranda warning used by police and then later supported the required statement, which begins, "You have the right to remain silent. ..."

"In that instance, police departments had adapted to the Miranda rule, had become comfortable with it ... began to regard it as a good way of dealing with a difficult problem," Alito said.



INTERNATIONAL

Korean scientist's claim to have cloned embryos and extracted stem cells was faked

BY BO-MI LIM
Associated Press Writer

SEOUL, South Korea — An academic panel investigating the work of South Korean researcher Hwang Woo-suk said Tuesday he fabricated data to support his claim that he cloned human embryos and extracted stem cells from them.

The latest revelation by the Seoul National University panel was another disappointment to scientists and patients alike. Hwang's claim of a cloning breakthrough had offered hope to millions suffering from paralysis and debilitating diseases such as Alzheimer's, Parkinson's and AIDS.

The same panel concluded last month that Hwang falsely claimed in 2005 to have developed 11 stem cell lines tailored to specific patients.

Hwang "did not have any proof to show that cloned embryonic stem cells were ever created," the panel said in a report, disputing the central claims in Hwang's 2004 paper in the journal Science. In the paper, Hwang said he had cloned a human embryo and extracted stem cells from it.

The university cast doubt on whether an embryo was cloned, saying there is a high possibility it could have merely been a mutated egg, which could appear to have similar qualities of an embryo.

"The 2004 paper was written on fabricated data to show that the stem cells match the DNA of the provider although they didn't," the report said.

The panel upheld Hwang's claims last year to have created the world's first cloned dog, an Afghan hound named Snuppy. The journal Nature, which published Hwang's cloned-dog article, said Tuesday preliminary results from its independent tests also showed Snuppy was indeed a clone.

That achievement was not regarded as important as the cloning of human embryos because various animals had already been cloned.

The university condemned the fabrications and said they should be punished.

"This conduct cannot but be seen as an act that fools the whole scientific community and the public," the new report said. "Just based on the facts of the fabrications that have been disclosed, the penalty has to be severe."

Prosecutors said they may launch an investigation after reviewing the panel's report, said Hwang Hee-chul, the No. 2 official at the Supreme Public Prosecutors' Office in Seoul.

South Korean media have reported prosecutors may look into whether his research involved misappropriation of government funds. Yonhap news agency reported Tuesday that prosecutors have barred Hwang and members of his research team from leaving South Korea.

Scientists hope to someday use human stem cells to battle a number of diseases. Creating stem cells genetically matched to a specific patient would be a breakthrough because they would not be rejected by the patient's immune systems.

Despite years of research, Hwang was the only person to claim success in extracting the cells from a cloned embryo.

The 53-year-old veterinarian had become a national hero in South Korea before the scandal erupted. He was designated the country's first-ever "top scientist" by the government in June, winning special funding. Korean Air even gave Hwang and his wife free first-class flights for a decade, calling him a "national treasure."

His reputation has steadily eroded in recent months.

In December, a devastating report by the university, where Hwang conducted much of his research, concluded he had fabricated another article published in Science last year. The university's nine-member investigative panel said it could not find any of the 11 stem cell lines matched to patients, as Hwang reported in that research.

Science has said it would retract that May 2005 paper and investigate Hwang's 2004 paper that claimed the first cloned human embryo.

Hwang had also come under fire for using eggs in his studies donated by junior researchers on his team. He conceded in November that two subordinates had donated eggs without his knowledge and that other women were paid to take fertility drugs to produce eggs for research.

Both practices are viewed as coercive and unethical in the West.

The panel said Tuesday that one of the two researchers who donated eggs said Hwang accompanied her to a clinic for the procedure. Hwang also received letters from female scientists on his team pledging to donate eggs, the panel said.

The concerns over the egg donations caused Hwang's sole American collaborator, University of Pittsburgh researcher Gerald Schatten, to end his 20-month partnership with Hwang's team in November. He also asked Science to remove him as senior author of the May 2005 paper.

Hwang has not made any public appearances since last month when he said he would resign his faculty position, and his whereabouts are unknown.

Hwang has maintained he has the technology to clone stem cells and could reproduce his experiments. Last month, he filed a complaint with prosecutors alleging that some of his stem cells were maliciously switched by other researchers in his lab.

Research such as Hwang's is off-limits in many U.S. labs because Washington restricts federal money for human embryonic stem cell experiments. Labs that depend on federal money cannot use it to create new embryonic cell lines as Hwang claimed he did.

Some experts said Hwang's fabrications would be a setback to the field. They said there is still a huge need for better treatments for degenerative diseases and the scandal does not diminish the potential of stem-cell technology to provide these.

Iran says seals are removed, nuclear work has resumed

BY ALI AKBAR DAREINI
Associated Press Writer

TEHRAN, Iran — Iran removed seals from its nuclear facilities on Tuesday and said it had resumed research work, intensifying its standoff with the United States and European powers over its nuclear ambitions.

Iran announced plans last week to resume research on the production of nuclear fuel, heightening concerns that Tehran was moving toward building atomic weapons. Iran says the research is aimed at generating electricity.

Inspectors from the International Atomic Energy Agency agency affixed the seals more than two years ago after Iran agreed to the measure in an effort to dampen suspicions about its nuclear ambitions.

IAEA inspectors were present on Tuesday as Iranian officials began removing the seals, said Melissa Fleming, a spokeswoman for the U.N. agency. She spoke from Vienna, where the agency is based.

Fleming said the 35 nations on the agency's board of governors would be informed later in the day about what exactly the Iranians planned to do with the equipment.

She declined to say whether the Iranians planned to start enriching uranium or would stop short of that and be satisfied with testing the equipment used in the process.

But Mohammad Saeedi, the deputy head of Iran's Atomic Energy Organization, said Iran was not resuming the production of nuclear fuel, a process that would involve uranium enrichment.

"What we resume is merely in the field of research, not more than that," he said at a news conference. "We make a difference between research on nuclear fuel technology and production of nuclear fuel.

"Production of nuclear fuel remains suspended."

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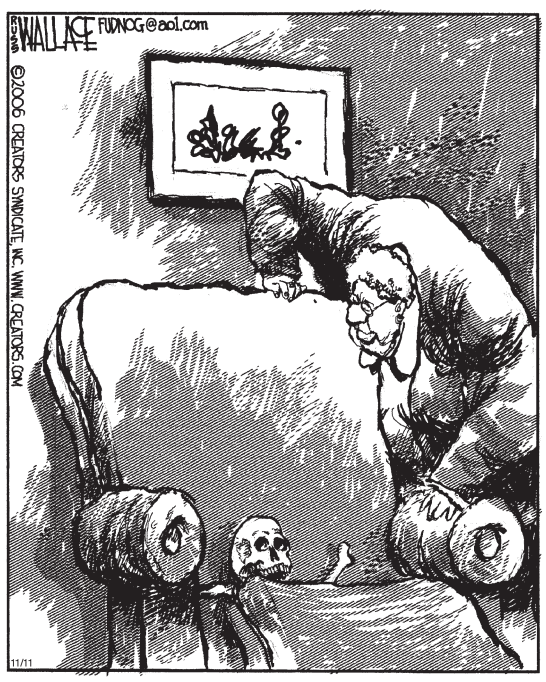

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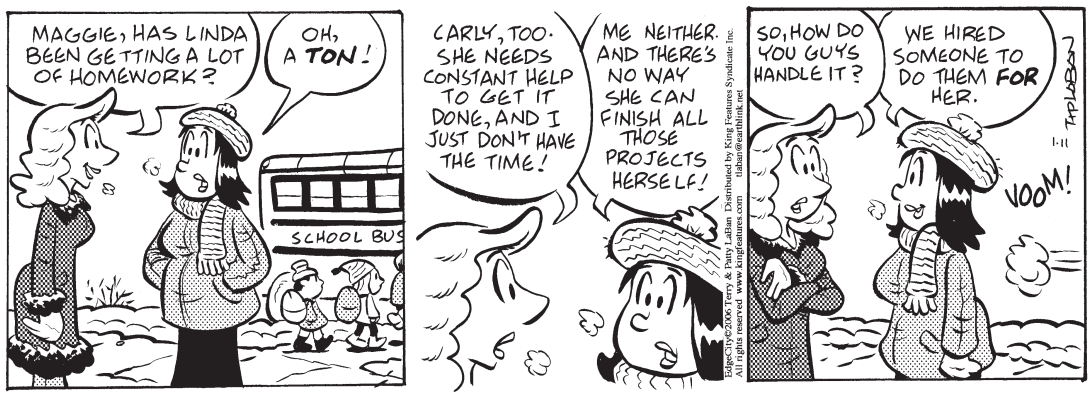


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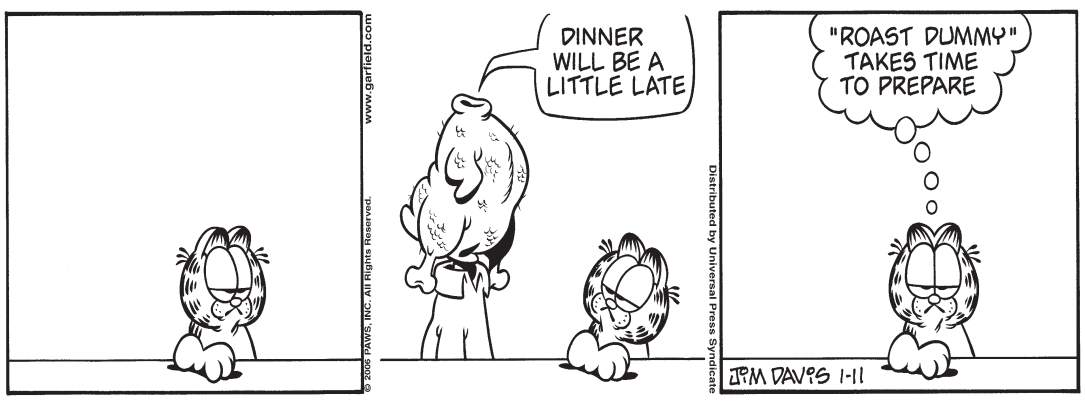


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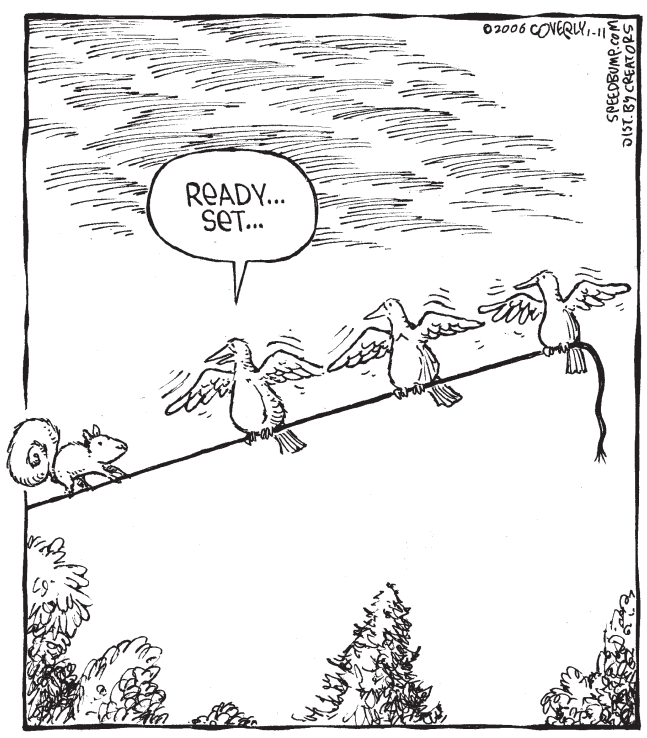
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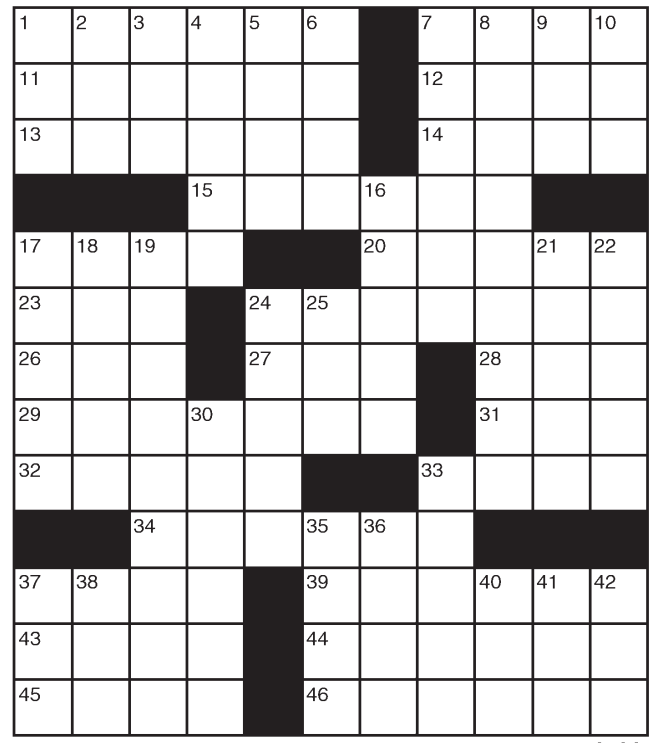
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21 Expanse
22 "Cool!"
24 Learns about
25 Night flier
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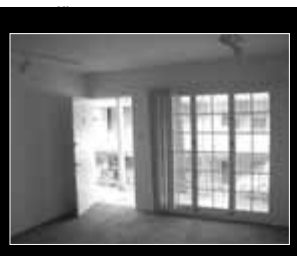
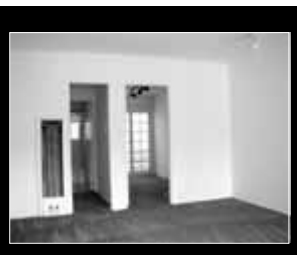
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Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF QUANG QUANG KLEINMAN
Case No. BP096101

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of QUANG QUANG KLEIN-MAN

A PETITION FOR PROBATE has been filed by Mimi Chiang in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PRO-BATE requests that Mimi Chiang be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on February 7, 2006 at 8:30 AM in Dept. No. 5 located at 111 N. Hill St., Los Angeles, CA 90012.

IF YOU OBJECT to the grant-ing of the petition, you should ap-pear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a per-son interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and ap-praisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
ROBERT C EROEN ESQ
SBN 170255
THE EROEN LAW FIRM PC
1801 CENTURY PK EAST
16TH FLR
LOS ANGELES CA 90067
Santa Monica Daily Press
CN745244 KLEINMAN Jan 11,12,18, 2006

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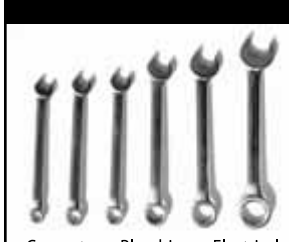
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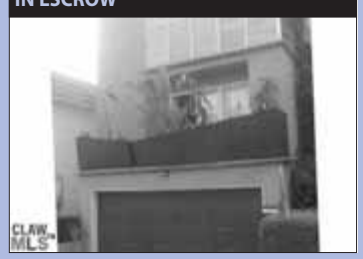
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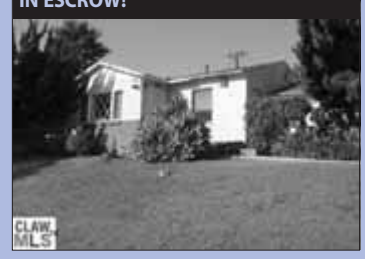
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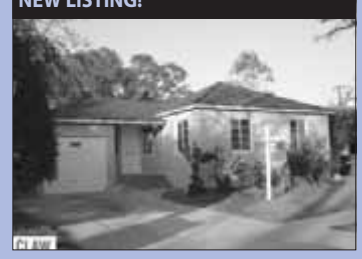
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