

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

1 13 15 18 31
Meganumber: 15
Jackpot: \$13M

1 4 19 25 38

MIDDAY: 3 1 4
EVENING: 7 7 1

1st: 10 Solid Gold
2nd: 08 Gorgeous George
3rd: 09 Winning Spirit
RACE TIME: 1:47.06

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

NEWS OF THE WEIRD
BY CHUCK SHEPARD

In March, Deputy Fire Chief Leroy Johnson, 52, of Mesa, Ariz., announced his retirement after becoming possibly the highest-status person in the country in recent years to be allegedly witnessed having sex with a barnyard animal (a lamb). Another possible record-setter was Kimberly Du, 36, who was charged in February in Des Moines, Iowa, with faking her December death to avoid prosecution on several traffic tickets, which might be the pettiest criminal charge anyone has ever tried to avoid by faking death.

TODAY IN HISTORY

Today is the 116th day of 2006.
There are 249 days left in the year.

Twenty years ago, on April 26, 1986, the world's worst nuclear accident occurred at the Chernobyl plant in the Soviet Union. An explosion and fire killed at least 31 people and sent radioactivity into the atmosphere. In 2000, Vermont Gov. Howard Dean signed the nation's first bill allowing same-sex couples to form civil unions.

QUOTE OF THE DAY

"We want people who hate to lose, like myself. Now marinate on that."

SNOOP DOGG

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Faculty unrest



Fabian Lewkowicz/Daily Press

Mitra Moassessi, 51, a math professor and the chief negotiator for the Santa Monica College Faculty Association, yells through a megaphone during a march down Pico Boulevard on Tuesday. A crowd of between 100 and 200 marched from campus to SMC's administration offices to demand a pay raise. The college has offered faculty professors a 3.5 percent raise. The professors want 5 percent.

LOCAL

Man to stand trial for officer's shooting

BY KEVIN HERRERA
Daily Press Staff Writer

LAX COURTHOUSE — A suspected gang member charged with the attempted murder of an undercover Santa Monica Police officer will stand trial, a Los Angeles Superior Court judge ruled Monday. Judge Scott Millington found there was enough evidence to move forward with a trial and set an arraignment date of May 8 for German Michael Espindola, 20, a resident of Santa Monica. Espindola is expected to enter a plea of not guilty, according to his attorney, Al Fenster. Espindola has been accused of shooting officer Walter Ramirez, a four-year veteran with the SMPD, who was hit in the wrist by gunfire after he and his partner tried to confront the occupants of a suspicious vehicle in the Pico neighborhood in February.

See TRIAL, page 6

His greatest save

Baseball legend recalls 30-year-old glory day

BY KEVIN HERRERA
Daily Press Staff Writer

HOUSTON — It's hard to get a hold of Rick Monday these days. Not only is the former Dodgers outfielder, World Series champion and current broadcaster for the

boys in blue constantly traveling now that the season is in full swing, he's also being hounded by

See SAVE, page 5



RICK MONDAY



James Roark/Special to the Daily Press

Former Santa Monican Rick Monday, then 30 years old and playing center field for the Chicago Cubs, saves the American flag from two protesters who were attempting to set it ablaze on the field at Dodgers Stadium in 1976.

Officials: Security funding too low

BY KEVIN HERRERA
Daily Press Staff Writer

SM FIRE DEPT. — Even with the recent addition of \$1.5 million in homeland security funding to the city's coffers, public safety officials here say they still need millions more to adequately respond to a terrorist attack or other catastrophic emergency.

The City Council on April 11 approved of the \$1.5 million urban area security initiative grant, bumping up its total homeland security funding to a little more than \$3.2 million since the start of the no-match grant program in 2001. Emergency responders say the city could use at least twice that amount to purchase new equipment to protect firefighters and police officers from a biological or chemical attack.

"There definitely needs to be more funds available for emergency response, not just here in Santa Monica, but region-wide," said Fire Chief Jim Hone, who is a member of a multi-agency task force responsible for assessing the needs of the region and submitting grant proposals to state and county officials.

"This is not just about our local community," Hone added. "No one knows where the next event is going to happen, but I assure you, if something does occur, every fire and police department will be called to respond."

Since the Department of Homeland Security began issuing no-match grants in 2001, elected officials from cities both large and small have complained about the lack of funding to pay for improvements to ports and overtime pay for emergency personnel.

"Everybody has been in a pinch over this," said Mayor Bob Holbrook. "Cities are finding it

See SECURITY, page 5

Jacquie Banks

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LOCAL



Silver strides



The first runners start the 25th Silver Anniversary Saint John's Jimmy Stewart Relay Marathon this past weekend. Proceeds from the marathon benefit the programs and services of Saint John's Health Center in Santa Monica. Over the years, more than \$8.8 million has been raised.

Photo courtesy

Man attempts to kidnap woman in SM

By Daily Press staff

NORTH OF WILSHIRE — Police are looking for a man who attempted to kidnap a woman while she was walking along Washington Avenue on Tuesday morning.

At 10:50 a.m. the suspect, described as a Latino man in his 50s, pulled up alongside the woman in a new white SUV with tinted back windows. He stopped the vehicle, walked up to the victim, grabbed her and attempted to force the woman into the SUV.

The victim was able to break free and call police. The suspect fled. The victim described him as having heavy red acne on his cheeks and a large nose with a circular scar on the bridge. He is 5 feet 5 inches tall, weighs 140 pounds, and has gray and

black hair and brown eyes. He had a medium complexion and no facial hair. He was wearing a light blue short-sleeve shirt, black jeans with a metal belt buckle with the word "Salvador" or "El Salvador," and blue and white tennis shoes. The suspect spoke both in English and in Spanish.

The suspect's vehicle is described as similar to a Lincoln Navigator with stock rims. The vehicle had a small white wooden cross hanging on the rear view mirror.

Anyone having additional information is encouraged to contact the robbery-homicide unit of the Santa Monica Police Department at (310) 458-8451. Callers who wish to remain anonymous may also call the We-Tip national hotline at 1-800-78-CRIME (27463).

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SNOW AND SURF REPORTS

SNOW CONDITIONS DATA PROVIDED BY ONTHESNOW.COM

BEAR MOUNTAIN					
NEW SNOW (24 Hrs)	0"	BASE DEPTH 12" - 36"	LIFT HOURS 8:00 AM - 4:00 PM	RUNS OPEN 27	LIFTS OPEN 7/12
CONDITIONS: MACHINE GROOMED, HARD PACKED, SPRING, VARIABLE					

JUNE MOUNTAIN	
CLOSED	

MAMMOTH MOUNTAIN					
NEW SNOW (24 Hrs)	1"	BASE DEPTH 192" - 216"	LIFT HOURS 8:30 AM - 4:00 PM	RUNS OPEN 68	LIFTS OPEN 17/28
CONDITIONS: POWDER, PACKED POWDER, MACHINE GROOMED					

MOUNTAIN HIGH	
CLOSED	

MT. BALDY					
NEW SNOW (24 Hrs)	0"	BASE DEPTH 12" - 30"	LIFT HOURS 8:00 AM - 4:30 PM	RUNS OPEN 20	LIFTS OPEN 3/4
CONDITIONS: MACHINE GROOMED, SPRING					

SNOW SUMMIT					
NEW SNOW (24 Hrs)	0"	BASE DEPTH 12" - 36"	LIFT HOURS 8:30 AM - 4:30 PM	RUNS OPEN 26	LIFTS OPEN 10/14
CONDITIONS: MACHINE GROOMED, HARD PACKED, SPRING					

SNOW VALLEY					
NEW SNOW (24 Hrs)	0"	BASE DEPTH 12" - 36"	LIFT HOURS 8:30 AM - 4:30 PM	RUNS OPEN 14	LIFTS OPEN 3/11
CONDITIONS: MACHINE MADE, MACHINE GROOMED, SPRING					

SURF CONDITIONS WATER TEMP: 58°

SWELL FORECAST (1-2 FT)
TODAY A RAIN SYSTEM IS EXPECTED TO MOVE THROUGH THE REGION AND BRING WITH IT SOME FOUL CONDITIONS. WIND SWELL WILL FOLLOW THIS ON THURSDAY.

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TIDE FORECAST FOR SANTA MONICA

SATURDAY				
LOW TIDE	N/A	N/A	12:21PM	-0.3FT
HIGH TIDE	5:06AM	4:68FT	7:08PM	4.2FT
SUNDAY				
LOW TIDE	12:32AM	1.9FT	1:03PM	-0.3FT
HIGH TIDE	6:19PM	4.8FT	7:34PM	4.8FT
MONDAY				
LOW TIDE	1:26AM	1.1FT	1:40PM	-0.2FT
HIGH TIDE	7:21AM	4.9FT	8:02PM	5.3FT
TUESDAY				
LOW TIDE	2:15AM	0.2FT	2:51PM	0.1FT
HIGH TIDE	8:16AM	4.9FT	8:32PM	5.9FT
WEDNESDAY				
LOW TIDE	3:01AM	-0.5FT	2:49PM	0.5FT
HIGH TIDE	9:08AM	4.7FT	9:03PM	6.3FT
THURSDAY				
LOW TIDE	3:47AM	1.0FT	3:21PM	0.9FT
HIGH TIDE	10:00AM	4.4FT	9:36PM	6.4FT
FRIDAY				
LOW TIDE	4:33AM	-1.2FT	3:54PM	1.4FT
HIGH TIDE	10:53AM	4.0FT	N/A	N/A

The Q Line

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With summer fast approaching, the cost of filling up one's tank at the local service station continues to climb. One recent study says retail gas prices across the country have jumped an average of 25 cents in the past two weeks alone. Auto club AAA estimates that prices are 31 cents higher now than at the same time just one year ago.

So this week, Q-Line wants to know: **To what lengths will you go to save money when filling up your tanks — long lines, other neighborhoods, shun the car altogether?**

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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LETTERS TO THE EDITOR

Women's group speaks out against ballot designation

Editor:

After reading the April 17 article by Harrison Sheppard, Sacramento Bureau, LA Daily News, we the undersigned former members of the Santa Monica Commission on the Status of Women (SMCOSW) are upset by the dishonesty involved in the ballot designation used by Kelly Hayes-Raitt as "City Women's Commissioner."

We find this ballot designation to be intentionally misleading. The Santa Monica Commission is an unpaid voluntary position appointed by the City Council. The commission meets once a month for about three hours a meeting.

We understand that the California Secretary of State rules require the use of one's primary occupation or of an elected office, this voluntary post does not meet either criteria. Furthermore, Hayes-Raitt's resignation from the SMCOSW was officially accepted at a public meeting of the Santa Monica City Council on Feb. 14, 2006. Her resignation was received in writing early enough to appear on that agenda. This means that she resigned on or before filing her candidacy papers for the 41st Assembly District.

Since Hayes-Raitt is a professional political consultant, we believe that it is duplicitous for Hayes-Raitt to use the designation "City Women's Commissioner," and we believe that it is a mistake for the Secretary of State to allow it.

Thank you for your attention to this important political matter.

Santa Monica Commission on the Status of Women

Some technology better left for the fishes

Editor:

Dr. Michael Berliner apparently has never left the city of Irvine according to his article on "environmentalism" (SMDP, April 18, page 4).

One only has to travel to the Gulf of Mexico and then travel to Santa Barbara and finish with a trip to Santa Monica to see what a "philosophy of reason," or the apparent lack thereof, has done to the once magnificent oceans in America.

I personally do not enjoy the tar balls that stick to my feet when I walk along the sandy beaches of the Gulf of Mexico, as well as in Santa Barbara. When I gaze out across the water in the Gulf of Mexico and Santa Barbara, the twinkling of lights on the oil platforms is not a beautiful image.

However, I can walk the beaches of Santa Monica Bay without fear of tar balls and observe dolphins and whales in the ocean without the sight of ugly oil platforms.

I am an environmentalist and an engineer. I do not hate science and technology. I simply love the environment and do not think I need to see man's technology when I take my children surfing in the ocean. The philosophy of clean oceans is the true "philosophy of reason" in the realm of environmentalism.

Dr. Lisette Bauersachs
Santa Monica

The random thoughts of the rambling mind



**THE
WITNESS
STAND**
BY CLIFF NICHOLS

Sometimes a week goes by and nothing seems to lend itself to any particular topic worth writing about. In that event one (like me, for instance) will rummage around in their mind looking for a topic. Below are some that I came up with in the course of that process. Some are better than others, I admit. But none moved me to write an entire column about them. So, I thought I'd throw them out and let you tell me your thoughts about which ones you think might be worthy of future consideration. And, if you have no such thoughts, at least I will know that I'm not alone in that regard.

The graves in which we bury our misdeeds are usually shallow.

The hollowness felt at the end of a relationship may be due to our having filled the void with a counterfeit of true love. It takes only seconds to evaluate a person's physique, but weeks, months, or in some cases a lifetime to evaluate the heart.

Progressives only seem to be consistent in one respect. They switch with remarkable regularity from being relatively absolute and to being absolutely relative, and then back again whenever it suits their purpose.

There are few higher truths guiding our lives that can withstand the average person's desire to pursue either pleasure or money.

Use of the term "deal breaker" by one person at the outset of a personal relationship should best be considered a deal breaker for the other person involved.

"I'll pray for you," is the religious person's way of putting an end to an unpleasant conversation about the problems and needs that are afflicting your life, without having to commit to do anything tangible to help you. Interestingly, it is something Jesus himself never did.

"Let's get together for coffee and talk more about it real soon," is the secular world's version of "I'll pray for you."

"I was too busy to call," just means that even picking their nose had a higher priority than they gave you.

If the importance you attach to your ambitions surpasses the importance you attach to the feelings of your mate, eventually your ambitions are all you will have to sleep with.

Why do you think it is that women who refuse to make eye contact and smile are often the same ones heard complaining

about never being able to get a date?

It is only when a person's physical possessions are removed from their lives that you can truly find out who they really are and what they are made of.

Another way of putting it is, the real measure of your wealth is how much you would be worth if you lost all your money.

Have you ever known someone who is so cheap you could easily imagine them farting on a rock so they could save the grease?

No matter what fashionable diet you are on, you may find that, if you eat less than you did before, you stand a better chance of losing weight.

If you doubt that the average American is overweight, visit the Midwest.

A somewhat irreverent friend who only recently read the Old Testament for the first time came away from the experience with only one conclusion: God apparently likes barbecue. Can you argue with that?

Math teachers with plans to travel in the near future are well advised to exercise extra caution. The way things are going, our Department of Homeland Security is likely to mistake them for disciples of that dangerous terrorist splinter group called Al-gebra.

For all of you out there who believe in reincarnation, did you know that a pig's orgasms are purported to last a half an hour? You folks may want to check that out.

Our obsession with giving others the impression we are more prosperous than they are is putting many people in this country on the road to poverty.

In the case of many, if not most social fads, my favorite scripture is, "It came to pass."

I hope Iraq and Afghanistan are teaching the president at least one valuable lesson: In other cultures, democracy more resembles two wolves and a sheep voting on what to have for dinner.

Why does it seem like those who are opposed to anyone feeding the homeless are the same people who want the rest of us to be persuaded that saving the squirrels is important?

Why is it that when we are in trouble prayer is one of the last thing we resort to? Even Jonah was in the whale's belly for three whole days before he thought of doing it.

When in the beginning God said, "Let us make man in our image," who do you suppose he might have been talking to?

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

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LOCAL



Local officials expect to see funding decline

SECURITY, from page 1

difficult to pay for these extra security measures, overtime. It's very expensive."

City Hall is currently in the process of installing more than 100 security cameras along the Third Street Promenade and the Santa Monica Pier, a security measure deemed necessary by the Santa Monica Police Department in a post 9-11 world. The cameras, with a price tag of \$1.3 million, will be paid out of the city's general fund.

"We are hoping to get some part of a grant to help pay for this," Holbrook said.

Federal officials said they are aware of the complaints and have tried to hand over more control to local government bodies to disperse funds in the manner that they feel provides the best benefit. There is also an annual review process that reevaluates which cities deserve more funding based on risk, said Branda Napper, a spokesperson for the Department of Homeland Security's grants program.

Ultimately, federal officials have the final say over how much money is dispersed to each state.

Napper said President Bush has requested billions in homeland security funding, but Congress has never allocated money at the levels deemed necessary by the president.

For example, in 2006 the president requested more than \$1 billion in urban area grants, but Congress approved \$675 million. For 2007, the president has

requested \$838 million. For homeland security grants, the president requested more than \$1 billion, but Congress allocated \$550 million, Napper said.

"In each case, Congress enacted less than what the president requested," Napper said.

Hone said he and others are aggressively hunting for more grants to fill the need, but he is concerned with current proposals showing funding for grants dropping next year.

"There is just no way our demands are going to be met with the money they are planning to offer," said Hone, who believes the need for funds in Los Angeles County this year alone tops \$200 million. Los Angeles County has received \$232.5 million in total grant funding since 2002, federal officials said.

Hone said a clearer funding picture will develop after June 2, when federal officials announce their budget.

In the meantime, Hone and others are looking at ways to reduce some of their requests and focus on the bare essentials. However, Hone said practically everything on his list is necessary.

"It's going to be an interesting discussion when we have to bear down some of these requests which truly don't meet the regional need and risk," Hone said. "We already know that for the county we are going to need at least \$18.6 million to outfit everyone with the minimally required equipment, and that's not including communications upgrades and additional training."

Monday traces roots to SM

SAVE, from page 1

major media outlets for interviews regarding the 30th anniversary of Monday's famous save.

It was April 25, 1976. Monday, a Santa Monica High School alum playing for the Chicago Cubs at the time, was in center field at Dodgers Stadium when he noticed two protesters kneeling on the grass in left-center, dowsing an American flag with lighter fluid in an attempt to burn it.

Without thinking, Monday bolted toward the two men and snatched the flag away, sending the crowd into a patriotic frenzy as it spontaneously sang "God Bless America."

"What they were trying to do was wrong," Monday said Tuesday of the protesters during a phone interview from Houston, where he was to receive a commemorative Louisville Slugger baseball bat and take part in a ceremony in his honor before the start of the Dodgers-Astros game. "I was raised in Santa Monica by a mother who instilled in me values that said what these guys were trying to do was wrong. I felt that way in 1976, and I still feel that way now."

Monday said the six years he spent in the U.S. Army Corps Reserves might have also played a role.

Either way, Monday finds himself at the center of attention every year around this time — this year more than others due to the 30th anniversary.

"To be honest with you, it's nice to be recognized, but I'm embarrassed by all the attention it has brought me," Monday said. "It all comes down to receiving such an

outpouring of letters over the years from servicemen, in particular those from Vietnam. One soldier wrote to me that the one thing that kept him going through the war was a small American flag he kept folded up in his breast pocket along with a picture of his wife.

"Yeah, it's just a piece of cloth, red, white and blue to some, but for me it represents the lives a lot of people have given and the lives those families have given over the years to allow us to have the rights and freedoms we cherish today."

Monday is in the process of compiling those letters into a book, which he plans to sell and donate the proceeds to children's charities. Monday said the book is the least he can do for all of the great memories and support he has received over the years, including the days before he made it to the big leagues.

"Everything I have relates to growing up in Santa Monica," Monday said. "I say 'thank you' to every parent and coach who has ever given a child a reason to dream and the courage to chase it, because my mother provided me with that. My Pony League coach, Joe Misbrenner, who I played with at John Adams (Middle School), and my old high school coach, Ruben Navarro, provided me with that."

Asked whether he would rather be known for some of his other accomplishments in baseball, such as being a two-time All-Star or hitting a game-saving home run to help the Dodgers to a World Series title, Monday said, "Records really have nothing to do with it. It's the people who really count. Records are just ink written on a page."



John McGrail, C.Ht.

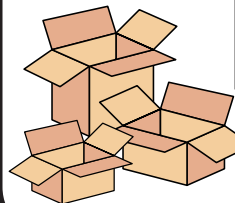
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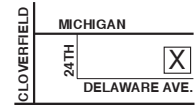
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Sun sets for software CEO

BY DAN GOODIN

AP Technology Writer

SAN FRANCISCO — Scott McNealy, the often outspoken co-founder of Sun Microsystems Inc. and one of Microsoft Corp.'s most vocal critics, stepped down as CEO after 22 years Monday as the pioneering maker of computer servers reported a wider quarterly loss.

Jonathan Schwartz, Sun's president, will retain his current position and take over as chief executive, while McNealy will remain chairman and a full-time employee of Santa Clara-based company.

"This isn't about me. It's about a big moment in Sun's history and I'm proud to share that with you," McNealy said on a conference call, adding that the idea to resign as chief executive was his. "There's lots more work to do and I'm certainly going to stay around and support that."

Sun's shares surged nearly 9 percent after the announcement of McNealy's exit and the \$217 million loss that met Wall Street expectations. McNealy was under increasing criticism from analysts and former executives, who said he wasn't doing enough to restore the company to its more profitable days.

McNealy's mantra "The network is the computer" helped Sun grow into one of the dominant providers of large computer servers that sell for tens of millions of dollars apiece. Following the collapse of the Internet bubble in 2000, he saw revenue decline and frequently came under pressure for not cutting costs enough.

He also frequently picked fights with competitors, calling Microsoft's Windows operating system a "hairball" and its Outlook e-mail program "Look out" after a spate of costly viruses targeted it as a means of spreading. Microsoft and Sun also sparred in court.

In 1997, Sun sued Microsoft in federal

court over a licensing agreement for Sun's Java universal programming language. Sun claimed Microsoft tried to prevent Java's adoption on competing operating systems by adding enhancements for Windows-based computers.

Sun lawyers also played a part in the Justice Department's antitrust suit against Microsoft. After a federal judge in Washington ruled the Redmond, Wash.-based software maker illegally used its monopoly power illegally, Sun filed its own antitrust complaint. The two companies settled the case in 2004 for \$1.6 billion.

McNealy co-founded Sun Microsystems in 1982, developing it into a scrappy Silicon Valley startup whose high-powered computers, called workstations, became a major staple with engineers and businesses.

In 1996, after Microsoft products began encroaching on Sun's territory, McNealy reinvented the company as a maker of servers, which performed the same tasks as mainframe computers for a fraction of the cost.

The move put a major crimp in key revenue generator for IBM Corp. Sun's servers, which came about just as the Internet was morphing from an academic hobby to a mass communication platform, also helped speed the transformation.

"He was an instrumental part of making the Internet happen," said Rob Enderle, principal analyst with the Enderle group. "When your on the Web and doing shopping, say a little prayer for Scott because he's part of what got you there."

McNealy, 51, and Sun harken back to an earlier era of Silicon Valley, when companies were run by their swashbuckling founders. With Apple Computer Inc. and Oracle Corp. as exceptions, company founders these days typically make room for more experienced leaders, as was the case with Google Inc. and Yahoo Inc.

Second suspect not yet charged

TRIAL, from page 1

Espindola is charged with two counts of attempted, premeditated murder; two counts of assault with a firearm; one count of shooting at an occupied motor vehicle; and one count of unlawful firearm activity, according to the Los Angeles County District Attorney's Office.

Espindola also is being prosecuted for attempted murder to further the activities of a criminal street gang, which automatically enhances any penalty if convicted. He is being held on \$2.4 million bail.

"My client is totally innocent," Fenster said. "They've got the wrong guy. The evidence is clear that (it was another) shooter."

Another Santa Monica resident, Richard DeLa Cruz, 32, who was with Espindola during the shooting and was later arrested, has not been charged, the DA's office said.

"It went as good as it could have. None of the charges were dropped," said Frank Tavleman, the deputy district attorney who is prosecuting the case, regarding the preliminary hearing held Monday. During the hearing, both sides called multiple witnesses, including SMPD officers.

The shooting occurred at about 5 a.m. on Feb. 2, near the corner of 20th Street and Pico Boulevard. Officers immediately sealed off the area and conducted a search, locating Espindola and DeLa Cruz in an apartment building in the 1900 block of

17th Street near Santa Monica College. The department's SWAT team was deployed and negotiated the surrender of the two men at approximately 6:15 a.m., according to police.

Officer Ramirez suffered a wound to his right wrist and was transported to UCLA Medical Center, where he was treated and released.

Shortly before the shooting, the suspects were observed acting suspiciously in the parking lot of the Ralph's grocery store at Cloverfield and Olympic boulevards.

Officers in a marked patrol car notified Ramirez and his partner, who were in an undercover unit assigned to burglary suppression. They observed Espindola and DeLa Cruz drive off in a blue van and proceeded to follow them at a distance of roughly two blocks, according to police.

The officers lost sight of the suspects' van around 18th Street and Pico Boulevard. As the officers drove south on 17th Street, they noticed the van parked in a driveway. As Ramirez drove closer, a suspect, believed to be Espindola, jumped from the passenger side of the van, raised a weapon and fired three rounds, one striking Ramirez as he tried to drive away from the scene, police said.

As Ramirez drove forward, one shot was fired. The second shot went through the passenger-side window and struck Ramirez. A third shot shattered the right rear window.

The officers didn't return fire, police said.

STATE



STATE BRIEFS

Civilians could save city money

By The Associated Press

LOS ANGELES — The city could save \$2 million to \$4 million a year if it replaces Fire Department uniformed dispatchers with civilians, an audit concluded.

Dispatchers are required to have four years of experience as firefighters or paramedics. The audit by City Controller Laura Chick recommended redeploying 62 of the 75 dispatchers into field work along with 18 additional firefighters who are assigned to special duty.

The savings to the Fire Department's \$477 million budget would mainly come from lower salaries and fewer benefits for the civilian replacements.

The Los Angeles Police Department uses civilian dispatchers, as do the fire departments of Atlanta, Chicago, Houston and Orange County.

Fire officials and the firefighters' union opposed the suggestion, arguing that the dispatchers use their expertise to quickly coordinate emergency responses and provide citizens with advice on first aid.

"They're not just following some recipe card on what to say next," said Pat McOskey, president of United Firefighters of Los Angeles. "They're giving expert, field-seasoned advice."

During fiscal 2004, the department dispatched firefighters to nearly 350,000 emergency calls, including 40,500 to reported fires and about 285,000 to emergency medical calls, according to the audit.

Gas prices spark commuter boom

By The Associated Press

LOS ANGELES — Soaring gas prices have sparked a commuter boom in Los Angeles County.

The Metropolitan Transportation Authority said ridership rose 7 percent on buses and more than 11 percent on its trains from January through March compared to the same period last year.

"It does correlate with the increasing gas prices," said Dave Sotero, a spokesman for the county transit agency.

The largest ridership gain was on the Metro Red Line subway, which runs between North Hollywood and downtown. The average number of monthly boardings rose 14 percent to 3.4 million.

The MTA sells unlimited ride passes for \$3 a day. "When the price for a single gallon of gasoline equals that of a day pass, it becomes much more affordable for people," Sotero said.

The MTA's new Gold Line, however, showed little growth. The Pasadena-to-downtown line had a daily ridership of about 15,760, only about 500 more people in March than during the same month last year.

On Monday, the Pasadena City Council asked the MTA to make the line part of its Long Range Transportation Plan and show a commitment to continue operating it.

The MTA spends about \$8 million a year on the Gold Line.

Tax hike could improve traffic

By The Associated Press

SANTA ANA, Calif. — A new plan calls for Orange County to spend nearly \$12 billion on a 30-year upgrade of its stressed freeways, roads and commuter rail lines.

Nearly \$5 billion would be spent to relieve congested freeways and interchanges such as the "Orange Crush" near Angel Stadium in Anaheim where the Orange, Garden Grove and Santa Ana freeways meet. Some money also would be available to fix potholes and otherwise upgrade local streets.

The Orange County Transportation Authority approved the upgrade plan Monday. The measure could go on the November election ballot along with one that extends a half-cent-on-the-dollar sales tax raise to pay for it.

The tax hike, approved in 1990 by voters, expires in 2011. Voters would be asked to extend it to 2041.

The county Board of Supervisors and at least 18 of the county's 34 cities must approve the plan before it can be placed on the ballot.

Low salmon spawning rate draws attention

By The Associated Press

SAN FRANCISCO — Lawmakers plan to introduce a bill calling on the federal government to implement a \$45 million recovery plan for salmon in the Klamath River, as fishermen face a shorter salmon season this year because of low spawning rates.

The bill announced Monday by U.S. Rep. Mike Thompson at a rally at San Francisco's Fisherman's Wharf also would provide \$81 million in disaster relief for commercial anglers and businesses affected by the restrictions.

Thompson, however, called the relief money merely "a band-aid" to the bigger problem, which he called "gross mismanagement" by the Bush administration of the Klamath's water quality. Water diverted from the river to farms has resulted in tens of thousands of salmon killed by low and warm water conditions.

Thompson's bill, to be introduced in Congress on Tuesday, calls for the Department of Commerce to complete a recovery plan within six months of the bill's passage, then put \$45 million toward conservation projects that will better monitor and study water quality.

"We've got to fix this problem, we've got to fix it now, and we have to fix it with science and policy, not politics," Thompson told about 100 commercial, recreational and tribal fishermen at the rally.

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Bush says massive deportation is not realistic

BY NEDRA PICKLER

Associated Press Writer

IRVINE, Calif. — President Bush, rebutting lawmakers advocating a law-and-order approach to immigration, said Monday that those who are calling for massive deportation of the estimated 11 million foreigners living illegally in the United States are not being realistic.

"Massive deportation of the people here is not going to work," Bush said as a Congress divided over immigration returned from a two-week recess. "It's just not going to work."

In addition to speaking here, Bush was meeting Tuesday with a bipartisan group of senators at the White House to press his case.

In Irvine, Bush spoke in support of a stalled Senate bill that includes provisions that would allow for eventual citizenship to some of the illegal immigrants already here. Some conservatives say that would

amount to amnesty.

"This is one of the really important questions Congress is going to have to deal with," Bush said. The president said he thought the Senate "had an interesting approach by saying that if you'd been here for five years or less, you're treated one way, and five years or more, you're treated another."

Standing in the center of a theater in the round-type setting with an audience full of business people, Bush spoke sympathetically about the plight of foreigners who risk their lives to sneak into the United States to earn a decent wage. He said the U.S. needs a temporary guest worker program to stop people from paying to be smuggled in the back of a truck.

"I know this is an emotional debate," Bush told the Orange County Business Council. "But one thing we can't lose sight of is that we are talking about human beings, decent human beings."

Lawmakers, with an eye on Election

Day in just over six months, remain far apart on whether to crack down on illegal immigrants or embrace them as vital contributors to the U.S. economy.

Bush said it's important to enforce border laws that are on the books and boasted that 6 million immigrants have been captured and turned back since he took office.

"You can be a nation of law and be a compassionate nation at the same time," he said to applause.

The White House's immediate goal is to get legislation approved by the Senate and into a conference committee. The president's aides hope a compromise can be reached with House members who passed a tougher bill that would impose criminal penalties on those who try to sneak into this country and would build fencing along the U.S.-Mexico border.

Senate Majority Leader Bill Frist, R-Tenn., intends to seek passage of immigration legislation by Memorial Day by reviving the Senate bill that stalled earlier this

month due to internal disputes in both parties as well as political maneuvering.

In a gesture to conservative critics of the measure, Republican leadership aides said last week that Frist also will seek roughly \$2 billion in immediate additional spending for border protection.

After his immigration speech, Bush was ending a four-day stay in California that also featured speeches on U.S. competitiveness and his energy plan, meetings with Gov. Arnold Schwarzenegger and former President Ford and plenty of time on his bike.

Bush's massive entourage took an overnight detour to Napa Valley just so he could bike through the picturesque wine country Saturday, and he rode Sunday morning to a peak overlooking Palm Springs.

He planned to stop in Las Vegas on his way home Monday to raise money for Republican Rep. Jon Porter at the Venetian Resort Hotel Casino.

Hispanic leaders being threatened amid debate

BY JULIET WILLIAMS

Associated Press Writer

SACRAMENTO, Calif. — The lieutenant governor of California and the mayor of Los Angeles, both Hispanic Democrats, have received threats amid a national debate over immigration policy, Gov. Arnold Schwarzenegger said Monday.

Schwarzenegger told reporters about the threats against Mayor Antonio Villaraigosa and Lt. Gov. Cruz Bustamante during a news conference in his office Monday.

Other elected officials of Mexican heritage have also received threats, Schwarzenegger said, but he did not name them.

Bustamante spokesman Steve Green said the lieutenant governor appeared at some immigration rallies with

Villaraigosa in March and received "nasty e-mails" afterward. The death threat — "The only good Mexican is a dead Mexican" — came about three weeks ago on a postcard, he said.

The California Highway Patrol, which investigates threats against public officials, declined to comment. A Los Angeles police spokeswoman also declined to comment. "We can't confirm or deny whether or not they're investigating any threats," said Mary Grady, public information director for the department.

Villaraigosa told the Spanish newspaper La Opinion he wasn't concerned about the threats.

"The important thing is that I have a responsibility to represent everybody in Los Angeles, including immigrants, and I am not going to abandon that responsibility

because of the extremists who are making threats," the mayor said in the paper's April 14th edition.

Bustamante and Villaraigosa have opposed the criminalization of illegal immigrants and have said they support legal pathways to helping undocumented workers become citizens.

Schwarzenegger said he also was disturbed that vandals had spray-painted ethnic insults on and torched a Mexican-owned restaurant in San Diego County this month. Officials ruled the April 10 attack a hate crime.

"That is not what California stands for," Schwarzenegger said. "I've asked the district attorneys throughout our state to be vigilant and swift in their actions against those who practice hate against our fellow citizens."

Lawmakers in Colorado approve an unprecedented water charter

BY STEVEN K. PAULSON

Associated Press Writer

DENVER — Hoping to someday end Colorado's in-state battles over scarce water, a House committee has approved an unprecedented charter for compacts between users in different river basins meant to bring together groups ranging from fishermen to farmers.

"We're walking on ground that hasn't been walked on before," said Marc Catlin, a member of the Inter Basin Compact Committee that drew up the proposed charter.

Battles for limited water supplies have heated up across the West, often pitting fast-growing cities that want water for drinking and lawn-watering against other groups that depend on farming and recreation for their well-being.

Catlin said water users and providers who have been at each other's throats for years came together to come up with a plan that will force them to discuss the best ways to keep water in Colorado and reduce the impact on the state's water basins, which are facing heavy demands.

The state's seven major rivers are also facing heavy demand from millions of people in 10 downstream states who depend on Colorado water for their survival.

The bill, passed Monday, now goes to the House Appropriations Committee to determine how to pay the estimated \$1.2 million cost.

The charter urges water users and providers to consider leasing and other temporary arrangements rather than buying water rights. Participants also agreed that the state has to explore flexible, market-based approaches to water supply, including interruptible water contracts, water banking, in-state water leasing and groundwater recharge.

It also specifies that "future water solutions must benefit both the area of origin and the area of use," which participants said was a sea change in Colorado water law that has favored the thirsty Front Range at the expense of Western Slope water users.

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NATIONAL



Bush, under pressure on gas prices, orders investigation

BY NEDRA PICKLER

Associated Press Writer

WASHINGTON — President Bush, under pressure to do something about gasoline prices that are expected to stay high through the summer, has ordered an investigation into possible cheating in the markets.

During the last few days, Bush asked his Energy and Justice departments to open inquiries into whether the price of gasoline has been illegally manipulated, said White House press secretary Scott McClellan. Bush planned to announce the action Tuesday during a speech in Washington.

It's unclear what impact, if any, Bush's investigation would have on prices that are near \$3 a gallon. Asked if Bush had any reason to suspect market manipulation, McClellan responded, "Well, gas prices are high right now, and that's why you want to make sure there's not."

Republicans who control Congress have become concerned that the high cost of filling up could become a problem for them in the November elections. Polls suggest that voters favor Democrats over Republicans on the issue, and Bush gets low marks for handling gasoline prices.

House Speaker Dennis Hastert, R-Ill., and Senate Majority Leader Bill Frist, R-Tenn., urged Bush in a letter Monday to order a federal investigation into any gasoline price gouging or market speculation. McClellan said Bush had already done so, but had not revealed it publicly.

"We share a commitment with congressional leaders to make sure that we're acting to ensure that there is no price gouging," McClellan said.

Senate Democratic leader Harry Reid of Nevada dispatched his own letter, calling for a multi-pronged approach to restrain gas prices. Among the steps were

swift enactment of anti-price gouging legislation, an appeal to oil companies to refrain from further price increases, use of more alternative fuels and increased attention to existing fuel-saving laws and regulations.

Bush also planned to announce that his attorney general and Federal Trade Commission will send a letter to all 50 state attorneys general, who have primary authority over price gouging, to remind them to stay on top of the issue and offer federal help to do so. And he planned to call on energy companies to reinvest their profits into expanding refining capacity, developing new technologies and researching alternative energy sources, McClellan said.

"I think you'll hear the president say very clearly that he will not tolerate price gouging," McClellan said.

Bush has said consistently that gas prices are high because global demand is rising faster than global supply and that the problem cannot be solved overnight. McClellan said Bush planned to talk about how experts predict the price will increase this summer and how the switch to a summer fuel mix is contributing to the problem.

Bush's actions are part of a four-part plan to address gas prices in the short- and long-term, McClellan said. The steps are:

- Making sure consumers and taxpayers are treated fairly.
- Promoting greater fuel efficiency.
- Boosting gasoline supply at home.
- Aggressive long-term investment in alternative fuels.

ON THE NET

White House

<http://www.whitehouse.gov>

Energy Department

<http://www.doe.gov>

Justice Department

<http://www.usdoj.gov>

Federal judge: Public is entitled to its say

By The Associated Press

HELENA, Mont. — Three Bush administration rules that limited the public's ability to influence U.S. Forest Service decisions are unlawful, a federal judge has ruled.

U.S. District Judge Donald Molloy of Missoula issued an injunction against a rule that required people comment significantly on Forest Service projects or lose the right to challenge them later. The injunction applies nationwide.

"The substantive comment requirement was a serious problem because under these rules, members of the public might not even know that a project threatened their interests until after the Forest Service deadline for public

comment," lawyer Doug Honnold said Tuesday.

Honnold represented The Wilderness Society, American Wildlands and Pacific Rivers Council in their lawsuit. Named as defendants were Agriculture Secretary Mike Johanns, Undersecretary Mark Rey and Forest Service Chief Dale Bosworth.

Molloy's decision Monday also struck down a Forest Service rule that exempted some Forest Service projects from requirements for environmental analyses. The third rule allowed the government to bypass public involvement in national forest management by having the agriculture secretary or undersecretary sign decisions on agency projects.

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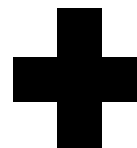
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Industrial properties a sexy investment



DAYS ON THE MARKET

BY JODI SUMMERS

Last year, a total of \$268 billion in investment grade real estate — properties valued at more than \$5 million — were sold throughout the country. That is a 44 percent increase over the transaction volume in 2004, according to the National Association of Realtors.

Investment dollars continue to flow into Southern California's industrial real estate market in 2006. And by all predictions, the California industrial real estate market will stay strong.

Office properties accounted for \$99.7 billion in transactions in 2005 — a 34 percent rise from 2004. Los Angeles County's vacancy rate fell to 11.5 percent from 14.1 percent a year ago. Average asking rents

ticked up 9 cents to \$2.14 per square foot per month. Orange County and the Inland Empire experienced similar shifts. Multi-family real estate sales topped \$87 billion — an increase of 72 percent over the previous year. Industrial properties accounted for \$35.5 billion — up 65 percent. Retail totaled \$46.4 billion in 2005 — a 16 percent increase from the previous year.

According to the National Association of Realtors Forecasts: "... Demand is increasing especially for warehouse and distribution facilities, particularly at or near major ports of entry or distribution hubs. Much of what the United States is importing is arriving from China, which has resulted in congestion at major West Coast ports."

NATIONAL ASSOCIATION OF REALTORS INDUSTRIAL PROPERTY FORECAST

"The demand for industrial (warehouse/distribution) space will continue in 2006 with the vacancy rate falling to 8 percent by the end of 2006. Industrial markets

INDUSTRIAL	2005 II	2005 III	2005 IV	2006 I	2006 II	2006 III	2006 IV	2004	2005	2006
Vacancy Rate	10.4%	10.0%	9.8%	9.1%	9.0%	8.4%	8.0%	10.9%	9.6%	8.0%
Net Absorption ('000 sq. ft.)	61,763	91,058	86,150	51,672	47,603	94,216	76,477	178,932	279,673	269,967
Industrial Employment (millions)	10,047	10,036	10,032	10,063	10,097	10,127	10,152	10,053	10,032	10,152
Completions ('000 sq. ft.)	15,300	47,083	44,169	40,567	44,806	47,165	36,221	127,462	134,586	168,761
Inventory (millions sq. ft.)	12,083	12,130	12,174	12,215	12,260	12,307	12,343	12,046	12,174	12,343
Rent Growth	0.7%	0.5%	0.9%	0.7%	0.7%	1.1%	1.3%	0.9%	2.9%	3.8%

at or near major ports will continue to have the best performances. It is expected that there will be a 20 percent increase in new industrial construction in 2006 to accommodate specific distribution requirements and to replace buildings that are now considered to be obsolete," according to the National Association of Realtors.

To bolster that concept, First Industrial Realty Trust Chicago-based REIT recently paid \$6 million to acquire a 125,000-square-foot warehouse on 6.4 acres at 18201 S. Santa Fe Ave. and plans to redevelop the site into an \$18 million, 140,000-square-foot distribution facility, according to GlobeSt.com. The new facility will be geared toward companies shipping goods into the South Bay from the ports of Los Angeles and Long Beach. This property is much needed. The vacancy rate for the Rancho Dominguez industrial submarket stood at just less than 3 percent at the end of the first quarter, according to recent market reports.

Commercials and industrials are a strong area, and banks are clueing in to the commercial real estate industry's impressive statistics. For the 30th consecutive quarter, the California Commercial Loan Delinquency Ratio is below one half of 1 percent, according to the California Mortgage Bankers Association. Roughly 99.86 percent of the California commercial real estate loans were either current or only one payment delinquent. This translates into a delinquency ratio of .14 percent — a three-year low ratio as of Dec. 31, 2002.

The strong state of the industrial market is also allowing for a diverse selection of financing packages from commercial lenders. Recently, the Hunting Oaks Shopping Center in Monrovia refinanced with a \$51 million, 10-year, interest-only loan.

Jeff Randolph, president of Avalon, said the deal "pushed the envelope" by providing interest-only financing for a commercial property. Randolph noted that the purpose of the refinancing was twofold. The center's ownership wanted to lock in a lower interest rate and also to draw cash out in order to invest in other



real estate projects.

Randolph said the fixed-rate loan, through Wachovia Securities, is at a "very favorable" rate and replaces an older fixed-rate loan. The rate for the new loan is fixed over Treasuries at "a very competitive spread," he said.

Those types of loans are difficult to obtain, but the Huntington Oaks Shopping Center is "an exceptional asset," Randolph said. The property is a 328,335-square-foot center at 1321 S. Mayflower Ave., where the 210 Freeway meets Huntington Drive.

Besides the high visibility location, the center's owners also landed the loan because of the 23-year-old property's successful track record of maintaining high occupancy. Its tenants include Toys "R" Us, Marshalls, Bed Bath & Beyond and Mervyn's, along with restaurants and specialty stores.

Randolph notes that the center played a vital role in the redevelopment of Monrovia by attracting business and developers to the San Gabriel Valley and generating significant sales tax revenue for the city.

For more on Southern California commercial properties, there is a great information blog at www.socalindustrial-realestateblog.com.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, call 310-309-4219, or visit her Web site at www.santamonicalandmarks.com.)

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GUEST COMMENTARY BY SUSAN MARTIN

Look for a home loan to suit your lifestyle

There are more than 32,000 homes for sale in the Los Angeles metropolitan area today, and many analysts believe that the housing market is entering a "buyers" phase.

That presents a great opportunity for those thinking of buying home. But the variety of home mortgages available today can easily overwhelm a first-time buyer or even the most experienced home owner. It is important for borrowers to be well informed about their options and to take the time to find the best mortgage for their needs and budget. The right mortgage can be a valuable tool to establish credit and manage personal finances.

Decades ago, most lenders offered 30-year, fixed-rate mortgages and few other loan options. Today, a "one size fits all" approach to home loans is not in consumers' best interests. Loans can now be matched to individual needs, unique financial situations, stages of life and personal financial goals.

So, how does one find the right loan?

Borrowers need to consider their unique financial situations and look for a mortgage that best fits their needs. For example, how long you intend to stay in your home is a major factor when considering a mortgage. A newlywed couple in Los Angeles might decide to purchase a small home or condo with the idea of staying in the dwelling for only a few years, then moving to a larger home to start a family. In this instance, an adjustable rate loan with a lower interest rate in the short term might be the preferable option over a traditional 30-year, fixed-interest loan.

Another important factor is the "risk" of increased monthly payments depend-

ing on the loan you choose. Borrowers should decide if it is best to make the same mortgage payment every month or have the option of lower rates in the short term, while budgeting for possibly higher interest rates and higher mortgage payments down the road. Sometimes a combination of both works best. Some adjustable rate loans allow borrowers to select an initial period during which interest rates remain low and fixed for a period of time, and then fluctuate like a traditional adjustable rate loan. It is wise for borrowers to understand the built-in protections called interest rate caps that limit the extent to which a loan may adjust.

Borrowers and lenders also should consider family income, monthly expenses and current savings. A professional, two income couple planning a family has a very different set of loan needs than a retired home buyer who is living on a fixed income. The retiree might prefer the security of fixed or "locked down" payments each month while the professional couple might want a home loan that offers a lower monthly payment during their family's early years.

Regardless of your financial circumstances, avoid lenders who simply want to "sell you" a loan off the shelf. Look instead for a lender who can analyze your present financial situation, determine your specific needs and help you choose a loan that allows you to buy the home of your dreams and manage your money. Borrowers must understand that in today's loan environment, knowledge is power.

(Susan Martin is executive vice president of Countrywide Financial Corporation.)

Before voting on new association board members, ask questions



THE HOA ADVISOR BY MICHAEL CHULAK

QUESTION: What is a wraparound loan?

ANSWER: It is a form of junior financing. Typically, it is a second trust deed loan. Technically, it is called an all-inclusive trust deed (AITD) loan.

AITDs are usually used when a property is being sold with a low interest rate, assumable first trust deed loan and the seller is willing to carry back junior financing.

An example would be as follows:

Sale price: \$200,000

Existing first TD at 6.5 percent: \$90,000

Seller financing: \$60,000

Down payment: \$50,000

The AITD consists of the existing \$90,000 loan, plus the new \$60,000 extension of credit for a total of \$150,000. If the seller charges 8.5 percent interest on the \$150,000 AITD loan and pays 6.5 percent on the underlying loan at his or her net yield will be 11.5 percent on the \$60,000 extension of credit.

AITDs can be good for both buyers and sellers. However, those loans are complex in that they require both the buyer and seller to be represented by knowledgeable attorneys.

QUESTION: Is it necessary for the secretary of our homeowners association to record a verbatim account of everything that is said at our regular board meetings?

ANSWER: No. Minutes of regular board meetings should include the following:

- 1) The date of the meeting.
- 2) The times that the meeting began

and ended.

3) The names of all board members present and absent.

4) The names of all association members present.

5) A brief summary of the topics discussed.

6) All motions made.

7) All actions taken or decisions rendered.

8) The reasons that support the decisions made by the board of directors.

9) The reasons any board member objects to a decision made by the board.

QUESTION: Will the recording of a lien against the home of a member of our homeowner association, who is delinquent in her assessments, protect the association against her filing for bankruptcy?

ANSWER: It may. Recording a lien before a bankruptcy filing will make the association a secured creditor instead of an unsecured creditor. This can sometimes make the difference between getting paid and not getting paid by the bankruptcy trustee.

QUESTION: A member of our homeowners association who is running for the board has been chronically late in paying her monthly assessments. She has had every excuse under the sun but is now paid up. Other than the chronic delinquencies, she is bright, knowledgeable and seems to work hard. What do you think?

ANSWER: Members of an association who have consistently paid their assessments late are generally not ideal board members. You should ask the following questions before you vote for her:

■ Will she retaliate against the board and/or management company because she has been required to pay late fees and col-

See Q&A, page 12

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Understanding dynamics of depreciation



IN YOUR SPACE
BY CHRISTINA S. PORTER

One of the more significant benefits of investing in income-producing real estate is the ability to decrease the tax obligation on the income produced through depreciation, also known as cost recovery. Depreciation is defined as the recovery of the acquisition costs of IRS Section 1231 tangible assets, such as real and personal property.

When a property is purchased, a tax basis is allocated to the depreciable and non depreciable portions — the depreciable portion being the building improvements, and the nondepreciable portion, which is the land.

In the tax records there is usually a percentage of the property assigned to improvements — meaning the building — which is the depreciable portion. However, those records are frequently inaccurate and must be verified. Once the correct percentage of the property is iden-

tified, a tax basis can be calculated by multiplying the percentage given and the purchase price of the asset. For example: The purchase price is \$1 million and the percentage of improvements is 5 percent and the tax basis is \$750,000.

Depreciating an asset reduces the taxable income and increases after-tax cash flow. Theoretically, the depreciation corresponds with the amount of expected wear and tear, and potential obsolescence during the tax life of a property, presumably making the tax basis in the property at the time of disposition equal to the market value of the property at the time of sale.

There are different methods used to depreciate a property — one of which will be designated at the time of the purchase. The straight line cost recovery method is the only method available for "real" property placed in service at this time. According to that method, commercial properties are given a 39-year tax life by the IRS and residential properties — apartment buildings included — are given a 27.5-year tax life, meaning you can divide the tax basis by either 39 or 27.5, and deduct the result from your ordinary income each year until the property is fully depreciated. For exam-

ple: \$750,000 divided by 39 years equals \$19,230 per year that can be deducted from ordinary income.

The Tax Relief Act of 1997 made changes to the taxation of improved commercial and investment real estate. For properties sold after May 6, 1997, a non-corporate taxpayer will be required to "recapture," or pay taxes on any straight-line cost recovery (depreciation) taken during the holding period of the asset.

That is accomplished by the property owner paying back a maximum of 25 percent of the depreciation (tax relief) to be taken at the time of disposition of the depreciated asset. Recapture taxes are paid in addition to and before capital gains taxes. Like capital gains taxes, recapture taxes can be deferred in a 1031 exchange. Due to the unique nature of each taxpayer's situation, a detailed discussion of this subject with a tax professional is extremely important.

There is also cost segregation (see smdp.com, Feb. 11, 2006, page 11) for a more in-depth explanation). That form of depreciation allows a property owner to divide a building into components. Depreciating portions of the building separately, many of the components are most

likely eligible for a shorter tax life and considered personal property, allowing for larger amounts of depreciation sooner (accelerated depreciation) and effectively increasing an investor's after-tax cash flow even more.

Examples of those components are the roof, the HVAC system, window coverings, etc. Cost recovery must be reviewed with the investor's tax professional to ensure accuracy and to fully understand the potential tax benefits.



(You can reach Christina Porter at 1-877-4 TM 1031, or e-mail her at christina@tm1031exchange.com to discuss your specific needs. TM 1031 Exchange assists investors in planning and executing successful real estate investment strategies. Visit www.tm1031exchange.com for a complete list of investment properties and to download the TM 1031 Tool Kit. TM 1031 Exchange successfully did more than \$100 million in 1031 exchanges in 2005.)

NATIONAL

Qwest asks court to settle its attorney-client privilege question

BY JON SANCHE

Associated Press Writer

DENVER — An attorney for Qwest Communications asked a federal appeals court Tuesday for permission to withhold certain information from shareholders suing the company that has already been shared with government investigators.

Attorney David Boyd told the 10th U.S. Circuit Court of Appeals that Qwest Communications International Inc. is trying to finalize a \$400 million settlement of shareholder lawsuits.

The company wants the appeals court to draw up a rule that says companies cooperating with government investigators do not have to fully surrender attorney-client privilege rights.

The judges did not say when they would issue an opinion in a case that could have ramifications on whether corporate secrets are shared with the public — including disgruntled shareholders.

Denver-based Qwest was sued by share-

holders in July 2001, about a year before the Securities and Exchange Commission and the Justice Department opened separate civil and criminal investigations into accounting improprieties that eventually led Qwest to remove billions of dollars in improperly reported revenue from its books.

In October, Qwest agreed to a \$400 million partial settlement with investors. The settlement has not been approved and two co-defendants, former Chief Executive Officer Joseph Nacchio and former finance chief Robert Woodruff, have asked to be removed from the settlement.

At issue in Tuesday's hearing was about 220,000 pages of documents Qwest turned over to the SEC and Justice Department. Qwest wants to keep those documents from shareholders, claiming the documents are covered by the attorney-client privilege.

Qwest gave the documents to investigators under agreements that the government would not disclose the material except in limited circumstances. In February 2005,

the shareholders asked U.S. District Judge Richard Blackburn to force Qwest to give them the same documents.

Earlier this year, he agreed and ordered Qwest to give the shareholders the documents with some information blacked out.

In its appeal, Qwest asked the 10th Circuit to rule that companies that waive their attorney-client privilege to cooperate with government investigations can still enjoy the privilege in private civil lawsuits.

"If you remove an impediment to cooperation — the threat of unlimited waiver — it would enhance and broaden cooperation," Boyd said.

Joseph Daley, who argued the case for the shareholders, said Qwest shouldn't be allowed to waive attorney-client privilege for some documents but not others. He said the company turned over 220,000 pages of privileged information to the government, but withheld an additional 390,000 pages.

"I don't understand their policy of cooperation when the cooperation was halfhearted," Daley said.

THE HOA ADVISOR

Concerning a common flood

Q&A, from page 11

lection costs? This is a common problem.

■ Will she attempt to liberalize the association's collection policy to make it easier for members who don't pay on time? This also is a common problem.

■ Will she vote unreasonably against every proposed increase in monthly assessments because she is having financial problems? Likewise, this is a common problem.

I strongly recommend that you elect board members who are "model citizens" to the extent possible.

QUESTION: The common area of our homeowners association floods around the area of my townhouse every time we get a strong rain. The water easily reaches a depth of 6 inches, which causes foundation movement and resulting interior damage. The flooding and damage are due to the failure of our board of directors to maintain the existing drainage system and to enhance it where needed. Is our association legally responsible for such maintenance?

ANSWER: Probably. In accordance with section 1364 (a) of the California civil codes, "Unless otherwise provided in the declaration of a common interest development, the association is responsible for repairing, replacing or maintaining the common areas other than exclusive use common areas."

While you should check your covenants, conditions and restrictions, it is highly unlikely that they require anyone other than the association to maintain the area described.

(Michael T. Chulak is a partner with Chulak Shiffman Quisenberry & Drescher LLP, Attorneys at Law. Questions can be sent by e-mail to info@CSQDLaw.com. Answers are general in nature. An attorney should always be consulted when legal advice is needed. For more information, visit www.CSQDLaw.com and www.HoaQandANSWER.com.)

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NATIONAL



Town unnerved by school plots

BY RACHEL D'ORO

Associated Press Writer

NORTH POLE, Alaska — The arrests of six boys accused of planning an assault on their school has gripped this small Alaska town with an unsettling epiphany: If it can happen here, it can happen anywhere.

As the nation last week remembered the 13 victims of the Columbine High School massacre, authorities say similar plots were being discussed in at least four small towns in Alaska, Kansas, Mississippi and Washington.

The North Pole seventh-graders, all around 13 years old, had the attack planned down to the smallest detail, authorities said. The boys would first knock out the school's power and telephone systems, giving them time to stab and shoot teachers they didn't like and students who picked on them and then escape from the town of 1,600 just outside Fairbanks.

In all four alleged plots, authorities were tipped off by other young people and students were arrested.

The six in North Pole, arrested Saturday, could face charges of first-degree conspiracy to commit murder. They were still being held at a youth facility on Monday, police said. Authorities found weapons in their homes, said Mayor Jeff Jacobson, who also teaches sixth-grade math and language arts at the 500-pupil school.

"I was shocked and then heartbroken," Jacobson said during a lunch break in his classroom Monday. "I saw one of them led away in handcuffs, this little boy."

Parents waiting to pick up their children after school said they were deeply shaken.

"We thought we were in a bubble," said Cindy Slingerland as she waited outside the school with her husband, Mark, for their 13-year-old daughter, Jenny. "Nothing ever happens here. This is by far the biggest scare for my children."

In Kansas, Washington and Mississippi, residents were feeling the same gut-wrenching blow.

Five boys in Riverton, Kan., were charged Monday with threatening to carry out a shooting spree at their high school last Thursday, the seventh anniversary of the Columbine massacre.

In Mississippi, two Pearl Junior High School students were arrested Sunday night and charged with making threatening statements about classmates on the popular teen Web site Xanga and warning students not to go to school on May 1. Pearl Police Chief Bill Slade said the students used the name of Luke Woodham, who is serving a life sentence for a 1997 shooting rampage that killed his mother and two people at Pearl High School.

In Puyallup, Wash., a 16-year-old was charged

Monday in an alleged plot to shoot people at his school. In an instant message to a fellow student, the teen wrote about an attack and suicide "to finally go out in a blaze of hatred and fury," sheriff's spokesman Ed Troyer said.

Authorities found caches of weapons and ammunition in suspects' homes in at least three of the plots.

In Washington, the search of Brian Michael Evans' home also turned up a homemade bomb and a CD with instructions for making explosives, Troyer said. The teenager apparently wanted people to "feel his pain, and he wanted to be hated, not having earned respect in the past," Troyer said.

Fears of another attack also rattled Minnesota's Red Lake High School, where a 16-year-old killed seven people and himself last spring. On Tuesday, The Star Tribune of Minneapolis quoted a letter sent to parents by interim Principal Brent Colligan saying investigators were looking into information that a "group of students were threatening to form some sort of an assault on the Red Lake High School."

For Alaskans, the arrests in North Pole — where a main road is called Santa Claus Lane and the light poles are curved and striped like candy canes — jogged memories of a school plot nine years earlier.

In 1997, Evan Ramsey opened fire with a 12-gauge shotgun as students assembled in a high school lobby, killing a principal and 16-year-old classmate in Bethel, a southwestern Alaska town of 6,000. Ramsey, then 16, is now serving a 198-year prison term.

In the North Pole case, authorities have said another child told a parent that rumors were circulating about a plot, and that parent went to police.

Nine other students at the school, including at least one girl, were suspended for withholding information and will not be allowed to return to school until authorities have completed the investigation.

School officials, meanwhile, tried to assure parents that their children were safe Monday. They stressed that no weapons were ever found on campus or in the nearby woods. A police officer patrolled the halls, and extra counselors were brought in to help students.

"It has been surprisingly calm," said Wayne Gerke, an assistant superintendent with the Fairbanks North Star Borough School District.

Adults, perhaps, are having a tougher time shaking the anxiety than their children. The students initially reacted with fear, but by Monday streamed out of the school entrance, giggling and elbowing each other.

"I feel fine, I feel safe," 14-year-old Cabe Harris said as he climbed into the front seat next to his mother Jo Harris. "This is a nice place."

Alaska Senate tentatively approves oil tax rewrite

BY MATT VOLZ

Associated Press Writer

JUNEAU, Alaska — The Alaska Senate has given tentative approval to a rewrite of the state's oil production tax, a change that would add billions to oil companies' taxes and may have consequences for a future North Slope natural-gas pipeline project.

The Senate voted 14-6 on Monday to create a tax based on oil companies' net profits. A final procedural vote was expected Tuesday.

If the bill passes on that vote, it will be sent to the House for consideration. A version of the bill is sitting in the House Finance Committee.

At current oil prices, the new tax would bring Alaska an average \$2.5 billion per year above the current production tax each year from 2007 to 2016, according to an analysis by legislative consultants Econ One.

The 22.5 percent base tax rate is a higher than what Gov. Frank Murkowski and the three major oil companies agreed upon in negotiations for a natural-gas pipeline, but it's less than what many legislators thought was fair to the state.

When Alaska North Slope crude reaches \$50 per barrel, an escalator would kick in under the Senate's bill, with the tax rate rising 0.2 percent for every \$1 per barrel after that. Natural gas revenue would be taxed at a third of the rate of oil.

The tax is offset with incentives and credits meant to encourage new oil and gas exploration. As a result, the

effective tax rate when those credits are taken into account is actually 20.7 percent, according to Econ One's analysis.

The Murkowski administration and the major oil producers oppose any changes to the governor's original bill, which called for a 20 percent tax rate and no escalator at high prices.

The governor's bill has an effective tax rate of 14.5 percent, and would bring to the state about \$1 billion less a year in tax revenues at current prices than the Senate's bill.

Brian Wenzel, ConocoPhillips' vice president of finance and planning, said the Senate's bill brings an onerous tax burden to industry that could affect future development.

"You look at Alaska with its high cost, its now high tax burden, its low prospectivity in terms of expected field size, (and) you end up with a burden that puts Alaska in a more disadvantaged place relative to other developed countries," Wenzel said after the vote.

The governor and ConocoPhillips, BP PLC and Exxon Mobil Corp. say they have an agreement on a long-term fiscal deal that is an important step to building the \$25 billion pipeline.

The net-profits tax is to be inserted into the still-unseen contract after the Legislature passes it. Industry had insisted on that condition so the tax could be locked in for 30 years and provide the fiscal stability they say they need to invest in a pipeline. The contract is being kept confidential until the tax bill is passed.

If a bill other than Murkowski's passes, the four parties will have to take another look at the gas deal, Wenzel said.

No criminal charges pursued in Yucca e-mail controversy

BY ERICA WERNER

Associated Press Writer

WASHINGTON — The U.S. attorney's office will not pursue criminal charges over allegations of paperwork fraud by government scientists on the Yucca Mountain nuclear waste dump in Nevada, the Energy Department's inspector general announced.

In a memo released Tuesday, Inspector General Gregory H. Friedman said he concluded his criminal investigation in December and turned the results over to the U.S. attorney's office for Nevada. The U.S. attorney declined to pursue criminal prosecution, the memo said.

"Nonetheless, the actions of those involved — which have been described by observers as irresponsible and reckless — have had the effect of undermining public confidence in the quality of the science associated with the Yucca Mountain Project," the memo said.

Testifying at a congressional hearing Tuesday, Friedman said prosecutors had told him they "could not show intent and the actions did not rise to the level of criminality."

At issue were e-mails exchanged among U.S. Geological Survey hydrologists between 1998 and 2000 that suggested they were falsifying documentation of their work to satisfy quality assurance standards.

Yucca Mountain is planned as the first national repository for nuclear waste and is meant to hold at least 77,000 tons of the material. Political opposition, money shortages and other problems — including the e-mail controversy — have delayed the project, and Energy Department managers now can't say when the site will open.

The Energy Department revealed the existence of the e-mails a year ago. Portions of the e-mails that were made public indicated that scientists made up dates, deleted inconvenient data and kept one set of documents for themselves and another for quality-assurance officials.

"This is as good as it's going to get. If they need more proof, I will be happy to make up more stuff," one scientist wrote.

A scientific review by the Energy Department concluded in February that the scientists' work was sound, but it is being redone anyway — at cost of millions of dollars — because quality-assurance requirements were flouted.

The scientists were studying how water moves through the dump site 90 miles northwest of Las Vegas, a key factor in how much radiation can be released.

Despite the decision not to prosecute, Friedman was sharply critical Tuesday of Energy Department internal controls, particularly the six-year delay from when the e-mails were written to when they became known to top Energy Department managers.

"We could not find a satisfactory explanation," his report said, noting that at least one supervisor was aware of the e-mails around when they were written.

Bechtel SAIC contractors found the e-mails in November 2004 while conducting reviews required for the department to apply for a Nuclear Regulatory Commission license. Even after that it took another four months for top managers to see them.

That delay was partly due to "the disruption of work during Bechtel's holiday season shutdown," according to an internal DOE report quoted by the inspector general.

Chairing a hearing Tuesday of a House Government Reform subcommittee, Nevada Republican Rep. Jon Porter said Yucca is "consistently failing." But he said the decision on whether to prosecute "is for the U.S. attorney's office to determine."



INTERNATIONAL

Nepal opposition ends protests

BY BINAJ GURUBACHARYA

Associated Press Writer

KATMANDU, Nepal — Nepal's opposition alliance on Tuesday called off weeks of pro-democracy protests after the king gave in to a key demand to reinstate parliament. But communist insurgents who had supported the demonstrators throughout their often bloody standoff rejected the king's offer, a sign that the turmoil in this Himalayan country is not over.

King Gyanendra's Monday night concession cleared the way for the creation of a new constitution that could leave him largely powerless, or even eliminate the monarchy. It handed power back to elected politicians hours before the largest planned protest yet, with hundreds of thousands of people expected to attend.

The opposition alliance will now "bear the responsibility of taking the nation on the path of national unity and prosperity," Gyanendra told the country in his address, broadcast on state television and radio.

The announcement was welcomed by the opposition and thousands of Nepalese who had been calling for him to relinquish power, but was dismissed by the Maoist insurgents as "a conspiracy to protect the regime," according to a statement signed by rebel leader Prachanda and his deputy Baburam Bhattarai.

They warned that the seven-party opposition alliance had betrayed the Maoists by welcoming the announcement and vowed to press ahead with blockades that have sealed off major roads in the country for weeks, leading to serious shortages of food and fuel in the capital, Katmandu.

Alliance officials had said earlier Tuesday that the king's speech had been welcomed by the Maoists, whose 10-year campaign to create a communist state has left more than 13,000 people dead and given them control over much of the countryside.

The alliance also had said it wanted to pull the Maoists into the political mainstream, and planned to declare a cease-fire with them once a new government was formed.

"We will work together with the Maoists," Krishna Sitaula, a top Nepali Congress official and alliance spokesman, said after emerging from closed-door discussions among party leaders.

The king's announcement, which came near midnight Monday, was a pivotal concession after weeks of mass protests had threatened to force him from power. The protests sparked clashes with security forces that left 14 demonstrators dead and the country dangerously volatile.

Gyanendra expressed his sympathies for those killed.

"We extend our heartfelt condolences for all those who have lost their lives in the people's movement," he said in the address.

The opposition leaders said they wanted former Prime

Minister Girija Prasad Koirala, head of the Nepali Congress party, to lead the new government. The alliance also formally called off the protests and general strike that had nearly paralyzed life in Nepal for weeks, but said a planned demonstration Tuesday would go ahead as a "victory rally."

By Tuesday morning, life was almost returned to normal in Katmandu, where the crisis had alternately filled streets with protesters and emptied them because of curfews. Stores opened their doors, volunteers cleared blockades from roads and mobile phones were back on after having been switched off by the government in an attempt to disrupt protest organizers.

"We have forced the king to his knees. It shows the people are the actual power."

RAJAN SRESHTA

Opposition activist

"People Power Wins" the Kathmandu Post, an English-language newspaper, blared in enormous letters at the top of its Tuesday edition.

Across the capital, people streamed into the streets, singing and clapping.

"We have forced the king to his knees," said Rajan Sreshta, an opposition activist. "It shows the people are the actual power."

For much of the crisis, Gyanendra had remained silent behind the walls of his heavily guarded palace in central Katmandu, kept in power because of the loyalty of his army and police.

Gyanendra dismissed an interim government 14 months ago and seized direct control over the government, saying he needed to bring order to the country's chaotic politics and to crush the Maoists.

Reinstating parliament's lower house was a key alliance demand.

The reinstated lower house, which the king called to convene Friday afternoon, was to create an interim government under the alliance's plan, which would then set up special elections for an assembly. That assembly, in turn, would write a new constitution. Parliament's lower house holds real elected power in Nepal's constitution.

The constitution will almost certainly bring dramatic political changes. Most opposition leaders favor a constitution that would give Nepal a ceremonial monarchy, or simply eliminate the royalty completely.

Three arrested in Egyptian bombings; at least 24 killed

BY MARIAM FAM

Associated Press Writer

DAHAB, Egypt — Police arrested three people Tuesday in the triple bomb attack that ripped apart a Sinai beach resort promenade at the height of Egypt's tourist season, killing at least 24 people and injuring more than 60, many of them foreigners.

The arrests took place near the scene of Monday's bloody attack in the town of Dahab, but police did not immediately provide any further information, including whether the suspects were locals, or had connections with international terror groups.

The nearly simultaneous blasts were so powerful they blew out storefronts along the crowded promenade of shops, restaurants and bars and sent body parts flying into the nearby Gulf of Aqaba. Hours after the bombings, shards of glass lay in piles along with white tiles stained with bloody footprints.

The explosions came a day after Osama bin Laden issued a call to arms to Muslims to support al-Qaida in fighting what he calls a war against Islam.

It was also the third terror strike on a Sinai resort in less than two years to coincide with a national holiday in Egypt.

Hotels and guesthouses were filled with foreigners and with Egyptians celebrating the long Coptic Christian Easter weekend that coincided this year with Shem al-Nessim, the ancient holiday marking the first day of spring. The attacks also came a day before Sinai Liberation Day, a national holiday marking the return of the peninsula to Egypt from Israel as a result of the 1979 peace treaty.

The bombings hit Dahab at 7:15 p.m. when the streets were jammed with tourists strolling, shopping or looking for a restaurant or bar for evening festivities by the tranquil waters.

One of the bombs exploded outside a seaside restaurant called Al Capone, a popular dinner spot. A second bomb went off outside a supermarket and jewelry store. The third detonated at the entrance to a bridge.

Outside the supermarket that was targeted, a tiny shoe covered in blood lay on top of a baby stroller. Moments before the attack, a woman who appeared to be European carried one of her twin infants into the store and left the other outside in the stroller, said Mohammed Emad, 16, who sells spices at the market.

The baby outside survived, but the other twin died and the mother was severely injured, Emad said. "I pushed the stroller away out of the doorway" after the blast, he said.

Another witness said tourists didn't know where to run as the blasts kept coming.

"I heard the first bomb, I started running. When I heard the second one, we were still running," said Johanna Sarjas, a journalist from Finland who was on vacation. "It was chaotic because we didn't know in which direction to run."

Interior Minister Habib el-Adly put the death toll at 23, including 20 Egyptians and three foreigners. But Sinai hospital officials said Tuesday that an Egyptian man had died of his wounds, bringing the toll to 24. More than 60 people were wounded, including many Westerners.

One of the dead was a German child, according to the Egyptian Interior Ministry and the German Foreign Ministry. Police said one Russian and one Swiss were also killed, but el-Adly would not confirm those nationalities.

At least three Israelis were hurt in the attack, which sent a steady stream of cars back to Israel some 65 miles to the north. Israeli authorities said 1,800 of their citizens were in the Sinai at the time, far fewer than during last week's Passover holiday.

Israel's ambassador in Cairo, Shalom Cohen, said the Israeli government had warned repeatedly against visiting the Sinai. "Unfortunately, the warnings came true," he told Israel's Channel 10 TV.

Ghazi Hamad, spokesman for the Hamas-run Palestinian Cabinet, called the bombings a "criminal attack which is against all human values. We denounce the attack, which harmed the Egyptian national security." By contrast, Hamas had refused to condemn last week's bombing that killed nine people in an Israeli fast-food restaurant.

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Sirius signs Radio Maverick

By The Associated Press

DALLAS — Howard Stern is getting a new neighbor in his extraterrestrial neighborhood.

Dallas Mavericks owner Mark Cuban is getting his own midday Sunday talk show on Sirius Satellite Radio starting this summer. The Dallas billionaire will air on Sirius Stars channel 102, right next to Stern's two Sirius channels.

The New York-based satellite radio provider says Cuban's "Radio Maverick" will feature conversation on "sports, business and everyday life." Cuban also will take calls from listeners and interview prominent guests.

"Mark Cuban is candid, animated and incredibly accomplished, having achieved extraordinary success at a young age in the worlds of business and sports," Scott Greenstein, Sirius president for entertainment and sports, said in a statement Tuesday. "Radio Maverick will be a forum without limits, where he can talk to Sirius listeners about everything from the NBA to an MBA."

Cuban, 47, made his fortune as co-founder with partner Todd Wagner of the pioneering online audio streamer Audionet. The service, later named Broadcast.com, was sold by Cuban and Wagner to Yahoo! in 1999.

Cuban also co-founded the HDNet high-definition television service.

GREENSBORO, N.C. — A concerto drawn from Billy Joel's 2001 classical album, "Fantasies & Delusions," will debut in June at the Eastern Music Festival.

Jeffrey Biegel, who arranged the piano part at Joel's request, will perform the "Concerto for Piano and Orchestra" on June 24 with the EMF faculty orchestra.

Stuart Malina, who shared a 2003 Tony Award with Joel for the Broadway musical "Movin' Out," will conduct. Malina, who leads the symphony in Harrisburg, Pa., is the former music director of the Greensboro Symphony Orchestra.

"With a piece like this and an artist like this, it is a huge deal for us," said EMF President and CEO Tom Phillion.

Phillion said he and Biegel had discussed the concerto months ago, but he had expected the piece to premiere somewhere else.

"As the months wore on, it became apparent that we were going to be first," Phillion said.

HYANNIS, Mass. — The Cape Cod house where Jack Kerouac once lived has been sold for \$300,000, but the new co-owner said she wasn't familiar with the Beat Generation author.

"He has a fan now," Ida Perry told the Cape Cod Times of Kerouac, whose 1957 road-trip novel, "On the Road," is considered a classic.

Perry, 40, and her mother, Gladysann Lewis, bought the house last Wednesday. They expect to move into their new home this week.

The 1,344-square-foot, single-story house on Bristol Avenue where Kerouac lived in 1966 was put on the market five months ago by then-owner James Upton, who originally asked \$356,000.

He had bought the house in 1986 for \$115,000.

The property is assessed at \$322,000, according to town records.

"We did a walk-through and I was like, 'This place is perfect,'" Perry said in Tuesday's editions.

In 1967, Kerouac moved back to Lowell, where he was born. An alcoholic, he died two years later in Florida at age 47.

NAIROBI, Kenya — Angelique Kidjo left Africa more than 20 years ago to pursue a music career in Paris and New York — and she has been looking back ever since.

The 45-year-old singer, who is from the West African nation of Benin, said that raising awareness about poverty and natural disasters on her native continent goes hand in hand with making music.

"This continent — that's where my inspiration comes from," Kidjo told reporters Tuesday, a day before her first-ever concert in Kenya.

Kidjo, who is a UNICEF goodwill ambassador, toured the drought-ravaged area of Wajir, in northern Kenya, this week to bring attention to the problems there. Some 70 percent of

Wajir's population live below the poverty line and depend on cattle and goats for survival.

The singer, who is known for her mix of African, funk and jazz styles, said living in New York did not mean she had turned her back on Africa.

"Go to Harlem! We call it Little Senegal now," Kidjo said, laughing. "Wherever I go, Africa is in my roots."

NEW YORK — Mandy Moore says she isn't among those who criticize "American Idol" contestants for wanting instant stardom.

Moore plays a singer with diva-like aspirations in the new movie "American Dreamz," directed by Paul Weitz. The film also stars Dennis Quaid, Willem Dafoe and Hugh Grant, whose character hosts an "American Idol"-type TV talent show.

"I think they work so hard overcoming all of these obstacles just to get on the show in the first place, and then every week they're judged in front of all of America," the 22-year-old singer-actress told reporters recently, according to AP Radio. "It must be overwhelming, all the pressure."

"I give them complete credit for getting up on stage," she said. "I think I would crumble under that kind of pressure, so, no, I think they deserve all the success that they get."

Moore's screen credits also include roles in "Chasing Liberty" and "The Princess Diaries."

HONG KONG — Former Bond girl Michelle Yeoh says she has no immediate plans to wed Ferrari racing boss Jean Todt, according to newspaper reports.

"We've talked about it. I've been married before. We'll stay together as long as we're happy. We don't necessarily have to get married. Marriage is a bonus. Being together is enough. I also like to be independent," Yeoh said in Monday's editions of the Apple Daily newspaper.

The actress was previously married to Hong Kong tycoon Dickson Poon.

Santa Monica Daily Press

MOVIEGUIDE

SHOWTIMES: WEDNESDAY APRIL 26, 2006

Broadway Loews Cineplex
1441 3rd Street
(310) 458-6232

American Dreamz (PG-13)
1:50, 4:30, 7:20, 10:00

Brick (R)
2:30, 5:30, 8:00, 10:30

The Sentinel (PG-13)
1:30, 4:05, 7:00, 9:40

Somersault (NR)
2:10, 5:00, 7:40, 10:15

Mann's Criterion Theatre
1313 3rd Street
(310) 395-1599

Ice Age: The Meltdown (PG)
12:00, 2:30, 4:50, 7:20, 9:40

La Mujer de Mi Hermano (R)
12:40, 3:00, 5:20, 7:50, 10:20

Lucky Number Slevin (R)
11:40am, 2:20, 5:00, 7:40, 10:30

Standing Still (R)
12:30, 2:50, 5:10, 7:30, 10:00

Take the Lead (PG-13)
1:30, 4:20, 7:10, 9:50

V for Vendetta (R)
1:00, 4:00, 7:00, 10:10

AMC7 Santa Monica
1310 3rd Street
(310) 289-4262

The Benchwarmers (PG-13)
1:05, 3:15, 5:30, 7:40, 10:05

Inside Man (R)
1:00, 2:20, 3:50, 7:00, 8:10, 9:50

Scary Movie 4 (PG-13)
1:10, 2:45, 3:20, 5:00, 5:40, 7:10, 8:00, 9:40, 10:30

Silent Hill (R)
1:40, 4:30, 5:20, 7:30, 10:35

The Wild (G)
1:20, 3:30, 5:45, 7:50, 10:00

Nuwilshire Theatre
1314 Wilshire Blvd
(310) 281-8228

The Notorious Bettie Page (R)
12:00, 2:30, 5:00, 7:30, 10:00

Thank You for Smoking (R)
11:45am, 2:15, 4:45, 7:15, 9:50

Laemmle 4-Plex Theatre
1332 2nd Street
(310) 394-9741

The Almost Guys (PG-13)
11:45am, 2:10, 4:45, 7:10, 9:35

Friends With Money (R)
12:45, 1:45, 3:00, 4:00, 5:20, 6:20, 7:40, 8:40, 10:00

Kinky Boots (PG-13)
11:45am, 2:20, 4:55, 7:30, 10:10

Information: calendar@smdp.com

MORE TODAY IN HISTORY

Ten years ago:

■ After 16 days of bloodshed, Israel and Hezbollah guerrillas pledged to end the worst fighting in the Mideast in three years, agreeing to a U.S.-brokered truce.

Five years ago:

■ Ukraine's communist-dominated parliament dismissed reform-oriented Prime Minister Viktor Yushchenko and his government, plunging the nation into political chaos. Junichiro Koizumi was elected as prime minister of Japan in a vote by the lower house of Japan's parliament.

One year ago:

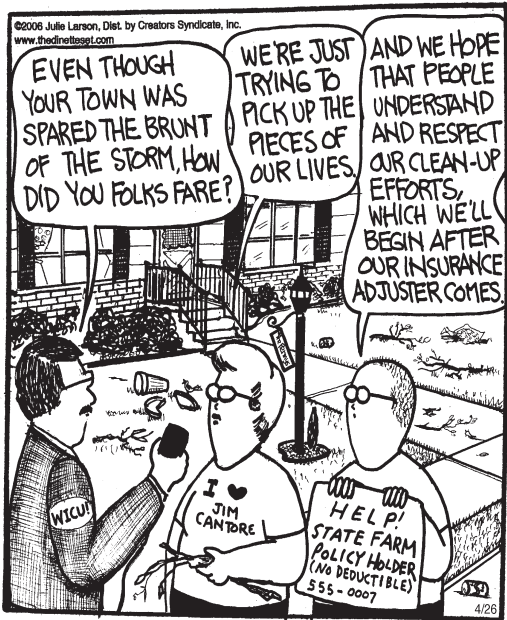
■ Syria's 29-year military presence in Lebanon ended as Syrian soldiers completed a withdrawal brought about by international pressure and Lebanese street protests. Actress Maria Schell died in Preitenegg, Austria, at age 79.

The advertisement features a large, stylized diamond logo with a drop inside, set against a background of splashing water. Below the logo, the text "LIQUID ICE ENERGY DRINK" is written in a bold, blocky font. To the right, the phrase "This Is No 'Bull'" is written in a large, elegant script. In the bottom right corner, a can of Liquid Ice Energy Drink is shown, tilted diagonally. The can has a silver and black design with the brand name and logo. At the bottom left, the text "If you're gonna play the game you're gonna need the energy" is written in a bold, sans-serif font.



COMICS

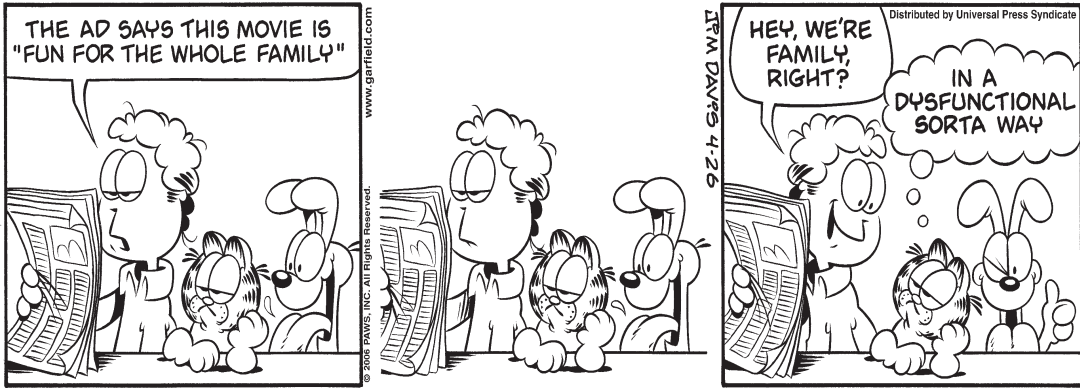
The Dinette Set by Julie Larson



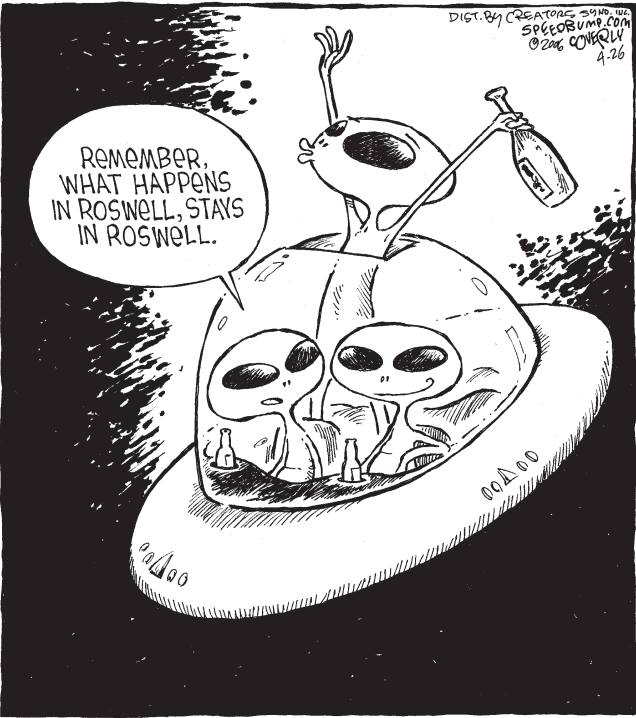
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Speed Bump® By Dave Coverly



Natural Selection® By Russ Wallace



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 - 5 Kid
 - 9 Jennifer Garner series
 - 11 Military coup group
 - 12 Skit-filled show
 - 13 Cager Shaquille
 - 14 Holiday lead-in
 - 15 Jennifer Garner movie
 - 17 How we roll along
 - 19 Director Craven
 - 20 "Bye Bye Bye" band
 - 21 New England catch
 - 22 Old market
 - 24 Sewing aid
 - 26 Caravan stop
 - 29 Team backer
 - 30 Like good pasta
 - 32 Robin Williams movie
 - 34 Task
 - 35 Dizzying posters
 - 36 Cursed
 - 38 Bind anew
 - 39 Trail user
- DOWN
- 1 Women's quarters
 - 2 Craps roll
 - 3 Change for a sawbuck
 - 4 Greek letter
 - 5 Chinese boat
 - 6 Boxing combo
 - 7 Gawked
 - 8 NFL pioneer George
 - 10 It's believing
 - 40 de Matteo of 11-Down
 - 41 Piquancy

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Yesterday's answer

- 11 Matt LeBlanc sitcom
- 16 "Goin' Back to Cali" rapper
- 18 Meg of movies
- 21 Job for a lawyer
- 23 Salad-bar item
- 24 Poor fellow
- 25 Con
- 27 Group's gag
- 28 Mall units
- 29 Coastal inlet
- 30 Pay to play
- 31 Critic Roger
- 33 La Scala song
- 37 "The —" (musical)

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Obituaries

DANIEL JOSEPH WILSON



Daniel Joseph Wilson, 81, Nazi Hunter / Private Eye, died April 21, 2006 in Santa Monica. A WWII veteran of the Battle of the Bulge, he was captured Dec 21, 1944, and liberated April 18, 1945. He is survived by his sons, Robert J. Wilson USN Retired, Bruce E. Wilson LAPD Retired, Joseph James Wilson HAZ MAT officer, City of Baton Rouge, LA Fire Dept; and daughter, Suzanne Wilson-Fellows. Graveside Service: 10am, Friday, April 28, 2006, Woodlawn Cemetery, Santa Monica.

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FICTITIOUS BUSINESS NAMES STATEMENT FILE NO. 06 0658229 FIRST FILING. The following person(s) is (are) doing business as PACIFIC REEF TROPICAL FISH, 1513 WEST SEPULVEDA BLVD., SUITE D, TORRANCE, CA 90501. The full name of registrant(s) is/are : MIKE H. YIM, 6604 MARQUETTE DR, BUENA PARK, CA 90620 This Business is being conducted by, an individual. Signed: Registrant has not yet begun to transact business under the fictitious name or names listed herein.. /s/: MIKE H. YIM
This statement was filed with the County Clerk of LOS ANGELES County on 3/28/2006. NOTICE: THIS FICTITIOUS BUSINESS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name statement in violation of the rights of another under federal, state, or common law (see Section 14411et seq., Business and Professions Code). SANTA MONICA DAILY PRESS to publish 4/26/2006, 5/3/2006, 5/10/2006, 5/17/2006



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