

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

8 13 16 19 43
Meganumber: 6
Jackpot: \$7 Million

FANTASY 5

6 7 19 27 37

DAILY 3

Daytime: 7 8 9
Evening: 7 6 8

DAILY DERBY

1st: 05 California Classic
2nd: 01 Gold Rush
3rd: 11 Money Bags

RACE TIME: 1:46.02



NEWS OF THE WEIRD BY CHUCK SHEPARD

People Just Not Paying Attention: (1) In January, Daniel D. Salazar, 20, was sentenced to 2 1/2 years in prison for attempting to rob a Bank of America in Kansas City, Mo.; he first came to the attention of police when he called a station house and offered to turn in his partners in the crime in exchange for the \$5,000 reward. (2) And in Hong Kong in October, Ho Heng-chau, 20, pleaded guilty to drug possession and was fined the equivalent of about US\$500, on a day when he chose to show up in court wearing a T-shirt with "COCAINE" across the front.

TODAY IN HISTORY

Today is the 96th day of 2005.
There are 269 days left in the year.

On April 6, 1909, explorers Robert E. Peary and Matthew A. Henson became the first men to reach the North Pole. (The claim, disputed by skeptics, was upheld in 1989 by the Navigation Foundation.)

In 1945, during World War II, the Japanese warship "Yamato" and nine other vessels sailed on a suicide mission to attack the U.S. fleet off Okinawa; the fleet was intercepted the next day.

THOUGHT OF THE DAY

The easiest way to find something lost around the house is to buy a replacement.

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Bayside weighs in on SM Place plans

BY RYAN HYATT

Daily Press Staff Writer

DOWNTOWN — Several business officials downtown feel the city's parking woes should be addressed before developers overhaul the mall.

Business leaders said on Tuesday they welcome a thriving new Santa Monica Place which would only serve to make downtown stronger, but aired concerns about how construction might adversely affect city traffic projects scheduled over the next 10 years.

"Santa Monica Place will be piggybacking on (our success). I want to make sure they are policed the same way, or they would be getting a competitive advantage over us."

BILL TUCKER
Bayside board member

Santa Monica Place representatives, city staff and consultants attended a regular meeting of the

Bayside Business District — the body that helps govern businesses downtown — to try and determine

what business owners expect of a re-modeled Santa Monica Place, a potential \$120 million construction project.

Developers have been seeking the public's input on the project since March.

"There is a real concern of how this project will mesh with the broader issues of downtown," said Rob York, a Bayside consultant. "Downtown is going to be under construction for the next 10 years. It would be a mistake if all the

See **BAYSIDE**, page 6

Lending a fin to homeless

By Daily Press staff

Downtown business representatives cashed in last week on behalf of the homeless.

Officials from the Bayside District Corp., which manages downtown Santa Monica with City Hall, emptied the contents of four dolphin statues about town last Thursday. The dolphins serve as an alternative to donating money directly to panhandlers. The money collected goes directly to social service programs on the Westside.

See **DOLPHIN**, page 6



Carolyn Sackariason/Daily Press

Bayside District Corp. staffer Marivi Valcourt slips a token into a dolphin statue on the Promenade as fellow staffers collect donations for the homeless. Four dolphin statues emptied on Tuesday yielded \$1,700 in coins and an unknown amount of cash.

The coast isn't clear for one government agency

Supreme Court to hear case against Coastal Commission and its wielding of powers

BY TERENCE CHEA

Associated Press Writer

SAN FRANCISCO — From the soaring cliffs of Big Sur to the teeming wetlands of Bolsa Chica, California has one of the world's most pristine and protected coasts, drawing millions of people each year to its sandy beaches and rugged shores.

Conservationists say that's no

accident — it's the result of a voter initiative passed more than 30 years ago that created the California Coastal Commission, the powerful government agency charged with protecting and restoring the state's 1,100-mile coastline.

The California Supreme Court hears arguments Wednesday in a case that will determine the future of the commission, which has

made more than 100,000 decisions over the past three decades.

The commission has made its share of enemies, especially among seaside residents and real estate developers who say the panel routinely tramples on private property rights and harbors an extreme environmental agenda.

"Year after year, the Coastal

See **COASTERS**, page 7



File photo

An aerial view of coastal development.

Jacquie Banks

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Santa Monica Daily Press

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SUZANNE SANDERS
& SCHULER HEIDI

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Santa Monica Daily Press



VIRGO (Aug. 23-Sept. 22) ★★★★★ Others have far more control than you might be aware of. Loosen up and honor someone's different choice. No one says you have to respond or go along with every thought. Claim your power. Investigate possibilities. Tonight: Decide if you want to go along with another's plans.

 **PISCES (Feb. 19-March 20)**
★★★★★ Yes, you're a power within yourself. Your intense charisma helps you draw much more of what you want out of life. Do nothing halfway right now. Simply loosen up and work with a child or loved one. Tonight: In your glory.



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LOCAL



Dead body identified

By Daily Press staff

The homeless man whose dead body was found on Monday in Palisades Park has been identified.
Delton Walker, 52, was found by city

workers shortly after noon, lying on the grass in the park between Wilshire Boulevard and Arizona Avenue. The Los Angeles Department of Coroner will conduct an autopsy today to determine the cause of Walker's death

COMMUNITY BRIEFS

City Hall soaks up some crude behavior

By Daily Press staff

City Hall's environmental programs division in February completed its outreach campaign targeted at getting residents to recycle their used motor oil. The campaign resulted in an increase of 60 percent in the amount of oil collected.

"This means that over 320 gallons of used oil were properly disposed of instead of illegally dumped in the trash or on the streets, which will go a long way to helping to keep our community safe and clean," said James Velez-Conway, who works at City Hall.

City officials said they have received favorable feedback from the community for its used oil recycling campaign. "Dump Used Oil and We All Get Soaked" posters and tip cards, which show a little girl stepping into a pan filled with oil, have been distributed throughout eastern Santa Monica.

That segment of the community was targeted because it was found to be underserved in environmental education and to have a low participation rate at City Hall's household hazardous waste collection center.

City Hall conducted extensive surveys to collect information on residents motivations were for recycling and what barriers existed preventing residents from proper disposal.

City Hall partnered with more than 300 businesses and outreached to more than 17,000 residences with the used oil recycling message during the campaign, officials said.

Partnerships were also formed with elementary schools, and a local high school to provide environmental education to students and residents.

The program was funded by a grant from the California Integrated Waste Management Board (CIWMB). The goal of the grant was to conduct used oil and oil filter recycling outreach in the Pico neighborhood area.

For more information go to www.smepd.org or call James Conway at (310) 458-8916, ext. 2.

Church has something to sing about

By Daily Press staff

The First United Methodist of Santa Monica has something to sing about — the opera is coming.

The Verdi Chorus, a Southern California tradition for opera since 1983, will present its 21st Annual Spring Concert April 16, at 7:30 p.m. and Sunday, April 17, at 4 p.m.

The program will feature choruses from "The Pearl Fishers" by Bizet, "Faust" by Gounod, and "Nabucco" by Verdi, as well as selections from the Broadway musical, "My Fair Lady" by Lerner and Loewe.

Guest artists, Shana Blake Hill, soprano; Gabriel Reoyo-Pazos, tenor; and Robert Gomez, baritone will perform with the chorus, singing operatic favorites.

Anne Marie Ketchum, an associate professor of music at Pasadena City College where she directs the opera program, is the chorus music director. Laraine Stivers-Madden, an assistant professor of music at Pasadena City College where she directs the accompanying program, is the group's accompanist.

See BRIEFS, page 5



SURF REPORT

Wednesday is looking like a small surf day, with no significant energy expected along the southern California coast, leaving Wednesday as a knee-high day most everywhere. That will change come Thursday. NW ground swell will be filling in for the end of the week, but we are expecting some wind issues then.

Today the water is:

57°

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

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	10:48	-0.3	10:12	3.0	2:30	4.5	6:17	3.6
SUNDAY	12:45	-0.6	12:32	2.3	5:10	5.1	7:39	4.0
MONDAY	12:32	2.3	1:29	-0.8	6:25	5.3	8:04	4.5
TUESDAY	1:27	1.6	2:07	-0.8	7:23	5.6	8:31	4.5
WEDNESDAY	2:15	0.8	2:40	-0.6	8:14	5.6	8:58	5.4
THURSDAY	2:59	0.2	3:12	-0.3	9:01	5.4	9:26	5.7
FRIDAY	3:20	0.4	3:28	-0.1	9:43	5.2	9:54	5.3

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The Q Line

Santa Monica College has offered to pay \$8.2 million for the city's new park at the airport through bond money approved by taxpayers last November.

The catch is that SMC wants permission to build a parking garage underneath the park so it can shuttle students from its airport campus to its main campus on Pico Boulevard.

No matter what happens, SMC will lose its surface parking lot — where thousands of student park and get shuttled to the main campus — to make way for the new park.

It's up to the City Council to make a decision: Either

allow the underground parking garage and accept SMC's money, or continue on its own plan and potentially leave students finding other places to park in Santa Monica, which could exacerbate an already serious problem in the minds of many nearby residents.

So this week, Q-Line wants to know, "What should the City Council do?"

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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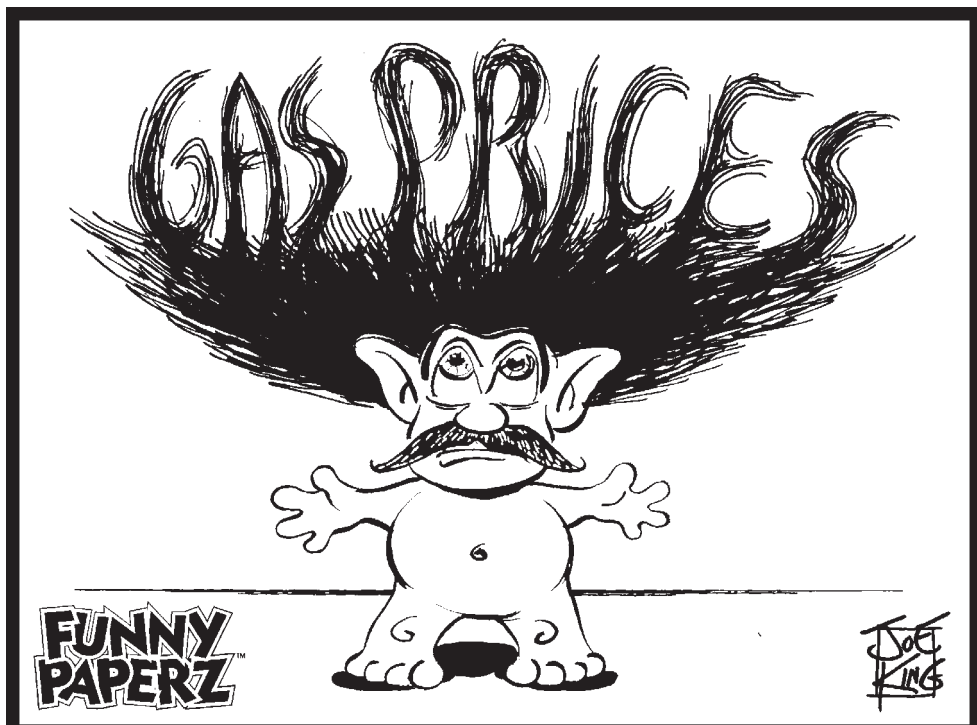
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OPINION



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LETTERS TO THE EDITOR

Stop unwanted pregnancies by saying 'no'

Editor:

In her letter published on March 31 (SMDP, page 4), Brooks McCall says she thinks that everyone needs to be pro-choice. Yet, she agrees that it is true that abortion is the killing of an unborn child. Has she not heard of the Fifth Commandment, "Thou Shalt Not Kill?" Since killing is not only a sin, but also a crime, how can she think a woman has a right to kill her unborn child? The best way to stop unwanted pregnancies is by practicing sexual abstinence until marriage. In reality, however, many unmarried teenage girls become pregnant. Instead of suggesting abortion to them, why not encourage them to give their child up for adoption? That is the only just and moral solution when the mother is unable to care for her child.

Judy Linkey
Santa Monica

Choir supporter chimes in

Editor:

I am now beyond question on the integrity of your paper. Once again, Don Krok has written a nasty letter relating to the funds given the Samohi choir for its trip to Hawaii (SMDP, April 4, page 4). And once again, you have printed it, not checking out the facts and disregarding its strong language and hostility. Don't you think this man has gone a little overboard on this topic? Don't you think he has an axe to grind and your paper is letting him do this by attacking our students? Don't you think this man is at least a little off his rocker?

I do. I'm sure most do. And certainly the City Council is bright enough to see this. I would've hoped that you would be, too.

Meanwhile, our choral students are in Hawaii now. They left on March 31 and will return tomorrow. Kind of hard for them to write thank you notes while they have yet to complete the tour. For your information, all of our choirs took first place in every category with our chamber singers taking the Grand Trophy. They received a perfect score of 100 with a judge commenting that she had nothing to say that could improve their performance.

We are proud of our students and we are thankful to the City Council. I hope your paper will be printing the excellent results from this competition. And certainly the students will be writing their thank you notes when they get home. Had you read your own article on this event, you would have realized that Mr. Krok does not know what he is talking about.

Lisa Kannof
Santa Monica

What you don't know, and they do, can be scary



INCITES

BY ED SILVERSTEIN

"Intelligence Community" is apparently a misnomer.

According to the presidential committee's scathing report, the CIA, DIA, FBI and NSA combined couldn't find a clandestine WMD program if it bit them on the ass. And despite the supposed goal of intelligence coordinating relegated to the Department of Homeland Security and now the new national intelligence director, the level of communication between intelligence agencies is a little worse than Michael Shiavo and Robert Schindler.

But as disturbing as the report's conclusions, which suggest that the security of the United States has been entrusted to the Keystone Cops, this is only the B story. The A story is in a report that you haven't yet seen.

In July 2004, the Senate Intelligence Committee released the results of its investigations into pre-war intelligence failures that lambasted the various agencies for incompetence and lack of communication. Unfortunately it included only five of 10 areas examined. The reason that we saw those five at all and only saw those five had to do with a deal brokered (or extorted) by the majority republicans.

Republicans on the committee were terrified that if the rest of the investigation, which included Bush Administration pressure on intelligence assessments, and the distortions and misrepresentations of those assessments by the administration, were revealed prior to the election, Bush would have had about as much chance of being reelected as Michael Jackson has of being named musical director of the Vienna Boy's Choir. Republicans attempted to block the release of the entire report until after the election, but ultimately brokered a deal with democrats, issuing the first half of the report in July, with a promise to release the remainder in early 2005.

Which reminds me of a joke. How can you tell when a republican is lying? His lips are moving.

Of course, it is not necessary to read a report to understand the motivations and machinations of the Bush Administration. According to former Treasury Secretary Paul O'Neil, from the moment the Bush Administration took office, Iraq was a war looking for an excuse.

9/11 gave them that excuse. However, they still needed to convince the American people that waging war over what was little more than a large gas station was worth hundreds of billions of dollars and, to date, more than 1,500 American lives and thousands of Iraqi lives. In other words, they had to make Americans mad and scared.

For that they would need to get the intelligence community on board. But how do you get a highly fractious and independent assortment of agencies behind questionable assertions?

For starters, you make sure they understand that dissent will not be tolerated. In this respect the Bushies were tyrannical and vindictive. Anyone who dared challenge the administration was virtually

assured of termination (former treasury Secretary Paul O'Neill) character assassination, (Richard Clark, John Kerry) or even having his or her life put in jeopardy (Valerie Plame).

Of course CIA director George Tenet, a Clinton appointed holdover, was no slouch at reading the handwriting on the wall. He understood full well that if he didn't tow the party line he would be making sure the door didn't hit him on the way out. Tenet's sycophantic shift occurred fast enough to have caused whiplash. The CIA director went from someone who was warning caution to one ignoring warnings, specifically about the credibility of his sources.

But when even threats of unemployment (or death) were not sufficient to compel a few CIA analysts to rubberstamp the more outrageous of the Bush camp's claims, Secretary of Defense Donald Rumsfeld set up a shadow intelligence group within the Pentagon. The effect was two fold: A) it gave the Administration a pliable source of intelligence to bolster their claims and B) the CIA, fearing loss of relevance, shifted their analysis to more reflect the administration views.

Compounding all of this was Ahmed Chalabis. Chalbis, who was head of the Iraqi National Congress, was the darling of the same Bush neo-cons who were foaming at the mouth to go to war with Iraq. Despite a sorted past, that included a bank embezzlement conviction, and warnings about his character from both the State Department and the CIA, the Bush administration endorsed Chalabis as the man to take the reins in Iraq after Saddam's ouster. The administration ushered him from one intelligence agency to another and it was Chalabis' information and sources that provided the basis for nearly all intelligence concerning Iraq's WMD programs.

The administration proceeded to spin, exaggerate and misrepresent the intelligence that originated from Chalabis to make their case for war. With the help of Fox News, right wing pundits and other conservative vehicles, they intentionally attempted to mislead the country into believing that there was a tie between Iraq and al Qaeda, that Saddam was involved in the 9/11 attacks, and that a nuclear or bio/chemical attack was imminent. (For specifics read Congressman Waxman's report "Iraq On The Record" available on his Web site www.house.gov/waxman)

Of course once the war ended, the White House's golden haired boy quickly fell out of favor when it was learned that he was actually spying on the U.S. for axis of evil member, Iran. Further, nearly every shred of intelligence he provided has been discredited and his informants, such as the infamous Curveball, have been deemed unreliable if not down right insane. Of course rather than take the blame, Bush, a born-again Christian, emulated the disciple Peter who denied (read lied) knowing Jesus, though it was tougher for the president since there was extensive videotape of Chalabis featured prestigiously behind the first lady during the president's state of the union address.

Of course if you're waiting to read all this in paperback, don't hold your breath. Republicans have recently decided to put the second half of their report on hold ... indefinitely.

(To reach Ed, e-mail to edincites@aol.com.)

Tell Santa Monica what you think!

...write a letter to the editor

Email to: sack@smdp.com

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Santa Monica Daily Press





By Daily Press staff

Santa Monica Citywide Reads is a program that encourages people to read the same book and come together to discuss it in public book clubs and related events held citywide, which takes place April 12 to May 21.

The selected book, “The Kite Runner” is set in Afghanistan and California over a period of three decades. The novel is a story of the relationship between two boys of different social statuses and the complicated relationship between a father and son. The first Afghan novel to be written in English, “The Kite Runner” provides insights into the turbulent, recent history of Afghanistan and the rich cultures of the people of Afghanistan and Afghan-Americans. The author, Khaled Hosseini, was born in Kabul in 1965, and immigrated with his family to northern California in 1980, where he has been a practicing physician since 1996. Dr. Hosseini is making a special appearance at Santa Monica College on May 21.

Those who already belong to a book club are encouraged to participate by reading “The Kite Runner” and discuss it with their group using a Citywide Reads Resource Guide, available at all Santa Monica Public Library locations and on the Citywide Reads Web site: www.smpl.org/cwr.

The Santa Monica Daily Press will print a chapter of the book each day from April 4 through April 9.

The Kite Runner

by Khaled Hosseini

CHAPTER THREE:

“Yes, Father,” Hassan would mumble, looking down at his feet. But he never told on me. Never told that the mirror, like shooting walnuts at the neighbor’s dog, was always my idea.

The poplar trees lined the redbrick driveway, which led to a pair of wrought-iron gates. They in turn opened into an extension of the driveway into my father’s estate. The house sat on the left side of the brick path, the backyard at the end of it.

Everyone agreed that my father, my Baba, had built the most beautiful house in the Wazir Akbar Khan district, a new and affluent neighborhood in the northern part of Kabul. Some thought it was the prettiest house in all of Kabul. A broad entryway flanked by rosebushes led to the sprawling house of marble floors and wide windows. Intricate mosaic tiles, handpicked by Baba in Isfahan, covered the floors of the four bathrooms. Gold-stitched tapestries, which Baba had bought in Calcutta, lined the walls; a crystal chandelier hung from the vaulted ceiling.

Upstairs was my bedroom, Baba’s room, and his study, also known as “the smoking room,” which perpetually smelled of tobacco and cinnamon. Baba and his friends reclined on black leather chairs there after Ali had served dinner. They stuffed their pipes — except Baba always called it “fattening the pipe” — and discussed their favorite three topics: politics, business, soccer. Sometimes I asked Baba if I could sit with them, but Baba would stand in the doorway. “Go on, now,” he’d say. “This is grown-ups’ time. Why don’t you go read one of those books of yours?” He’d close the door, leave me to wonder why it was “always” grown-ups’ time with him. I’d sit by the door, knees drawn to my chest. Sometimes sat there for an hour, sometimes two, listening to their laughter, their chatter.

Continued on Thursday.

(Excerpted from THE KITE RUNNER by Khaled Hosseini Copyright © 2003 by Khaled Hosseini. Excerpted by permission of Riverhead Books, a division of Penguin Group Inc. All rights reserved. No part of this excerpt may be reproduced or reprinted without permission in writing from the publisher. Brought to you in cooperation with DearReader.com.)

COMMUNITY BRIEFS

BRIEFS, from page 3

The address of the church is 1008 11th St., two blocks north of Wilshire Boulevard. Free parking is available across from the church. A reception will be held after the concert where refreshments are served. The audience may meet the guest artists and chorus members.

Tickets are \$25 for adults, \$20 for seniors, \$10 for students, \$30 for reserved seats. For tickets call (310) 826-8309.

Duke’s ball to honor cancer institute donors

By Daily Press staff

The John Wayne Cancer Institute Auxiliary (JWCIA) will hold its annual fundraising gala, the Odyssey Ball, on Saturday, April 9, at the Beverly Hilton Hotel. American Classics: The music, movies, and people we love is the theme of the black tie event, which will be celebrating its 20th anniversary.

The Odyssey Ball features dinner and dancing to the classic tunes of Art Deco and his Society Orchestra. A reception and silent auction begin at 6 p.m.

Supporters of the John Wayne Cancer Institute since its inception, Diana and Robert W. Thom will be presented with the Special Service Award, affectionately known as the “Duke.” Bob Thom serves as a Trustee of the Institute and, along with Diana, participates in all of the organization’s fundraising events.

The “Duke” award is presented each year to people who have made contributions to the fight against cancer or who have demonstrated a humanitarian spirit in the community.

The John Wayne Cancer Institute Auxiliary was founded in 1982. The Auxiliary has grown to more than 800 members. Proceeds raised at all Auxiliary events support the John Wayne Cancer Institute. Since its inception, the Auxiliary has raised more than \$12 million.

For information, call (310) 829-8324 or visit www.jwci.org.

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Happy Birthday, Rob. The DP wishes you smooth sailing!

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LOCAL

Bayside airs concerns over mall revamping

BAYSIDE, from page 1

city's resources went toward the re-development of Santa Monica Place, when then there are other projects that have been in the tubes for years, such as the expansion of the parking supply."

Randy Brant, Senior Vice President of Leasing and Development for Macerich, Inc., the company 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 other shops on the Third Street Promenade. He said customers coming to Santa Monica are interested in an outdoor, urban lifestyle that the closed mall environment doesn't provide, but which some level of re-development could.

The City Council in April 2002 approved a parking task force's recommendations designed to shape downtown with a "park once, pedestrian first" theme so visitors would have to drive as little as possible.

The parking project recommendations include retrofitting, rebuilding and adding 1,700 new parking spaces downtown in coming years.

One-thousand more spaces would come from two brand new parking structures, to be located at the Santa Monica Library, scheduled to be completed in January 2006, and at the Civic Center, expected to be finished the following summer.

The plan also includes three parking structures that will be completely rebuilt, providing an additional 712 spaces.

The estimated cost of the project is \$92.1 million. The city has earmarked more than \$84 million, with \$7.8 million yet to be secured. A majority will be financed from City Hall's general fund and some state money, to be recouped through various fees and assessments.

The City Council scrapped a proposed development to replace Santa Monica Place last year due to controversy about the height of high-rise buildings included in the plans. 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 described as a natural extension of the Third Street Promenade.

Assistant City Manager Gordon Anderson said the city has been authorized by the City Council to spend in the range of \$150,000 to \$250,000 to hire Moore Iacofano, and another consulting firm, 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 have been hosting the "Re-imagine Santa Monica Place" workshop series in which the public took part during March. Anderson said the Bayside presentation is part of this process.

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 Santa Monica Place site that originated from the public discussion.

Anderson said Keyser Marston should have that study complete in May. These replacement concepts will then be presented to the City Council and the public for final approval, Anderson said. Macerich, the developer, will then reimburse the city for the costs of the consulting services.

In addition to how the Santa Monica Place construction might affect other projects downtown in the next few years, board members were also concerned about how a new, outdoor Santa Monica Place similar to the Promenade might affect their businesses.

In particular, Bayside businesses would want such an approach to a new Santa Monica Place to be policed in the same way.

If the new Santa Monica Place is like a public space, but private property — for example, which prohibits street performers or vagrants — it might be seen as a cleaner and safer alternative to shoppers than the Promenade.

"Santa Monica Place will be piggybacking on (our success)," said board member Bill Tucker. "I want to make sure they are policed the same way, or they would be getting a competitive advantage over us."

Donation dolphins pay off

DOLPHIN, from page 1

Although it's not known how much was collected last week, the dolphin program has generated more than \$100,000 for social service programs in the past decade, according to officials.

In an effort to deter panhandlers from the downtown area, officials started the dolphin program in 1993. The idea was to give passersby an alternative means of donating money to the homeless, rather than putting cash directly into the hands of vagrants themselves, many of whom might spend their last dollar on drugs or booze.

The dolphins are emptied about once every three months, and are full of things besides cash, including bathroom tokens, prize tickets from the pier, trash, sand and sometimes, letters from homeless people.

One anonymous donor makes his generous contribution regularly, slipping in two or three rolls of five \$20 bills, offi-

cials said.

There are two dolphin sculptures on the Third Street Promenade, one is located on the Santa Monica Pier, and the other is situated at Main Street and Ashland Avenue. A small dolphin bank resides at the Canyon Charter School.

About \$14,000 a year is raised through the dolphins, with the proceeds being awarded to a social service provider each fall during the Westside Shelter and Hunger Coalition Success Breakfast. The award is part of the Marianne Dorn Memorial Grant. Dorn's trust left a significant donation to the program in 1998 following her death, and the money is given in her honor. Last year's recipient was the Venice Family Clinic, which received \$5,000.

While the program has been successful in monetary terms, it remains unclear what impact it's had on curbing panhandling in the area.

LOCAL



High Court to decide coastal agency's fate

COASTERS, from page 1

Commission has displayed an unbridled arrogance against people living on the coast," said James Burling, an attorney for the Pacific Legal Foundation, which advocates for private property rights. "The Coastal Commission has perverted its initial mission into a power grab for itself."

The plaintiffs in the case before the court argue the commission is unconstitutional because it wields executive powers, yet two-thirds of its commissioners are chosen by legislators.

"The stakes for Californians and future generations are enormous. It's the future of the coast," said Peter Douglas, who has directed the commission for the past 20 years. "Whether it continues to go in the direction of conservation and restoration, or whether we open the gates to pell-mell development."

The commission, established by ballot measure in 1972 and later made permanent by the California Coastal Act in 1976, makes key decisions on coastal development, public access, offshore drilling and marine habitat protection.

In the 1990s, it blocked plans to build a seaside resort proposed by the Hearst Corp. in San Luis Obispo County, as well as a major residential development in the Bolsa Chica wetlands in Orange County. In the 1980s, it forced property owners to create easements allowing public access to the beaches — a practice later condemned by the U.S. Supreme Court.

If not for the commission, California's coastline would look quite different, perhaps more like southeast Florida, with less public access and forests of high rises and resorts, Douglas said.

"People take the coast for granted. They don't realize that the reason the coast is so accessible and wild is because we have a strong coastal protection law," Douglas said. "People forget that the commission's greatest achievements are the things you don't see."

Critics say the commission shows little respect for individual property rights or the interests of coastal communities, making it difficult for beachfront property owners to make any changes and overruling development plans approved by seaside cities and counties.

"It's an agency out of control. It's gone way beyond the Coastal Act," said attorney Edward Vaill, who represents the Malibu-based Californians for Local Coastal Planning. "There are horror stories about what they've done to private property rights along the coast."

Douglas said the panel must balance the intense pressure to develop the coast against its popular mandate of conservation and public access.

"Conflict comes with the territory," Douglas said. "The stakes are enormous for people who want to make profits, and they're enormous for a public that wants to protect the coast. There's this built-in conflict."

The commission has been sued hun-

dreds of times by residents and developers unhappy about panel decisions, and the agency has prevailed in well over 90 percent of the cases, he said.

On Wednesday, the California Supreme Court considers a lawsuit filed in 1998 by the Marine Forests Society. It sued after the commission threatened to shut down its "artificial reef" — an underwater structure built from old tires, plastic tubes and nylon mesh aimed at restoring kelp forests about 300 yards offshore from Newport Beach.

French researcher Rudolphe Streichenberger, the society's founder, had permits from the city and the state Fish and Game Commission for the underwater experiment, and had been building the reef for several years when the commission issued its cease-and-desist order.

With the help of the Pacific Legal Foundation, the society sued, arguing that the panel lacked authority to block the reef because its makeup is unconstitutionally controlled by the Legislature — the Assembly speaker, the Senate Rules Committee chairman and governor each name four commissioners.

"We said we don't need a permit from you because you don't belong to the executive branch of government," Streichenberger said. "It's a very simple case of separation of powers."

A Sacramento judge agreed, and so did the 3rd District Court of Appeal. Now the state's highest court is weighing in, and groups on all sides have filed legal briefs aimed at swaying the justices.

The Marine Forests Society and its allies want the governor to appoint all or most of the commissioners and give local governments more authority over coastal development.

The justices also invited legal opinions on what to do about the past 29 years of commission decisions should the appointment process be found unconstitutional. The Pacific Legal Foundation acknowledges that reopening all past cases would create legal chaos, but says the court should allow case-by-case reviews. Already, at least 23 coastal property owners forced to create public access easements and other mitigation hope to cite a high court ruling to reverse those decisions.

Environmentalists say having the Assembly, Senate and governor each appoint four members helps ensure that no branch of government controls the commission. And since 2002, commissioners have been given fixed four-year terms, insulating them from the political pressure they faced when they could be removed at will.

"The appointment process and that balance is at the heart of the commission's integrity and their ability to withstand the intense lobbying for coastal development," said Mark Massara, the Sierra Club's director of coastal programs. "We are unwilling to give any one person in state government the ability to control and manipulate the process — The stakes are too high."

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STATE

Public school failures have fingers pointing

BY BETH FOUHY
AP Political Writer

SAN FRANCISCO — California’s public schools, once among the best in the nation, now lag behind almost every other state in student achievement, funding, teacher quality and facilities. The state’s urban high schools have become “dropout factories,” saddled with some of the lowest graduation rates in the United States. And the pay disparity among California teachers means that the best-paid teachers in 42 of the 50 largest districts work in schools that serve the fewest number of black and Hispanic students.

Those are just a few of the findings outlined in several recent reports which together paint a grim picture of the sorry state of California schools. The conclusions by organizations including the Rand Corporation, Education Trust-West and the Harvard University Civil Rights Project suggest that a combination of factors — from budget cuts to rapidly changing demographics to lack of political will — have contributed to an alarming degradation of the state’s schools over time. The problems have disproportionately affected low-income and minority students, who make up a majority of the state’s pub-

lic school students.

As Gov. Arnold Schwarzenegger travels the state to promote several initiatives to reform state government, only one — a proposal to pay teachers according to merit, rather than seniority — even touches on the state’s exploding education crisis. Meanwhile, Schwarzenegger’s engaged in a pitched battle with teachers who are still steamed over his decision to withhold about \$2 billion they say is owed to them under Proposition 98, a voter-approved initiative that guarantees a funding formula for public schools.

All of this has left some to question why the celebrity governor, whose power of persuasion and ability to use the bully pulpit are virtually unparalleled, has devoted so much of his political energies to a reform agenda that seems to have little bearing on public education — arguably the state’s most vexing challenge.

“This governor has so much popularity, he could have been bold. He could have said, ‘This is what a first-class K-12 education system looks like, and here’s how we’re going to fund it,’” said Assemblywoman Jackie Goldberg, who chairs the Education Committee. “He has more political capital than should be allowed legally in the world, and he chose not to use it.”

As lawmakers and advocates argue over the value of the merit-pay proposal, even some Schwarzenegger advisers say it only scratches the surface of the problem. Both sides agree that dealing with the state’s most intractable challenges, such as its burgeoning population of nonnative English speakers, will require new ways of thinking about an education system that has remained stubbornly resistant to change.

“We need merit pay, and it’s a great step in the right direction. But it’s only a step,” said Richard Riordan, Schwarzenegger’s education secretary. “The major piece is doing some very, very systematic changes in the way schools are governed.”

Among other things, Riordan supports the work of Eli Broad, the southern California philanthropist whose

Broad Foundation helps to fund innovative programs in public school systems around the country. Broad has advocated improving local management in education and reducing the control of unions. He also believes big city mayors should wrest control of urban school districts from seemingly unaccountable school boards.

“I would hope that the Legislature and the governor would frankly look at the problem and decide who’s in charge here,” Broad said.

But with California ranking about 42nd out of 50 states in public education spending, Goldberg, a former teacher, said the state needs to double its spending on schools to even hope to bring them to par. She has proposed directing some \$2 billion in federal tax cuts received by the state’s wealthiest taxpayers toward education, and wants lawmakers to consider raising taxes on commercial property, which, like residential property, is protected from steep tax increases under Proposition 13.

Without a boost in basic funding, Goldberg argues, any other debate over how to implement reform or change in the classroom is virtually irrelevant.

“Here’s the deal, boys and girls, you are getting exactly what you are paying for,” Goldberg said. “I’m not defending the status quo and saying nothing needs to be changed. But unless we insist that there is more money, it isn’t going to get better.”

Former Democratic Rep. Leon Panetta of the Monterey-based Panetta Institute for Public Policy said that while a range of changes to California’s education system is needed, the only way it can happen is for Schwarzenegger and the education community to sit down together and work out some agreements. The current war of words between Schwarzenegger and teachers’ unions is counterproductive, Panetta said.

“We govern by leadership, or we govern by crisis, and if leadership takes risks and finds consensus, that’s the way it should work,” Panetta said. “But if that doesn’t happen, crisis will drive this, and right now we are heading to an Armageddon of crisis.”

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NATIONAL



Only the bunting is missing in Social Security campaign

BY GLEN JOHNSON

Associated Press Writer

WASHINGTON — Just five months after the presidential election, Democratic lawmakers are traveling throughout the country to campaign anew against President Bush and his agenda.

This time, though, the stakes are the future of Social Security rather than control of the White House.

The battle over "strengthening Social Security," as the White House and Treasury Department call it, has renewed the conflict between many of the same people and organizations that clashed in November.

The liberal online group MoveOn.org, labor unions, the U.S. Chamber of Commerce and several umbrella organizations are back at it, arguing for and against Bush's proposed personal investment accounts for Social Security.

They are using many of the same campaign tactics: apocalyptic television ads — in one case recalling the Titanic hitting an iceberg; boisterous town hall meetings; mass e-mails to reporters.

Among those involved are activists associated with the Swift Boat group, which attacked the Vietnam War record of Democratic presidential nominee John Kerry, and top officials who worked last year with the Democrats competing for the right to unseat Bush.

"The president is running a presidential-style campaign on this," said Erik Smith, who advised former Rep. Dick Gephardt when the Missouri Democrat sought his party's presidential nomination.

Today, Smith is preparing anti-privatization ads along with Jim Jordan, Kerry's former campaign manager. "I think once a public debate starts, you need to engage," Smith said.

Brian McCabe, president of Progress for America, a leading supporter of Bush's effort, said, "I think that a lot of people thought after the election we wouldn't see so much advertising on the air again, but Social Security came out of the box quickly, and a lot of the groups that engaged last year began to engage again."

Progress for America, a GOP-connected group that helped Bush win re-election, spent over \$3 million in ads in March. One likened Social Security's impending financial problems to the Titanic's approaching the iceberg that would send the ship to the ocean floor.

During the presidential campaign, Bush did talk about his hopes for overhauling Social Security. But voters focused more closely on the candidates' fitness to conduct the fight against terrorism.

Once re-elected, Bush made Social Security his No. 1 priority. He devoted a good portion of his State of the Union speech to showcasing his idea of letting younger workers invest a portion of the payroll taxes designated for the pension program's benefit trust funds.

Democratic opponents of the idea revived a technique from the fall campaign when they highlighted their position on Social Security during Congress' two-week Easter vacation. Democrats have made their case in the districts of Republican colleagues who are wary about embracing Bush's idea of private accounts.

Rep. Sandy Levin, D-Mich., had a town meeting in the Battle Creek, Mich., district of GOP Rep. Joe Schwarz. On Monday, Rep. Betty McCollum, D-Minn., plans to attend a town hall meeting in the district of her Republican colleague from Minnesota, Rep. Mark Kennedy.

Rep. Earl Pomeroy, D-N.D., went to the district of Minnesota Republican Rep. Gil Gutknecht. Paying for the trip was Americans United to Protect Social Security, an umbrella group headed by the AFL-CIO and the American Federation of State, County and Municipal Employees.

Like many similar groups, Americans United is registered with the Internal Revenue Service as a 501(c)(4) organization, a designation that allows it to raise and spend unlimited amounts of money without having to disclose its donors. The exemption limits such groups to issue advocacy, not partisan politicking, but whom they support in the fight is rarely hard to discern.

"If the president takes privatization off the table, our organization could cease to exist," said Brad Woodhouse, spokesman for Americans United.

Woodhouse denies a spillover from the 2004 election, when he was communications director of the Democratic Senatorial Campaign Committee. "But there is definitely an element of this that is the very early start" of the 2006 congressional elections, he said.

Among the groups backing Bush on Social Security are the National Association of Manufacturers and the Business Roundtable, which have unified under the banner of the Coalition for the Modernization and Protection of America's Social Security (COMPASS). But some corporate members recently dropped out under pressure from labor unions.

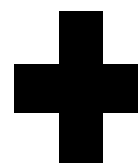
The battle over Social Security also has caused a rift between the AARP and USA Next, a more conservative group whose members include former television host Art Linkletter.

"AARP is actually to blame for the predicament we find ourselves in with Social Security," said Charlie Jarvis, chairman and chief executive of USA Next. "They have been the behemoth that has been pushing the liberal agenda, including 18 payroll taxes (since Social Security's inception). We intend to make them pay very dearly for their opposition to personal retirement accounts."

Steve Hahn, an AARP spokesman, said Jarvis' remarks were erroneous and a distraction. "Our members still view AARP as the most credible source when it comes to Social Security," he said.

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Santa Monica	SqFt: 1,700	List Price: \$949,000	Bed: 3
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Santa Monica	SqFt: 3,219	List Price: \$1,999,000	Bed: 4
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Santa Monica	SqFt: 1,511	List Price: \$1,349,000	Bed: 3
03/10/2005	Lot Size: 6,750	Sold Price: \$1,396,000	Bath: 2.00
Sold	3009 2ND ST	SANTA MONICA 90405	
Santa Monica	SqFt: N/A	List Price: \$1,350,000	Bed: 3
03/09/2005	Lot Size: 6,499	Sold Price: \$1,350,000	Bath: 2.50
Sold	844 BERKELEY ST	SANTA MONICA 90403	
Santa Monica	SqFt: N/A	List Price: \$3,588,000	Bed: 4
03/17/2005	Lot Size: 10,040	Sold Price: \$3,250,000	Bath: 5.50
Sold	528 24TH ST	SANTA MONICA 90402	
Santa Monica	SqFt: 1,246	List Price: \$1,875,000	Bed: 2
03/16/2005	Lot Size: 8,698	Sold Price: \$2,000,000	Bath: 1.50
Sold	241 24TH ST	SANTA MONICA 90402	
Santa Monica	SqFt: 2,069	List Price: \$2,249,000	Bed: 3
03/11/2005	Lot Size: 8,700	Sold Price: \$2,439,000	Bath: 1.75
Sold	2433 28TH ST #0	SANTA MONICA 90405	
Santa Monica	SqFt: 1,675	List Price: \$729,000	Bed: 2
03/14/2005	HOD: \$360	Sold Price: \$760,000	Bath: 2.00
Sold	201 OCEAN AVE #PH8P	SANTA MONICA 90402	
Santa Monica	SqFt: 1,228	List Price: \$1,195,000	Bed: 2
03/15/2005	HOD: \$670	Sold Price: \$1,075,000	Bath: 2.00
Sold	2613 6TH ST #6	SANTA MONICA 90405	
Santa Monica	SqFt: N/A	List Price: \$789,000	Bed: 2
03/16/2005	HOD: \$240	Sold Price: \$806,000	Bath: 2.00
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03/16/2005	HOD: \$700	Sold Price: \$675,000	Bath: 1.50
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Santa Monica	SqFt: 1,446	List Price: \$749,000	Bed: 2
03/16/2005	HOD: \$300	Sold Price: \$725,000	Bath: 2.00
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Santa Monica	SqFt: 1,694	List Price: \$849,000	Bed: 2
03/09/2005	HOD: \$205	Sold Price: \$850,000	Bath: 2.00
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\$1,199,000

11901 WESTMINSTER PL , LOS ANGELES 90066

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\$925,000

3457 ROSEWOOD AVE , LOS ANGELES 90066

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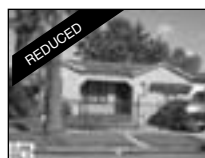
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The highs and lows of owning in the city**DAYS ON THE MARKET**

BY JODI SUMMERS

Homeowners in California on average saw more than a 20 percent increase from the first quarter of 2004 to the same time this year.

For the first quarter, \$88,562,888 in single-family homes sold in Santa Monica, compared with \$119,560,537 for 2004 and \$96,250,200 in 2003. The average sales price for a single-family home was \$1,940,000 in March. The condo market is seeing a lower volume of sales, though prices remain high.

"While mortgage interest rates remain low by historical standards, upper-end markets may soften as affordability concerns impact households trying to stretch their purchasing power with adjustable rate loans," noted C.A.R. Vice President and Chief Economist Leslie Appleton-Young. "Job growth in California in 2004 was stronger than originally projected, and a strengthening job market this year should have a positive impact on household incomes and housing market activity."

Currently around town, single-family homes are average 45 days on the market, compared with 39 last year. They are selling for an average of 99.8 percent of list price, compared to 103 percent a year ago. The average list price around town has grown to \$1,965,166, up from \$1,615,351 a year ago.

As you would deduce, more million-dollar homes were sold in California last year than in the two previous years combined, according to DataQuick real estate information services.

A total of 33,107 homes in California sold for \$1 million or more last year. That was up 73.5 percent from 19,080 in 2003. The total in 2002 was 13,871.

Of the 332 million-dollar homes sold in Santa Monica in 2004, 217 were priced more than \$1 million. For the first quarter of this year locally, of the 58 sold, 40 were priced at more than \$1 million. Last year at this time saw 74 properties sold with 54 priced more than \$1 million. Statistics are showing that roughly two-thirds of all single-family homes sold in the city of Santa Monica sell for more than \$1 million.

Statewide, million-dollar sales accounted for 5 percent of all California home purchases in 2004. In 2003 it was 3 percent, and in 2002 it was 2.3 percent.

"A million dollars just isn't what it used to be when it comes to California real estate," said Marshall Prentice, DataQuick president. "Because of appreciation across the board, more homes are in the million-dollar category than was the case earlier. We don't expect home

prices to go up as much this year as in 2004, so we anticipate that sales counts will level off."

Statewide, there were 221 sales for more than \$5 million last year — five \$5 million-plus homes sales were recorded in Santa Monica. Two-hundred-thirty-seven sales were in the \$4 million to \$5 million range, six of those were in Santa Monica; 690 in the \$3 million range — 13 of which were in Santa Monica; 2,894 sales in the \$2 million range — 49 locally; and in Santa Monica in 2004, 144 sold from \$1 million and \$2 million. About 15 percent of million-dollar buyers paid cash, up from 12 percent in 2003. Of those who financed their purchase, the median down payment was 25 percent of the purchase price.

The most expensive confirmed purchase was a 10,900-square-foot five-bedroom, four-bathroom San Francisco house, which went for \$22.5 million in December. The largest was an eight-bedroom, 10-bathroom 35,735-square-foot house on 2.3 acres in Beverly Hills that sold for \$13 million in October.

There were 1,677 condo sales in the million-dollar category, up 90.8 percent from 879 a year ago. Most were sold in West Los Angeles, San Diego and San Francisco.

Statistically, in Santa Monica the condo market has been notably slower between quarter one of 2004 and the same time this year, though prices continue to rise. Locally in March 2005, 48 condos were sold at an average selling price of \$723,001 — 99.8 percent of asking price. They're spending an average of 30 days on the market. For March 2004, 65 condos were sold with an average selling price of \$ 622,961 — 103.5 percent of sales price. Properties were spending an average of 16 days on the market.

"The condominium market segment appeals more to a slightly different customer base compared with the detached home market, with single-person households accounting for 44 percent of all condominium buyers, compared with 24 percent of all detached home buyers," said C.A.R. President Jim Hamilton.

First-time homebuyers accounted for 37 percent of all condo buyers in 2004, compared with 26 percent of all detached-home buyers.

Hamilton noted that condos also were more appealing as second homes, with 9 percent of all condos purchased in 2004 were used as vacation or second homes. That compares with 4 percent of all detached homes sold in the same period being used as second homes.

Santa Monica real estate sales statistics courtesy of the Multiple Listing Service.

(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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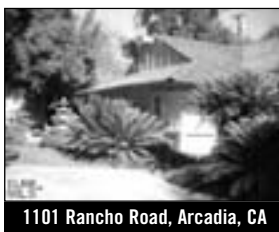
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If you can't trust them, try on an agreement



IN YOUR SPACE

BY CHRISTINA S. PORTER

Defending one's integrity seems to be a common practice in developing new business relationships in the world of commercial real estate. I suppose other professions that require a substantial amount of trust from their clients are faced with the same challenge. I find, time and again a tremendous amount of doubt and distrust as I attempt to enter into an agency relationship with prospective clients.

The key to all of this is the "Agency Agreement"

and all that that entails. According to California Real Estate Law by W. Pivar and R. Bruss, there are six ways that an agency is created:

■ **Express agency:** This is an agency created by a specific agreement, either written or verbal. When a real estate agent is given a listing, it's a written agency agreement used to authorize an agent to procure buyers or lessees, or to locate a property for purchase or lease.

■ **Implied/astensible**

agency: Most agencies are express agencies as defined above. An implied and/or ostensible agency is not a stated agreement but is created by the actions of the parties. An implied agency occurs if a broker reasonably leads another person to believe that he or she is their agent. An ostensible agency occurs when a principal, intentionally or by want of ordinary care, causes a third person to believe another to be his agent who is not really employed by him.

■ **Agency by estoppel:** When an ostensible agency is created, a third person reasonably acts to their detriment based on the belief of the existence of the agency, the person who allowed the ostensible agency to exist would be estopped (barred) from denying the existence of the agency. The doctrine of estoppel is one of equity to achieve justice. It is best to define agency by estoppel with an example: Assume an out-of-town owner informed a broker that the owner's cousin had the authority to give a listing

on the owner's property. The broker acted on this assertion, listed and then procured a buyer for the property. The owner would be estopped (barred) from denying the existence of the agency because his or her words led the broker to act to the brokers' detriment by denying the existence of such agency.

■ **Agency by ratification:** By accepting the benefits of an agreement made by an unauthorized agent or by an agent who has exceeded his authority, a principal can form an agency by ratification.

■ **Dual agency:** A dual agency exists when an agent represents two principals who are negotiating with each other and thus have conflicting interests. Any conduct that reasonably leads a buyer that a seller's agent is representing both buyer and seller might create a dual agency.

As soon as an agency is established the agent has a fiduciary duty to their principal. A fiduciary duty is defined as a duty of trust, and the agent is bound to

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2434 Main St	Office	3/25/2005	2,219	\$2.65/nnn
2601 Ocean Park Blvd	Office	4/1/2005	1,023	\$2.10/fs
221-225 Santa Monica Blvd	Office	3/23/2005	4,389	\$3.20/mg
221-225 Santa Monica Blvd	Office	3/23/2005	4,389	\$4.20/mg
221-225 Santa Monica Blvd	Office	3/23/2005	4,389	\$4.20/mg
530 Wilshire Blvd	Office	4/1/2005	1,355	\$2.50/fs
2811 Wilshire Blvd	Office	3/23/2005	690	\$2.60/fs
3201 Wilshire Blvd	Office	3/29/2005	1,552	\$3.25/fs
1351 19th St	Flex	3/22/2005	1,550	\$1.75/mg
1223 Olympic Blvd	Flex	3/25/2005	6,000	\$1.35/nnn

The rates quoted above are the asking and do not necessarily reflect the actual lease rate.

protect his or her principal's interests. The agent must act in a manner that is consistent with the best interests of his or her principal. The agent may not obtain any advantage over the principal by misrepresentation, duress, or adverse pressure. A fiduciary duty includes the following:

■ **Full disclosure:** Notice to an agent is considered to be notice to the principal. The agent has a duty to inform the principal of any facts that would be likely to influence the principal in making a deci-

sion.

■ **Due care:** An agent must exercise reasonable and due care in carrying out the duties of agency.

■ **Loyalty:** The agent must keep everything confidential. This continues even after the agency is terminated.

■ **Honesty:** The agent must fully disclose all material facts to its principal in a fair and honest manner so as not to prejudice the judgment of the principal.

■ **Integrity:** The agent's moral conduct in his or her dealing must be beyond reproach.

■ **Obedience:** An agent has a duty to obey the lawful instructions of the principal (illegal instructions must not be followed).

■ **Duty to third persons:** The agent has a duty of honest and fair dealing with others. The principal and the agent could be held responsible for the agent's misrepresentation, fraud or failure to disclose detrimental information to a third party that the agent should have known.

The above is a good reminder for those who have forgotten the definition of fiduciary duty and a good eye opener for those who don't know what it is.

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



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NATIONAL



Ranching in Montana can get a little saucy

BY SUSAN GALLAGHER
Associated Press Writer

HELENA, Mont. — Roger Lang says he was an “absolute novice” about what it truly meant to be a Montana ranch owner when he used some of his Silicon Valley millions to buy an 18,000-acre spread here.

Now, seven years later, Lang has advice for others desiring a big slice of Big Sky Country, where owning a ranch has gained a certain cachet from celebrity buyers such as Ted Turner, Tom Brokaw and David Letterman.

“I think when you come as an outsider, the most important thing is to admit what you are and admit what you aren’t,” Lang says in a new, short film produced by the state wildlife agency and a cattlemen’s group. “I’m not a rancher by background, and I’m learning how to be a rancher from my friends here in the community.”

The film, “Owning Eden,” is an attempt to help wealthy outsiders shopping for ranches understand the big picture of life in rural Montana.

“Owning Eden” evolved from concern about changes happening in the state as traditional ranchers, some with land and customs passed through generations, sell their properties — often at prices that astonish their neighbors.

One real estate agency’s ranch listings include 5,700 acres east of Great Falls for \$7.2 million; 30,000 acres in the heart of Montana for \$12.5 million; and 416 acres near Livingston for \$3.8 million. The

colossus is a 17,000-acre spread near the Idaho border, already in nonresident hands for some time and listed at \$25.9 million. That includes a house featured in Architectural Digest.

When newcomers invest that kind of money, traditional ranching often ceases. Sometimes, long-standing customs such as opening the land to public hunting evaporate as well.

“We feel there is a role we can play in reaching out to these people,” said Steve Pilcher, executive vice president of the Montana Stockgrowers Association, which produced the film with the Montana Department of Fish, Wildlife and Parks. Often, the newcomers “don’t realize they’re buying more than just the real estate.”

New arrivals remain a minority by a wide margin, according to the stockgrowers’ association, which says 83 percent of Montana ranches have been in the family for more than 25 years, and 10 percent for more than a century.

With stunning scenery, the film portrays ranching as a rich part of Montana’s heritage, woven with neighborliness and respect for the land. The beauty that draws people here is “the product of conservation, not preservation,” the narrator says in an apparent pitch to people who may envision converting ranches into sanctuaries.

The tone of the film, featuring long-time ranchers Chase Hibbard and Maynard Smith along with Lang, is friendly.

“This needs to be real nonthreatening, informational,” said Ron Aasheim of Fish, Wildlife and Parks. “We’re not in the business of telling people what to do.” He hopes real estate offices, conservation groups and others in contact with would-be ranch owners will help circulate the film.

“In my experience, the first thing that happens is the padlock goes on the gate,” Hibbard, who ranches near Helena, says to the camera. “I can understand why they feel that way when they come here. It’s a major expenditure, they may come from a place where you have to protect your property rights, you have to protect the safety of your person. We’re not there, yet, in this state.”

The film suggests new ranch owners allow hunting as a way to help manage wildlife, particularly elk, that will roam and feed at neighboring ranches, where the forage is needed for cattle. Another message: Control your weeds. The wildflower — and aggressive noxious weed — called Dalmatian toadflax may provide a nice splash of color, but it disregards property lines.

“When you’re across the fence from somebody, if he doesn’t take care of his weeds, you’re going to have them,” said Smith, who ranches in the Dillon area of southwestern Montana and has the weathered look of a Western traditionalist.

Hibbard suggests lockouts involve not just gates; sometimes they’re found in attitudes, as well.

“Make some friends in the community.

Be sensitive to the values that existed before you came, and be supportive of those values instead of locking them out,” he says, reinforced by the narrator’s appeal for newcomers to preserve “the values that led you to Montana in the first place.”

Lang, whose Infinity Financial Technology software company was bought by SunGard Data Systems in 1998 for about \$313 million in stock, said in a telephone interview that he agreed to be in the film because newcomers need to be informed.

“I can imagine how unsettling it is for Montanans, especially multigenerational Montanans, to see people come in and treat this like it’s some kind of suburban playground,” Lang said from Sun Ranch, which he bought from actor Steven Seagal. The ranch, about 40 miles from Yellowstone National Park, is a part-time home for Lang, who is in California often.

“Urban people are tightly packed, very densely populated and they protect their own with more than a white picket fence,” he said. “When we come here there is a completely different ethic — that you protect each other.”

At the multistate real estate agency Hall and Hall, manager Jim Taylor said the purchase of Montana ranches by newcomers who pay handsomely has been happening for years.

Rich newcomers with ranches have a responsibility “not to throw their money around and not to upset local customs,” Taylor said.

www.MalibuFilmFestival.com
 April 14 - 18, 2005




presented by **PAUL MITCHELL**

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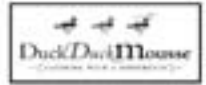
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\$25 includes Opening Night Film at the Aero and party at The Victorian; sponsored drinks by Patron, Penta water and Twin Fin. Sponsored hors d'oeuvres, coffee, tea and deserts by Duck Duck Mousse, Urth Caffe, Champagne French Bakery, Acadie French Crepes

April 18th
\$500 includes a three course meal, sponsored drinks by Patron, Penta and Twin Fin. DJ music by Cathy Tamkin. This night honors Pierce Brosnan and the independent films and filmmakers of this years festival. This is a fundraiser for the Malibu Film Foundation to help ensure the future of the Malibu Film Festival.

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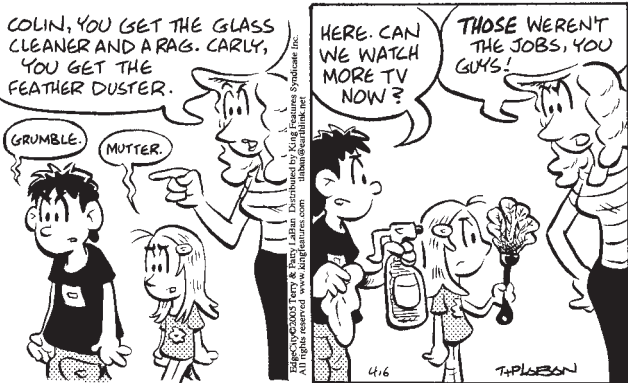
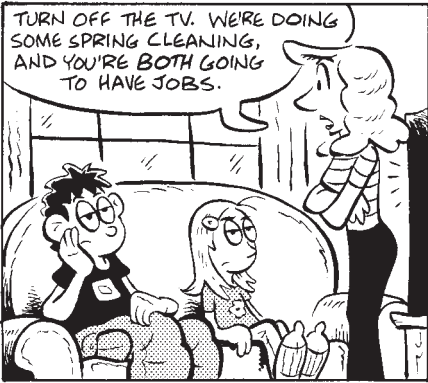


COMICS

The Dinette Set by Julie Larson



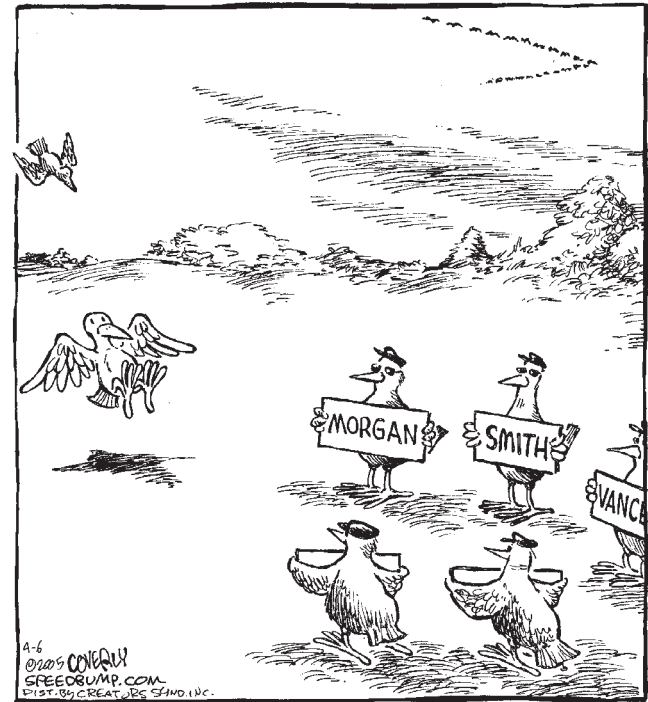
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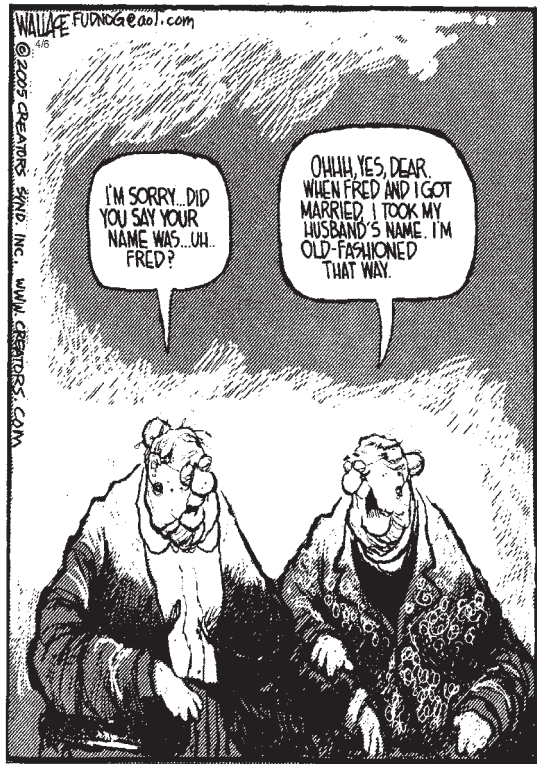


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- 34 Kind of band
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\$1,250,000
Century City



3648 EMPIRE DRIVE
CULVER CITY 4 UNITS \$1,295,000
THIS COULD BE YOURS.
CALL FOR FREE ESTIMATED VALUE



10610 VENICE BLVD. 4 UNITS
LOS ANGELES \$949,500



124 FOWLING
PLAYA DEL REY
\$1,250,000



8310 RAINTREE CIR
CULVER CITY 90230
2 BD 2 BA WITH DEN
FIREPLACE WET BAR
\$530,000

Properties recently put into
escrow by Pacific Ocean Properties.

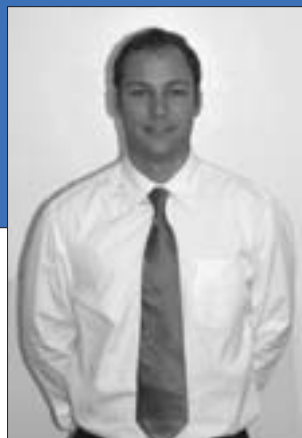
Let our sales team go to
work for you today!

LOCATION	LOCATION
SOLD 1072 W. Edgeware	Los Angeles
122 N. Rampart	Los Angeles
7027 Ramsate	Westchester
SOLD 931 N. Rose St.	Burbank
1432 Ellmsere	Los Angeles
5657 S. Bronson Ave.	Los Angeles
2700 Newell	Silverlake
1458 Princeton	Santa Monica
3508 6 TH Street	Los Angeles
419 W. Kelso	Inglewood
JUST SOLD 846 Eucalyptus	El Segundo

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Rob Schultz
Broker

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- Apartment Buildings
- Timely performance

100% Finance Interest Only Loans

\$500,000.00
1st - \$400,000.00 @ 4.375%
\$1,459.00 Per Month

2nd - \$100,000.00 @ 6.875%
\$572.00 Per Month

Total \$2,030.00 Per Month
*Not Including Tax & Insurance

\$650,000.00
1st - \$520,000.00 @ 4.375%
\$1,895.00 Per Month

2nd - \$130,000.00 @ 6.875%
\$744.00 Per Month

Total \$2,639.00 Per Month
*Not Including Tax & Insurance

Wholesale lending through:



Pre-Approval in minutes.

VERY AGGRESSIVE RATES

30 year fixed 5.7%
10 year/1 arm 5.625%
7 year/1 arm 5.5%
5 year/1 arm 4.875%**
3 year/1 arm 4.5%**
1 year/1 arm 3.975%
6 mos./6 mo. arm 4.0%
1 mo./1 mo. arm 1.375%***

* Rates subject to change

* As of April 5, 2005

** Denotes an interest only loan

*** Denotes Neg Am

2212 Lincoln Blvd., Santa Monica, CA
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