

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

6 7 17 38 46 4
Meganumber: 4
Jackpot: \$28 Million

FANTASY 5

7 10 25 26 31

DAILY 3

Daytime: 3 1 7
Evening: 8 3 2

DAILY DERBY

1st: 03 Hot Shot
2nd: 05 California Classic
3rd: 11 Money Bags
RACE TIME: 1:45.89

NEWS OF THE WEIRD
BY CHUCK SHEPARD

In December, outgoing San Francisco Board of Supervisors President Matt Gonzalez turned over his City Hall office to graffiti artist Barry McGee, who orange-spray-painted the walls with various designs and the message "Smash the State" as Gonzalez's tribute to street art. (Mayor Gavin Newsom, a political opponent of Gonzalez, has been a vocal critic of street graffiti.) Gonzalez promised that, before he left office, he would restore the walls to their previous color.

TODAY IN HISTORY

In 1969, "1776," a musical about the writing of the Declaration of Independence, opened on Broadway.
In 1978, Italian politician Aldo Moro was kidnapped by left-wing urban guerrillas, who later murdered him.
In 1984, William Buckley, the CIA station chief in Beirut, was kidnapped by gunmen; he died in captivity.
In 1985, Terry Anderson, chief Middle East correspondent for The Associated Press, was abducted in Beirut; he was released in December 1991.

QUOTE OF THE DAY

"Until we lose ourselves there is no hope of finding ourselves."

HENRY MILLER
AMERICAN AUTHOR (1891-1980).

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Surfer finds dead body near SM pier

Bay Street local stayed with woman's body and flagged down help

BY JOHN WOOD

Daily Press Staff Writer

BAY STREET — A surfer on Monday discovered a dead body floating just below the surface of the ocean south of the Santa Monica Pier.

Michael Wagenvoord, who has surfed for some 25 years at the break known as Bay Street, was alone when he noticed the 35-year-old woman's body. He stayed with it and flagged down help from the shore.

The woman's body was fully clothed and wore two pairs of earrings, a blue stone necklace, a fake lei, beads and other jewelry, according to Los Angeles County Department of Coroner Lt. Cheryl MacWillie. There was no sign of trauma to the woman's body and the incident has been classified as a suicide or an accident.

Investigators have not been able to identify the woman, a brunette who stood 5 feet 6 inches tall and weighed 134 pounds. MacWillie said the woman wore four or five layers of clothing and may have been homeless.

"She is probably a transient,"



John Wood/Daily Press

GOLDEN SANDS: Out-of-state tourists Scott Wathen, 40, and Amanda Bennion, 21, walk along Santa Monica Beach in the same area a dead body was discovered by a surfer. The body belonged to an unidentified 35-year-old woman who authorities said likely committed suicide.

MacWillie said Tuesday. "She's not been identified. We do not have anything coming back to her from friends."

The cause of death was unknown Tuesday and an autopsy was scheduled to take place today.

Wagenvoord was shaken up after discovering the woman during a morning surf session, friends said. Randy Wright, owner of Horizons West Surf Shop, said Wagenvoord later told him how he had come upon the body and sig-

naled for help.

"He was surfing yesterday down at Bay Street, right around the storm drain area, and he said, 'Yeah, got a few waves and saw something float-

See **DEAD BODY**, page 6

What's in store for mall a hot topic

BY RYAN HYATT

Daily Press Staff Writer

SUNSET PARK — Imagine a light rail line ending at the site of a future Santa Monica Place, a spanking-new 10-acre destination point for Santa Monicans and tourists alike. A walkway winding its way to the Promenade is lined with outdoor European-style cafes, shops, restaurants and multi-story housing overlooking the Pacific Ocean.

Some residents said such a downtown in Santa Monica should not be too far-fetched. They were participants in Monday night's "Re-Imagine Santa Monica Place" workshop staged at Grant Elementary School.

The "Re-Imagine Santa Monica

Place" program consists of a series of public workshops, sponsored by City Hall, to determine how to re-develop the downtown indoor shopping mall between Broadway and Colorado Avenue and Fourth and Fifth streets.

Randy Brant, Senior Vice President of Leasing and Development for Macerich, Inc., which owns Santa Monica Place, said the current site needs to be re-developed because it was based on an old, outdated suburban model that does not compete well with shops along the Third Street Promenade.

"Leasing at Santa Monica Place is not faring very well primarily because retailers have realized that customers coming to Santa Monica are interested in an outdoor, urban lifestyle that the

closed mall environment doesn't provide," Brant said.

The question of what kind of development should replace Santa Monica Place is one the city has grappled with in recent years, prompting the public workshops.

The City Council scrapped a proposed development to replace Santa Monica Place last year due to outcry over the height of high-rise buildings slated for the site. If implemented, the project would have demolished the existing mall and erected three 21-story residential towers, an eight-story office building and an eight-story apartment building. Those buildings were to be built on top of a new outdoor mall, which developers

See **WHAT'S IN STORE**, page 5

Jacquie Banks

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LOCAL



COMMUNITY BRIEFS

A bit of advice for SM-UCLA Medical Center

By Daily Press staff

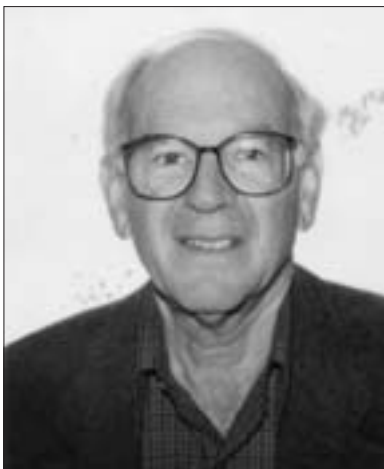
Bel Air resident and community supporter Marvin Elkin has been elected to a two-year term as chair of the board of advisors at Santa Monica-UCLA Medical Center.

Elkin succeeds Babette Heimbuch, chair and chief executive officer of First Federal Bank of California, who had been board chair since 2002. The 25-member volunteer board advises the medical center on various issues, including governance, fund-raising and community relations.

Elkin joined the Santa Monica-UCLA board in 2001 and has been instrumental in various fund-raising activities. He is currently helping with planning efforts for the medical center's upcoming event, "The Gala 2005," which will raise money for its \$275 million hospital rebuilding project. In 2001, Elkin and his wife Simona served as co-chairs for the medical center's "75th-Anniversary Gala."

Elkin worked for Northrop Grumman for 42 years and was corporate vice president and chief human resources and administrative officer when he retired in 1999. He serves as a trustee of both the Foundation Board for the California Science Center and the Autry National Center, and on the Board of Governors at UCLA.

In addition to Santa Monica-UCLA, the Elkins are actively involved with several Santa Monica organizations, including the Boys and Girls Club, YWCA and Santa Monica College.



MARVIN ELKIN

See BRIEFS, page 6

CORRECTION — An article in the Tuesday, March 15 edition of the Santa Monica Daily Press contained an error. Homicide victims Hector Bonilla and Jonathan Hernandez were fatally shot on Saturday, March 5. In addition, the photo caption should have also said that the victims were killed in the Sunset Park neighborhood.



SURF REPORT

The nice mix of SW and NW ground swells continues into today, though the SW begins to back down this afternoon. The swells continue to drop on Thursday.

OUTLOOK: A significant NW'er is due this weekend, but this swell is not looking pretty as weather is trailing on the heels of this next system.

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

Today the water is:

62°

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	4:21	0.8	4:23	0.4	10:25	4.7	10:39	5.4
SUNDAY	5:09	0.2	4:49	1.1	11:13	4.0	11:11	5.2
MONDAY	6:03	0.4	5:10	1.7	12:20	3.2	11:44	5.0
TUESDAY	7:11	0.6	5:19	2.3	N/A	N/A	1:41	2.7
WEDNESDAY	8:47	0.8	N/A	N/A	12:24	4.6	N/A	N/A
THURSDAY	10:36	0.7	N/A	N/A	1:26	4.3	N/A	N/A
FRIDAY	11:14	0.5	6:24	1.4	2:12	4.1	3:01	4.9

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The Q Line

The City Council recently passed a \$11.50 minimum wage for city employees and employees of contractors doing at least \$50,000 worth of business with the city. Officials say the wage will make it possible for employees to live as well as work in Santa Monica. Others say the measure will cost taxpayers a bundle and provide no noticeable benefits to them.

So this week, Q-Line wants to know, "Do you support an increased minimum wage for these employees? Why or why not?"

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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LONG RIDE HOME FROM THE BEACH."

"I'M A LONG DISTANCE RUNNER AND AN ALL-DAY HUNTER."

"DON'T BET THE
TRAILER MONEY YET."

"IF A FROG HAD SIDE POCKETS,
HE'D CARRY A HAND GUN."

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LETTERS TO THE EDITOR

Fluoride full of bad things

Editor:

More coverage is needed like Ed Silverstein's great column (SMDP, March 9, page 4) regarding the highly toxic fluoridation chemical soon to be added to Santa Monica's water, which contains arsenic and lead. At a time when democracy and freedom of choice are being promoted around the world, why is it that Santa Monicans are having fluoridation shoved down their throats by a City Council oblivious to the health and environmental concerns involved?

Zelia Grund
Santa Monica

'Soldiers' was wrong word for murderers

Editor:

Deputy District Attorney Darren Levine's use of the word "soldiers" to describe the two killers on trial in the pier shooting on July 4, 2000, shows the stupidity of the unknowing (SMDP, March 11, page 1). To compare these two individuals to the "soldiers" that I was and worked with in the service is irresponsible and stupid. I was a combat engineer and I killed very few people, and only after they had fired at me. I did, on the other hand, build bridges to cross rivers, hospitals to treat the sick and homes to shelter the needy. No "soldier" wants to kill unless he has to. To call these two persons "soldiers" is a remark only an unknowing person would make. One that is a slap in the face of veterans everywhere.

Please, check your facts, Mr. Levine, before you make such a statement again.

Brian A. Gray, Sr.
U.S. Army
U.S. Air Force
Retired

Fluoride hasn't dripped into tap yet

Editor:

A significant error exists in Mr. Silverstein's otherwise excellent article (SMDP, March 9, page 4), which states:

"But why would such a dangerous drug be added to our water, as it recently was here in Santa Monica?"

The fluoride chemicals have not been added to Santa Monica's waters.

At least, fact is, not yet. In January 2005, the city had announced fluoridation plans had been delayed.

That's still in effect (Public record). Information about this and its related cost-overruns, I believe, can be obtained from the Santa Monica City Manager's office. Thanks for this excellent review of Bryson's, "The fluoride deception."

If Santa Monica and other communities' councils — and more of us citizens — read the documentation provided in this book, I'm convinced also this entire fluoridation program would come to an abrupt halt.

Gene Burke
Santa Monica

Courage under fire was Rather's downfall



INCITES

BY ED SILVERSTEIN

On March 9, after 24 years, Dan Rather gave his last broadcast as anchor of the CBS Evening News. The reason for his leaving is credited to a well-publicized lapse of judgment, but in truth, he is the latest victim of a well-organized smear campaign by ultra-right conservatives. His supposed crime: being a liberal.

These are the same people who, when Rather was covering the civil rights movement, were plotting against the "nigger-lovers" between rounds at their whites-only golf course. When he was dodging bullets in Vietnam, a war even its architects have disowned, these white-glove draft dodgers were calling for escalations behind the safety of their corporate desks. When Rather asked the tough questions of a president who had misused, corrupted and disgraced his office, it was Rather, not Richard Nixon, they railed against as un-American. And it is Rather, the liberal, who is unpatriotic for reporting on widespread torture of prisoners by our soldiers and the despicable justifications from the administration of a president who claims to be compassionate.

Never mind that none of these stories have anything to do with liberal or conservative, so much as what is reasonable and just. According to this rabid pack of foaming neo-cons, a liberal is anyone who doesn't agree with their narrow-minded, hate-filled, hypocritical, cynical, self-serving view of the world, regardless of how immoral, unjustifiable or ridiculous.

They are thugs, who assassinate reputations under the guise of well-funded cover groups such as the Media Research Center. But don't let names fool you. Unlike the unbiased Pew Research Center and FAIR (Fairness and Accuracy In Reporting), these are ultra-conservative financed hate groups, who, along with the ultra-right blight of bloggers, have a specific agenda and absolutely no scruples on how they achieve it.

Not all the blame goes to this pack of rich, robber barons and their brown-nosed sycophants. They would be impotent without the Brutus-like treachery of the invertebrate managers of the mainstream media who have responded to the disingenuous accusations of bias by bending over so far backwards that the only thing they are capable of doing is kissing the right wing of their own buttocks.

But probably the lion's share of blame should go to Rather's own jelly-kneed compatriots who have traded their journalistic integrity for a few crumbs of political access. In fairness, Rather, or more likely, his producer, was negligent in checking the authenticity of a memo that was used as a key piece of evidence to show that our self-named "War President" had not fulfilled his own military obligations. More damning was Rather's continued defense of the document when it became increasingly evident that it was a fraud. But in the end, it was simply a mistake ... sort of. Because, fraudulent memo notwithstanding, the story about the President was true.

But the piranha pack ignored the fresh blood of the Pentagon's equivocating, obstruction and select-document shredding, as well as presidential denials so unctuous that they invoke images of eels writhing in a barrel of Dubai sweet crude. Instead, like a pack of alchemists celebrating the secret of turning gold into lead, they engaged in an atavistic feeding frenzy against one of their own.

But even as they masquerade their jealousy as righteous indignation, somehow they are able to ignore the elephant in the room, even though it has just crapped on the carpet.

Where is the indignation over FOX's Brit Hume, a pundit affecting the personage of an anchor, whose slanted character assassination is achieved, not with fake memos, but with scurrilous innuendo? Why have they not condemned the Swift Boat Commanders and its whelp, USA Next, as dishonest Republican propagandists rather than expending their energy providing them legitimacy by uncovering a couple of minor truths in a cesspool of lies.

And if the media has such a liberal bias, where are the 20 news cycles devoted to condemning a President who peddles phony misinformation dressed up as legitimate news stories, pays commentators to bolster his unsupportable positions, gives access to a gay escort pretending to be reporter who is nothing more than a prostitute for Republicans while withholding access to any journalist with the guts to do their job?

Courage. It is the word Dan Rather used to sign off with on his final broadcast. Hopefully, his fellow journalists were listening. Because unless they find their courage, misled Americans will vote without a brain and we will continue to have leaders without a heart.

(Ed Silverstein can be reached at incites@incites.net)



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Residents thankful plans back on drawing board

WHAT'S IN STORE, from page 1

described as a natural extension of the Promenade.

Assistant City Manager Gordon Anderson said the city has been authorized by the City Council to spend between \$150,000 and \$250,000 to hire consulting firms Moore Iacofano and Keyser Marston Associates to facilitate the creation of a project that falls within nine council-directed guidelines intended to better satisfy the public's vision for the Santa Monica Place site.

Moore Iacofano representatives are hosting the workshops, with city staff and Macerich representatives on hand to answer questions. Keyser Marston Associates will then do an economic feasibility study in tandem with city planners to determine the pros and cons of concepts for the site that originate from the public discussion.

These replacement concepts will then be presented to the City Council and the public for final approval, according to Anderson. Macerich, the developers, will then reimburse the city for the costs of the consulting services.

Several participants at Monday's workshop said they appreciated the opportunity to take part in the development process. Some remained skeptical, but others said they were optimistic their ideas will be incorporated into the final project.

"We have an opportunity to try for something original," said Santa Monica resident Tony Gwilliam. "The opportunity for something by the people, instead of your standardized GAP store on every corner. I'd like to see more of the old city style of living, in which the butcher lives above his shop and artists live next to their studios."

Among the concepts participants wanted to see implemented include: pushing parking a block or two away from the Santa Monica Place site and the rest of the Promenade; a shuttle service to transport shoppers; using more innovative parking solutions in the city in general, such as submerged structures or structures on the beach; continuing to externalize Third Street decorative style; paying increased attention to density and traffic impacts; more greenery and community space; and creating spaces for use that may or may not have a direct commercial tie-in, such as a childrens' play center, museums, monuments or an open gym.

"Let's give Santa Monica more of an international flavor," said Jim Leonard, a local resident of 35 years who works as a pastor in West L.A. "Let's make it attrac-

tive, not just for shopping, but for other forms of recreation."

Leonard said he would like to see a museum at the future Santa Monica Place site.

Santa Monica resident Gizelle Stronkendl agreed there needed to be more recreation options available.

"Santa Monica is a destination for many people because of its ocean views," Stronkendl said. "We need the kinds of places that will allow people to enjoy the ocean views, such as terraced buildings and outdoor cafes."

Still, some residents had reservations about the proposals. Geraldine Kennedy said plans that included accommodating a light rail system did not yet have a place in the discussion.

"This site could be redeveloped again before we see a light rail in place," Kennedy said. "There's been no money approved for it yet. It's a pipe dream."

Santa Monica resident Bob Gabriel emphasized the need for participants to be pragmatic.

"People need to keep in mind that either the developer will have to pay for the project, or the city will," Gabriel said. "Unless they want to raise taxes, people can't demand too much of developers, because developers can only dig so deep into their pockets to make a project work."

"We need something in place that makes sense for all sides."

Santa Monica resident Denny Zane said he supported a pragmatic approach.

"I want to see the honest choices here," Zane said. "I want to see a renovation of the existing facilities that make it open air. I want them to re-do the ground floor so it opens up for pedestrians, with a minimal level of investment before demolishing and starting new. Why spend \$100 million, when problems might be solved with much less?"

The series began Sunday afternoon at Santa Monica Place and continued

Finding your Place

The next "Re-Imagine Santa Monica Place" meeting will be held at 6 p.m. on Thursday, March 17, at Franklin Elementary School.

The Thursday meeting will be followed by another meeting at 6 p.m. on Monday, March 21, at John Adams Middle School.

To view the public comment portion of the series so far, visit the Web site at www.reimagine-santamoniacaplace.com.

Monday night at Grant Elementary School. The next meeting will be held at 6 p.m. on Thursday, March 17, at Franklin Elementary School. A final meeting will be convened at 6 p.m. on Monday, March 21, at John Adams Middle School.

More than 120 Santa Monica residents participated in the Sunday meeting, which lasted more than seven hours. More than 30 residents participated in the three-hour fete on Monday.

The nine council guidelines for the site include ensuring the appropriate amount of housing is available, including a signif-

icant proportion of affordable housing; maximizing public parking; maximizing open space to function as true public space; designing at a human scale with strong pedestrian orientation; demonstrating clear advantages of increased heights; promoting economic egalitarianism; ensuring extensive sustainable design and construction; ensuring integration with broader transit, parking and circulation strategies; including an appropriate orientation towards future light rail; and ensuring a project that is economically sustainable for the applicant and the city.

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Authorities: Body had not been in water long

DEAD BODY, from page 1

ing,” Wright said. “There was nobody with him that he could paddle into the shore (for help).

“That’s kind of gnarly,” added Wright, whose surf shop at Main and Bay streets is near where the body was discovered. “Don’t see too many floaters out there. I guess the lifeguards do, but not if you’re surfing.”

Lifeguard spokesman Garth Canning said Wagenvoord caught the attention of a beachgoer, who then retrieved a lifeguard. The lifeguard paddled out on a paddle board, verified that there was a dead body in the water and called for a Baywatch rescue boat from Marina del Rey. The body was lifted onto the Santa Monica Pier, where Santa Monica Police took over the investigation.

Authorities said the body was not in an advanced state of decomposition and likely was in the water for three or four days, maybe less.

Canning said lifeguards discover dead

bodies more frequently than people may think. Though sometimes people die from swimming or surfing in large waves, a more frequent cause is suicide, Canning said.

“It happens occasionally,” he added. “Especially around the holidays, people commit suicide, jump off piers, accidental deaths. While not a usual occurrence, it definitely happens on a yearly basis.”

Still, it’s rare that surfers discover the bodies. Wright, who has surfed in the Santa Monica Bay since 1976, came upon one dead body in the water nine years ago, but said he’d never heard of another surfer doing so ... until now.

Wright’s encounter was in 1986, at the Venice breakwater, while he was surfing with friends. He said his group noticed the decomposed body of an elderly man and went for help.

By the time lifeguards arrived, Wright said the body couldn’t be found. Three days later it washed ashore.

“It’s crazy,” Wright said on Tuesday. “You go and get some waves, and see something and go, ‘Oh my god.’”

COMMUNITY BRIEFS

BRIEFS, from page 3

Artists' party on the pier

By Daily Press staff

Now’s your chance to see Santa Monica’s rising stars.

The Second Annual Celebration For The Arts will kick off a weekend-long festival at the Santa Monica Pier on Saturday, April 9, and Sunday, April 10, from 11 a.m. to 5 p.m. each day. The celebration will include a weekend of local student performances and artwork displays, arts-related workshops and food provided by local restaurants. Events on both Saturday and Sunday are free and open to the public.

Last year’s event raised more than \$100,000 for arts education in the Santa Monica-Malibu Unified School District and included performances by Jackson Browne and Venice.

For more information, contact Linda Gross at (310) 396-4557.

Elks Club gives game to boys and girls club

By Daily Press staff

Grady Sain, president of the Jack Showers Foundation of the Santa Monica Elks, recently presented a check for \$3,200 to Allan Young, president and chief executive officer of the Boys and Girls Club of Santa Monica. The contribution makes the Santa Monica Elks the sole sponsor of the entire basketball program for the Boys and Girls Club of Santa Monica. That includes the traveling expenses for the team.

Sain said many of the professional stars in basketball started in Boys and Girls programs throughout the country.

Doug Randall, exalted ruler of the Santa Monica Elks, said five Santa Monica youngsters placed in the top three in different categories in the district Hoop Shoot finals. At the regional finals in Lancaster, Ryan Carter (age group 12-13) placed second with a score of 22 out of 25.

Young was personally commended for starting eight new Boys and Girls Clubs in the area.

Don Hopp challenges the floor for Elks

By Daily Press staff

At a recent meeting of the Santa Monica Elks, it was announced that Santa Monica was second to Westchester in per capita donations to the Elks National Foundation (ENF).

When Elk member Don Hopp heard this he said, “This is unacceptable and I will match any floor donations up to \$500.” Two of his good buddies immediately waved \$100 bills. Hopp’s response, “I see that I have to change my offer. I will match up to \$1,000.” There was \$1,059 collected from the floor, so Hopp wrote a check for \$1,000.

The Elks National Foundation s the major charity function of the Elks. The money donated is never spent, only the earned interests, officials said. ENF gives grants to individual lodges to assist their Veterans Program, which can include hosting a barbecue for hospitalized veterans, as well as funding special rehabilitation programs, buying books, clothes, or other things veterans might appreciate. ENF sponsors youth programs such as “Hoop Shoot,” “Soccer Shoot,” and :Drug Awareness.” ENF also contributes millions of dollars each year in college and vocational School scholarships. They also make grants to state organizations that fund aid for handicapped children, youth camps, cancer research and children’s hospitals.

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Judge: Start using new nursing rules now

BY JIM WASSERMAN

Associated Press Writer

SACRAMENTO — California's 400 hospitals considered options this week that include hiring 4,000 nurses or shutting down medical units after a judge ordered them to provide immediately one nurse for each five patients and quashed a second emergency order by Gov. Arnold Schwarzenegger to delay it.

The hospital industry and Schwarzenegger's Department of Health Services quickly promised to appeal the judge's order to a higher court Tuesday and ask it to immediately put the order on hold while being considered.

"We will appeal and we will comply with the law," said DHS spokesman Ken August. He said the agency would send information to hospitals Monday night or Tuesday morning regarding the need to implement the new staffing ratios and also monitor hospital compliance.

"We will respond to any complaints alleging a violation of the regulations in the same way we respond to all complaints," August said.

California Hospital Association spokeswoman Jan Emerson said hospitals could have a hard time following the order, which "could be a major disruption of the health care delivery system."

California hospitals are about 4,000 nurses short of meeting the new rules and many can't afford to pay high levels of overtime, which nurses can also refuse to work, Emerson said.

"If they can't comply, the hospitals may have to downsize the number of beds available, cancel procedures and deny admissions," Emerson said.

San Francisco General Hospital will need about 15 more full-time nurses to meet the requirements, said chief nursing officer Sue Currin. She said finding them will be "difficult."

"We pretty much meet the ratios," she said, "The problems we have with the new requirements is during peak periods of time when patients are getting ready to be discharged, but new patients are coming in."

Judge Judy Holzer Hersher's order to provide more nurses per patient followed her March 4 ruling that Schwarzenegger acted illegally last November when he postponed the new requirements. The judge's order means most hospitals will have to provide a constant state of one nurse per five patients in medical and surgical units and one nurse to four patients in emergency rooms.

The 60,000-member California Nurses Association said the judge's ruling will make hospitals safer and urged Schwarzenegger to stop "using taxpayer money to fight the order."

"The ratios are going into effect, period," said Rose Anne DeMoro, CNA executive director.

The judge's decisions Monday were another setback for Schwarzenegger in his long-running political battle with the CNA over the nation's only mandatory staffing levels for hospitals. The new rules, passed by the Legislature in 1999 and signed by then-Gov. Gray Davis, required one nurse for each six patients by Jan. 1, 2004, and one nurse for each five patients by Jan. 1, 2005.

In November, Schwarzenegger issued emergency orders to study the issue further and delay the one-in-five ratios until 2008, agreeing with hospital industry contentions that a statewide nursing shortage meant following the regulation would be impossible. Since then, nurses

have picketed his public events, attacked him in television ads and paid for fly-by aerial advertising critical of his action. The governor, in turn, has called the CNA a special interest and told attendees at one forum that he was "kicking their butts."

Legislative leaders, expressing growing irritation over Schwarzenegger administration decisions to continue fighting a law passed six years ago, plan hearings soon into the governor's actions.

More arguments are scheduled April 28 before Holzer Hersher about the administration's attempts to change its delaying actions from emergency status to permanent.

"It's absolutely fair to say this whole issue is going to be tied up in litigation for some time to come," Emerson said.

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Gay marriage fight gets new life

BY LISA LEFF
Associated Press Writer

SAN FRANCISCO — A judge has opened the way for the nation’s most populous state to follow Massachusetts in allowing same-sex couples to tie the knot, but both sides in the debate predicted a vigorous court fight first.

San Francisco County Superior Court Judge Richard Kramer ruled Monday that while withholding marriage licenses from gays and lesbians has been the status quo, it constitutes discrimination the state can no longer justify.

“The state’s protracted denial of equal protection cannot be justified simply because such constitutional violation has become traditional,” Kramer wrote. “Simply put, same-sex marriage cannot be prohibited solely because California has always done so before.”

Ushering out a social norm long considered sacred won’t happen right away, however. Kramer’s decision is stayed automatically for 60 days to allow time for appeals, and conservative groups that oppose same-sex marriages vowed to uphold California’s one woman-one man marriage laws.

“For a single judge to rule there is no conceivable purpose for preserving marriage as one man and one woman is mind-boggling,” said Liberty Counsel President Mathew Staver, whose group represents the Campaign for California Families, one of two organizations that joined the state’s attorney general’s office in defending California’s existing laws.

“This decision will be gasoline on the fire of the pro-marriage movement in California as well as the rest of the country,” Staver said.

Supporters of same-sex marriage said they are prepared for a lengthy appeal process, but described Kramer’s ruling as an unqualified victory. They compared it to the 1948 state Supreme Court decision that made California

the first state to legalize interracial marriage.

“Today’s ruling is an important step toward a more fair and just California that rejects discrimination and affirms family values for all California families,” San Francisco City Attorney Dennis Herrera said.

Jeanne Rizzo, 58, and Pali Cooper, 49, one of the first couples to be denied the chance to marry after the Supreme Court ruling last year, said they were “basking” in Monday’s decision.

“We know we have many steps ahead of us, but we have the opportunity to go from here standing in dignity not defense ... It is always better to do that,” Rizzo said.

The couples, represented by the National Center for Lesbian Rights, Lambda Legal and the American Civil Liberties Union, had argued that denying marriage to same-sex couples violated their civil rights.

Monday’s ruling is the latest development in a national debate on the legality and morality of same-sex marriage that has been raging since 2003, when the highest court in Massachusetts decided that denying gay couples the right to wed was unconstitutional in that state.

The two groups opposed to gay marriage rights — The Campaign for California Families and the Proposition 22 Legal Defense and Education Fund — argued that California has a legitimate interest in restricting marriage to opposite-sex couples as a way of encouraging procreation. Kramer disagreed.

“One does not have to be married in order to procreate, nor does one have to procreate in order to be married,” he wrote. “Thus, no legitimate state interest to justify the preclusion of same-sex marriage can be found.”

Kramer is the fourth trial court judge since August to decide that the right to marry and its attendant benefits must be extended to same-sex couples. Just as many judges have gone the other way recently, however, refusing to accept the argument that keeping gays and lesbians from marrying violates their civil rights.

Utah brew-ha-ha: Breweries making mark in unlikely spot

BY JEFF DEMOSS
Associated Press Writer

OGDEN, Utah — When 41-year-old brewmaster Steve Kirkland came to town 10 years ago from Wisconsin to work for the upstart Roosters Brewing Co., he wasn’t sure what to expect in an area not exactly known for being alcohol-friendly.

“There were only about six breweries across the state. Before I came, I didn’t think people even drank here,” Kirkland said while monitoring a fresh batch of Grizzly Brown Ale, a dark, nutty variety popular with skiers and other winter recreationists.

Now he cranks out 700 31-gallon barrels of micro-brewed craft beers every year for one of Ogden’s most successful restaurants and is looking forward to overseeing another similar operation when Roosters opens its second location in Layton later this year.

Utah’s strong religious culture has traditionally frowned on alcohol consumption, as some of the state’s laws reflect. But social, moral and health issues aside, there’s no denying the beverage’s growing impact on the local economy.

Though Utah’s beer industry operates under some unique restrictions and a nationwide stigma, beer production, distribution and sales filled or helped fill more than 10,000 jobs and had an economic impact of \$754 million on the state in 2004, according to a recent study for industry groups National Beer Wholesalers Association and the Beer Institute.

That figure represents an increase of more than 25 percent over 2001, the last year for which a similar study was conducted. Through direct and indirect contributions, Utah’s beer industry helped add more than 1,400 jobs and \$48 million in wages from 2001 through 2004, the study said.

The study goes beyond brewing and distributing operations and includes other job sectors that contribute to the industry.

“The beer industry is made up of more than just those who make and distribute beer,” said Jeff Becker, president of the Washington, D.C.-based Beer Institute. “We are an industry of farmers, can manufacturers, truck drivers, retailers and many others.”

Compared to nationwide figures, Utah still represents a small portion of the industry.

Beer-related businesses had a total impact of nearly \$162 billion on the U.S. economy last year, including 1.8 million jobs paying more than \$54 billion in wages.

As in most states, retail sales make up the majority of Utah’s beer-related revenue, accounting for more than 58 percent of the \$289 million in direct economic impact (wages and taxes) on the state in 2004. Beer sales make up nearly 11 percent of total sales at convenience stores, according to the National Association of Convenience Stores, and are equally important to the success of grocery stores.

Utah is one of 18 states that govern alcoholic beverage sales, and one of a handful that set strict limits on the alcohol content of most beer sold within the state.

“It can be challenging and limiting, but there’s a lot more to beer than just alcohol content,” Kirkland said. “In a way, it makes me become a better brewer.”

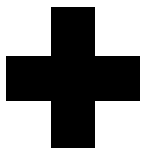
Wholesaling was second to retail with 21 percent. The Top of Utah is served primarily through two wholesale distributors — Golden Beverage Co. in Ogden and Wasatch Distributing in the Weber Industrial Park north of Ogden. Together, the companies distribute the most popular American brands to more than 800 retail customers in the area.

Brewing operations came in third with slightly more than 20 percent last year, but contributions from in-state brewers — relative newcomers to the market — have shown rapid growth. From 1992 to 2002, Utah brewers’ share of the state beer market increased from 0.9 percent to 4.7 percent, according to figures from the Utah State Tax Commission.

“The growth started to level off toward the end of the ‘90s,” Kirkland said, “but it’s definitely a lot bigger now than when we started.”

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NATIONAL



Shooting suspect returns to Atlanta court

BY BILL POOVEY

Associated Press Writer

ATLANTA — Surrounded by 19 officers in a cinder-block jail room, the suspect in a rampage that left a judge and three others dead went before a magistrate Tuesday and was informed that authorities plan to charge him with murder.

Brian Nichols, his hands and ankles shackled, appeared before Cobb County Magistrate Judge Frank Cox on the same rape charge that he was on trial for Friday when he escaped from another courthouse. Nichols spoke only once at the hearing, when Cox asked him if he had any questions.

"Not at this time," he said.

Officers lined the walls of the room during Tuesday's

hearing. Authorities said Nichols had been alone with a female deputy Friday when he stole her gun and then shot to death the judge presiding over his rape case and two others. He also is accused of killing a federal agent as he eluded police.

Cox was brought in to hear the case after all the judges in Fulton County recused themselves because of their relationships with Judge Rowland Barnes and the other victims.

Assistant District Attorney Michele McCutcheon informed Cox that the state will pursue four charges of murder against him. Nichols was held without bond and no future court hearings were set.

Defense attorney Chris Adams told reporters after the hearing "this is a time of grief and mourning" for the

courthouse community.

Officials declared a mistrial in Nichols' second rape trial Monday. His first trial was a mistrial as well.

The prosecutors in those trials said Nichols lashed out because he believed the jury was going to convict him in the second. If convicted, he faces a sentence of up to life in prison.

After being the focus of a 26-hour manhunt, the largest in Georgia history, Nichols was arrested Saturday morning at an apartment complex where he had taken a woman hostage, then let her go free after several hours.

Some residents are questioning how local law enforcement let an armed inmate elude their grasp for so long.

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Understanding a reverse mortgage



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

A reverse mortgage is a unique loan that enables older homeowners — 62 years old or older — to convert part of the equity in their home into tax-free income without having to sell the home, give up the title, or take on a new monthly mortgage payment.

The reverse mortgage is aptly named because the payment stream is “reversed.” Instead of making monthly payments to a lender, as with a regular mortgage, a lender makes payments to the owner.

Eligible property types include single-family homes, manufactured homes built after June 1976, qualified condominiums and townhouses. The home must be the borrower’s principle place of residence.

The funds from a reverse mortgage can be used for anything, including but not limited to daily living expenses, home remodeling, health care expenses, pay-off of existing debts, vacations, prevention of foreclosure or anything you would like.

There is flexibility with how you receive the money from a reverse mortgage. You can choose to receive the money all at once, in fixed monthly payments, through a line of credit, or any combination of those options. The most popular option, chosen by more than 60 per-

The amount of money that you get from a reverse mortgage depends on several factors, such as age, type of reverse mortgage that you choose, your home’s value, current interest rates, and on occasion, where you live can play a role.

cent of the borrowers, is the line of credit, which allows you to draw on the loan proceeds at anytime.

The amount of money that you get from a reverse mortgage depends on several factors, such as age, type of reverse mortgage that you choose, your home’s value, current interest rates, and on occasion, where you live can play a role. In general, the older you are, the higher the value of your home, and the less you owe on your home will yield higher payments to you. However, there are no income or medical requirements to qualify. In addition, you may even be eligible for a reverse mortgage if you still owe money on another mortgage for your principle residence.

There are no monthly payments to be paid when you have a reverse mortgage. The loan is repaid when you cease to occupy the home as your principle residence. The amount owed can never exceed the value of your home. Furthermore, if the home is sold and the sales proceeds exceed the amount owed on

the reverse mortgage, the proceeds of the sale go to you or your estate.

The funds forming a reverse mortgage are tax-free, because it is your money, not additional income. A reverse mortgage does not affect regular social security or Medicare benefits. To assess the impact, if any, on other federal or state assistance or medical programs, you may wish to consult with your local area agency on aging at (800) 677-1116, a reverse money lender, or a tax attorney.

Before you obtain a reverse mortgage, you are required to go to a mandatory counseling session with an approved agency. To find an approved counselor, call (800) 209-8085. The counselor will inform you about reverse mortgages, other options you may wish to take instead, and help you find the best product for your needs.

(To contact The Powerhouse Team or Thomas and Brent, call (310) 943-7656 or at www.thepowerhouseteam.net.)

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03/10/2005	Lot Size: 8,940	Sold Price: \$3,100,000	Bath: 4.50	
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03/10/2005	Lot Size: 6,750	Sold Price: \$1,396,000	Bath: 2.00	
Sold	715 15TH ST	SANTA MONICA	90402	
Santa Monica	SqFt: N/A	List Price: \$3,295,000	Bed: 5	
03/03/2005	Lot Size: 7,500	Sold Price: \$0	Bath: 5.50	
Sold	254 19TH ST	SANTA MONICA	90402	
Santa Monica	SqFt: N/A	List Price: \$3,195,000	Bed: 4	
03/03/2005	Lot Size: 8,940	Sold Price: \$3,410,000	Bath: 3.50	
Sold	835 GRANT ST #2	SANTA MONICA	90405	
Santa Monica	SqFt: 1,634	List Price: \$675,000	Bed: 2	
03/07/2005	HOD: \$250	Sold Price: \$750,000	Bath: 2.50	
Sold	913 18TH ST #2	SANTA MONICA	90403	
Santa Monica	SqFt: 1,425	List Price: \$739,000	Bed: 2	
03/08/2005	HOD: \$340	Sold Price: \$805,000	Bath: 2.50	
Sold	1225 WASHINGTON AVE #3	SANTA MONICA	90403	
Santa Monica	SqFt: 589	List Price: \$429,000	Bed: 1	
03/07/2005	HOD: \$141	Sold Price: \$441,000	Bath: 1.00	
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03/03/2005	HOD: \$275	Sold Price: \$682,500	Bath: 3.00	
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Santa Monica	SqFt: 1,102	List Price: \$589,000	Bed: 2	
03/01/2005	HOD: \$237	Sold Price: \$589,000	Bath: 1.75	
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03/04/2005	HOD: \$675	Sold Price: \$1,300,000	Bath: 2.00	
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Santa Monica	SqFt: 972	List Price: \$495,000	Bed: 2	
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Figuring out the value of a property is simple



DAYS ON THE MARKET

BY JODI SUMMERS

Inquiring minds want to know what is a good value when it comes to real estate investment.

"Investing in real estate is all about math," notes Gerald Friedkin, founder of the Friedkin Investment Group, owners of some very nice commercial properties in Santa Monica.

Sure, part of investing in real estate is obvious — Is the location good? Are the structures sound? — but the profits come from doing the math. To be a good property investor you've got to embrace a few essential commercial calculations. Knowing how to calculate these real estate revenue formulas is the first step in investing in commercial real estate.

The Net Operating Income of a property is the cash flow a property generates after expenses are deducted (excluding debt service and taxes). Known as NOI on real estate setups, this number is used to calculate property value using a Capitalization Rate.

The Capitalization Rate, or Cap Rate, as investors commonly refer to it, is always an eye-catcher. The Cap Rate is the rate of return used to determine the value of the property's income stream. The basic formula for calculating a commercial property's cap rate is: Value = Net Operating Income / Cap Rate.

For example, there's a retail property with a billboard for sale over at 1608 Sawtelle Blvd. The property is selling for \$2.1 million. It brings in \$118,966 per year in income. Because of the nature of the lease, the owner pays \$4,200 per year in expenses, bringing the Net Operating Income to \$114,766. Take the NOI of \$114,766, divide it by the \$2,100,000 value of the building and it equals a cap rate that rounds up to 5.5 percent.

On the Westside, the average capitalization rate on currently listed commercial properties is in the 4 - 6.5 percent range. Values will vary, depending upon the type of property it is — multi-family apartments tend to have Cap Rates at the low end and hotels sit at the high. The easiest way to determine if a property has a desirable cap rate is to compare it to recent sales of similar properties in the same market. By obtaining the purchase price and NOI from these sales, you can

calculate the typical cap rate for the neighborhood.

The gross rent multiplier is an easy rule of thumb to forecast a value on an apartment building. Gross rent is the total rental income you could realize from a building if it were 100 percent leased. To calculate the gross rent multiplier, divide the gross rent into the sale price. For example, there was recently a 15-unit apartment building for sale on Hill Street in Ocean Park with an asking price of \$1.8 million and a gross income of \$147,132. If your projected monthly rental income is \$147,132 and your sale price is \$160,000, your GRM is \$1,850,000 / \$147,132, or 12.6. You can also make this calculation using net income, which is total possible rental income, less vacancies.

Another measure of property value is cash-on-cash return, sometimes called "equity dividend return." This formula enables investors to determine the return on their equity in leveraged properties.

Cash on cash = before-tax cash flow (NOI minus debt service) / initial cash outlay.

For example, let's say your initial cash investment to buy a property was \$759,000 and your NOI this year after mortgage payments was \$143,341. Your cash-on-cash return would be 18.8 percent (\$143,341 / \$759,000) — a sweet deal if you can find it.

The same formula can be used to calculate after-tax return. Just subtract both the mortgage payment and the estimated taxes from your NOI.

When you get into shopping centers, office buildings and other properties in which each tenant has different modifications to their leases, you're now expanding into more sophisticated income analyses. Commercial calculations such as internal rate of return, net present value and discounted cash flow — calculate the present value of investment returns and rents received in the future. These calculations require a financial calculator (the industry standard is the Hewlett-Packard 12C). There are also several highly recommended software programs for financial analysis. Longtime investors will tell you to try planEASE or Argus. Others have just designed their own calculations templates.

(Jodi Summers is Director of the Investment Division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com, or call (310) 309-4219.)

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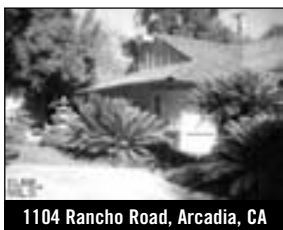
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Get your cash flow wired with rooftop revenue



IN YOUR SPACE

BY CHRISTINA S. PORTER

With the high prices being paid today for investment properties, obtaining a decent cash flow can be a serious challenge.

As more and more people flock to Los Angeles and the use of wireless technology grows by leaps and bounds, the demand for rooftop antennae is on the rise. It is very possible that you could increase that cash flow by renting the use of your rooftop to antenna management companies who then sell the transmission rights to telecommunications companies, who just can't seem to get enough. Below are a few key points to think about if you are considering such a venture.

■ As technology becomes more sophisticated, it's no longer necessary to have the tallest building or the highest antenna to attract interest from a telecommunications company in renting the roof of your building. The chief consideration when choosing a site to place an antenna is whether there is a clear view for signals to carry to other sites and whether the frequencies being used by existing

carriers would interfere with frequencies being used by potential carriers. You would think this would entail having the tallest building, this is apparently not so.

"What makes a particular rooftop attractive to a wireless communications provider is not necessarily height," said John Palseski, of Subcarrier Communications. "Unlike television and radio transmission towers that require great heights for optimal strength, today's personal and business communications frequencies have much different requirements. More than height, direct unimpeded line of sight between transmitters is required. This is important to note because it isn't necessarily the tallest buildings that offer the best antenna sites."

So, a three- to four-story building can be just as useful as a taller building, providing "infill" for gaps in coverage in our more densely populated areas.

■ It should also be noted that in the past the aesthetic appeal of an antenna on your rooftop was less than desirable, not to mention the added risk and expense of piercing the roof "membrane." Advances in wireless technology has made the antennas today much less noticeable than in the past and by painting them the same color of the building an not requiring the piercing of the roof membrane. It's also possible to remedy the possibly unattractive look of having multiple antennae — from an income standpoint the more the merrier — by surrounding them by a specially designed enclosure that resembles a small rooftop HVAC penthouse, Palseski said.

■ The potential income sounds great but it is important to make sure that you retain control of as much of your rooftop as possible, especially if it is a particularly desirable location. The more antennae, the better for your wallet. Be sure to look at the bigger picture — like interference with window washers. Consider that any roof upgrades or alterations will benefit you in the future. Require a sign off on all of the drawings and don't let the

installation/development get out of control. I understand that site developers expect long and flexible lease arrangements but will generally pay for all of the necessary capital improvements for installation that could run up into the hundreds of thousands of dollars. However, because technology changes so rapidly it might be a good idea to minimize the length of the commitment — being locked in to a long term commitment could hinder future income.

■ With all of the controversy surrounding the effects on our health by Electro Magnetic Fields (EMFs), I would be sure to investigate any laws regarding disclosure to existing and future tenants prior to committing. If possible get a "hazardous substance/conditions indemnification" from the provider.

■ Leasing roof space is new and certainly unique, a building owner should consider the type of lease used very carefully but the consensus is that a "nonexclusive license agreement" is the best contract to use.

■ The income you can expect varies widely depending on the conditions and certainly what part of the world you are in. Comparing notes with other building owners regarding prices would be a good idea.

In the end, the purpose of adding antennae to your roof is for additional income. If doing so will adversely affect any of your core tenants, it could cost you more in the long run. It might be wise to have an escape clause and retribution should you face the possibility of losing a key tenant.

(The above is for informational purposes only and not meant to be taken as advice. It is imperative that you seek advice from legal counsel prior to making any commitments regarding installing a rooftop antennae. Christina S. Porter is in the business of leasing and selling office and industrial buildings. You can reach her at (310) 806-6104 or cporter@naicapital.com.)

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INTERNATIONAL



Efforts to forge Iraqi coalition government fail

BY TODD PITMAN

Associated Press Writer

BAGHDAD, Iraq — Kurdish and Shiite leaders agreed to convene Iraq's new parliament Wednesday despite their apparent failure to complete a deal to form a coalition government. Car bombs exploded Tuesday in Baghdad, killing a U.S. soldier and at least five Iraqis, authorities said.

Six other American troops were wounded in one of the blasts. Iraqi police and witnesses reported at least three bombings around the capital.

In Rome, Italian Premier Silvio Berlusconi said Tuesday that Italy will start withdrawing its 3,000 troops from Iraq in September, Italian news agencies reported. Withdrawing Italian troops "will depend on the capability of the Iraqi government to give itself structures for acceptable security," the ANSA news agency quoted Berlusconi as saying.

Shiite officials said Tuesday that they failed to reach final agreement in talks with both the Kurds and the country's Sunni Arab community. Those failures were not enough to prevent the 275-member National Assembly from convening for the first time since the Jan. 30 elections. Talks with Sunni Arabs focused on naming a parliament speaker. It remained unclear if they would present a candidate on Wednesday.

"The Kurds want to make some amendments on the deal, and we are going to finish soon, Thursday to be exact. We do not want to impose any name from our side regarding the post of the parliament speaker. We want the Sunnis to nominate some persons for this post, but till now they have not done this," United Iraqi Alliance member Ali al-Dabagh told The Associated Press after talks with Sunni leaders.

They included Interim President Ghazi al-Yawer, a Sunni Arab, the Iraqi Islamic Party and Iraqi nationalist leader Adnan Pachachi.

Sunni Arabs largely stayed away from the elections.

They are believed to make up the core of the insurgency and including them in the political process was seen as a way to isolate the militants.

A car bomb targeting a U.S. military convoy exploded on a road about 500 yards from the main avenue leading to Baghdad's international airport, police Capt. Thamir Talib said. Four civilians were killed, he said.

Witnesses said some American troops also were wounded, although that was not confirmed by U.S. officials. When U.S. forces arrived to evacuate them, another car bomb exploded, wounding more troops. One Humvee was destroyed and two civilian cars were in flames, witnesses said.

A U.S. military spokesman said he was checking into the report. A later statement, issued by the U.S. military, said a soldier was killed and six others were injured at 10 a.m., about the same time as the reported attack near the airport road. It said "several local nationals and one Iraqi policeman were also wounded."

Another suicide car bomb exploded in northeastern Baghdad, killing one child and wounding at least four people, including a police officer, police Col. Muhanad Sadoun said. The bomber was trying to hit a patrol of traffic police but crashed into a tree, Sadoun said.

In Mosul, the U.S. military said Tuesday that six insurgents were killed and four were injured Monday in clashes with U.S. and Iraqi forces.

A U.S. Marine with the 1st Marine Expeditionary Force died Monday in Anbar, a troubled province that has been a hotbed of guerrilla activity and includes the cities of Fallujah, Ramadi and Qaim, officials said Tuesday.

At least 1,516 members of the U.S. military have died since the beginning of the Iraq war in March 2003, according to an Associated Press count.

Around Qaim, near the Syrian border, a U.S. Marine transport helicopter and a Cobra gunship destroyed a truck whose occupants used a mounted machine gun to fire on them, Marine Maj. Sean Gibson said. Both aircraft returned safely to a nearby base and no one aboard was injured, he said.

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