

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

22, 36, 25, 6, 26

DAILY 3

Afternoon picks: 9, 4, 9

Evening picks: 9, 4, 8

DAILY DERBY

1st Place: 3, Hot Shot

2nd Place: 1, Gold Rush

3rd Place: 2, Lucky Star

Race Time: 1:46.07



NEWS OF THE WEIRD

by Chuck Shepard

In April, apparently dissatisfied with the many dictionaries on the market, the Republican-controlled Oregon House of Representatives passed House Bill 2416, whose sole purpose was to define "science" ("the systematic enterprise of gathering knowledge about the universe and organizing and condensing that knowledge into testable laws and theories"). A commentator for The Oregonian newspaper speculated that the sponsor, Rep. Betsy Close, believes that the definition will somehow halt recent successes by the state's environmental activists.



QUOTE OF THE DAY

"Technology is a way of organizing the universe so that man doesn't have to experience it."

— Max Frisch



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Shooting marks first murder of the year in SM

19-year-old reportedly shot in Pico neighborhood alley, dies at hospital

BY CAROLYN SACKARIASON

Daily Press Staff Writer

A man was shot and killed in an eastside neighborhood Tuesday, making it the year's first murder in Santa Monica.

While authorities haven't released the victim's name, neighbors have identified him only as "Gilanni," a 19-year-old former Santa Monica High School student who lived with his mother and stepfather, Shirley and Larry Joseph in the 1900 block of 20th Street.

Police are providing few details about the shooting, which occurred at 5:46 p.m. in the alley behind 20th Street between Michigan and Delaware avenues.

David Smith, who lives on 20th Street, watched Gilanni collapse after he ran from the alley across 20th Street and fall on the sidewalk. Smith said Gilanni didn't appear wounded when he ran across the street. But when he approached Gilanni, Smith saw blood coming from his nose and mouth. He immediately ran into his house and called 911.

"He fell right in front of my apartment. I was shocked."

— DAVID SMITH
Resident

"He fell right in front of my apartment," Smith said. "I was shocked."

Smith, who had just returned home from work as a sound technician in Hollywood, said he heard what he described as someone beating a broom against a rug. He soon realized it was gunshots and said he heard about four of them. That's when he went outside and saw Gilanni running.

Santa Monica Fire Department paramedics arrived on scene within minutes and transported Gilanni to a nearby hospital, where he died just over an hour later. It's unknown what the cause of death was or what his

See SHOOTING, page 5

More parking on the horizon



Del Pastrana/Daily Press

Construction crews begin to lay the groundwork for a subterranean parking garage that will be built underneath the new Main Library at Seventh Street and Santa Monica Boulevard. The entire project will take at least three years to complete and will cost about \$72 million.

Santa Monica landlord makes deal with City Hall

Jaroslava Liska will serve probation and pay more than \$5,000 in fines

BY JOHN WOOD

Daily Press Staff Writer

An eastside Santa Monica landlord was convicted last week of discrimination and intimidation after she tried to force one of her longtime Mexican-American tenants out of the rent-controlled apartment she owns.

Jaroslava Liska pleaded no contest last

week to two of five criminal charges that alleged she discriminated against the Vivanco family, who has lived in the apartment building located at 1711 Delaware Ave. for 17 years.

The Santa Monica City Attorney's Office filed the charges against Liska in May, alleging she tried to force the family out so she could raise their \$654 monthly rent.

As part of a plea agreement that dropped three other counts against her, Liska must serve three years of probation

See LANDLORD, page 5

Union almost a reality at Santa Monica hotel

BY JOHN WOOD

Daily Press Staff Writer

Less than one month after the union was allowed into a Santa Monica hotel, the majority of workers there have agreed to organize, officials said Tuesday.

Employees at the Four Points

Sheraton, located at 530 Pico Blvd., have signed in favor of a union. The signatures were counted late last month by a neutral, third-party arbitrator.

"The mood over there is people are excited," said Kurt Petersen, the organizing director for the Hotel Employees and

Restaurant Employees Local 11. "Who wouldn't be? They're getting all this free stuff."

Union officials will sit down with hotel managers in the next few weeks and hammer out a contract, a process which can take weeks. Once the contract has been written, it will go before

employees to be ratified.

"We're happy because we need more pay, more respect. We need our union," said Maria Mena, a housekeeper at the Sheraton for the past 18 years. Mena, who doesn't speak English, said through a translator

See UNION, page 6

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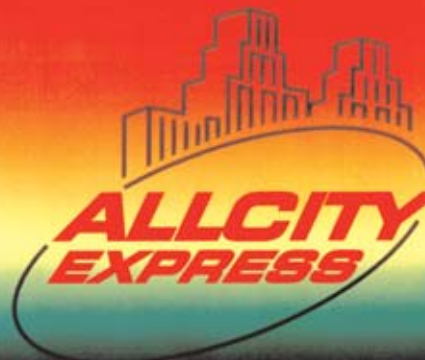
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HOROSCOPE

Say 'yes' tonight, Gemini



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★★-So-so ★-Difficult

HAPPY BIRTHDAY FOR WEDNESDAY, SEPTEMBER 3, 2003

Your highest priority this year will be the happiness of your family and those in your immediate circle. Evaluate a time or financial investment, which could involve real estate or some other long-term security. You have a special way that draws many. Learn to use your charm for the greatest good. You enter a new life cycle this year where you could be unusually lucky. If you are single, you certainly will meet your equal. You might want to enter into a relationship with this person. If you are attached, your loved one sometimes gives you a lot of flak, but ultimately goes along with you. Realize that your sweetie sometimes gets frustrated, especially if you don't listen. Do a general check of the house for leaks or any other hidden problems. SAGITTARIUS anchors your life.

ARIES (March 21-April 19)
★★★★★ Good ideas hatch naturally in the present atmosphere. You might be uncomfortable dealing with someone who is often a damper, but you'll cruise through. Extremes mark others' actions, though not necessarily negatively. Tonight: Opt for something totally different.

TAURUS (April 20-May 20)
★★★★★ Work with others and ask more questions. You could find unusual solutions when you least anticipate them. A child or loved one might go to extremes. A partner presents a totally different point of view. Tonight: A partner expresses caring.

GEMINI (May 21-June 20)
★★★★★ Others reach out to you. Investigate possibilities through others' opinions. Though the voice might distance you, the words have more relevance than you're aware of. A family member feels much more than you realize. Tonight: Say "yes."

CANCER (June 21-July 22)
★★★★ Know when to put a halt to what is going on. Your ability to get through a lot of outside distraction takes you in a different direction. Work with others, but be able to revise your plans. Not everything proceeds as you think it should. Tonight: Easy does it.

LEO (July 23-Aug. 22)
★★★★★ Your imagination points you in a new direction. But your instincts might not always lead you in the right direction. You easily could overspend if you're not careful. Keep reaching out for a new friend or loved one who could be moody. Tonight: Float with plans.

VIRGO (Aug. 23-Sept. 22)
★★★★ Remain anchored, and you'll make the correct decisions. A friend might push you quite hard, but the gentler you remain, the better the end results will be. You could transform a situation through your attitude. Don't underestimate your social skills. Tonight: Head on home.

LIBRA (Sept. 23-Oct. 22)
★★★★★ Keep talking, despite the fact that a family member or boss could be stern. Listen to the real message behind the words. Someone you meet might not be everything he or she seems. Take your time getting to know this person. Tonight: Visit with a pal.

SCORPIO (Oct. 23-Nov. 21)
★★★★ You might be in the mood to overindulge. Knowing when to put a halt to risk-taking could make all the difference in what goes on. Meetings prove unusually successful, but know when to stop your financial involvement. Tonight: Recognize your many assets.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Beam in much more of what you want. Know when to say "no" to spending. Someone expects a lot from you. Understand just how much you can get done. You get unexpected support or help. Tonight: Whatever puts a smile on your face.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ You might not always understand your limits. Listen to cohorts and friends, and you'll get the answer you seek. Sometimes you could be overwhelmed by all that goes down. Take a walk. Relax in your own way. Tonight: Get a good night's sleep.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Join others and make the best of a difficult situation. A partner or associate cannot do enough to make your life easier. Practice saying "yes" instead of "no." Plans could change, depending on a meeting. Remember what you ultimately want. Tonight: Where your friends are.

PISCES (Feb. 19-March 20)
★★★★ Take charge and understand how much is enough. You could reverse tactics or responsibilities, not knowing for sure what is best. Listen to the person who speaks to you with a soft voice. He or she really cares. Tonight: A must appearance.

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LOCAL

COMMUNITY BRIEFS

Registering to vote can be amusing

By Daily Press staff

For amusement and for politics, the Santa Monica Pier's Pacific Park is getting involved in the Oct. 7 recall election.

The excitement of the park's Ferris wheel and 10 other rides, as well as the election spirit have prompted Pacific Park officials to offer space to various registration organizations to register voters before the recall election. The deadline to register to vote for the recall election is Sept. 22.

Groups will be at the park each Saturday from 1 p.m. to 6 p.m., including "Rock the Vote," on Sept. 6, the California State Student Association on Sept. 13 and the League of Women Voters on Sept. 20.

"We're thrilled to be able to participate in the recall election process by providing a location for citizens to register to vote," said Jeff Klocke, director of marketing and sales at Pacific Park. "People don't often know where to go to vote so we're pleased to assist them in any way possible. It's important for all eligible voters to take part in this historic campaign."

To qualify for registration, voters must be United States citizens, California residents at least 18 years old, not in prison or on parole for conviction of felonies, and have not been judged by a court to be mentally incompetent to register to vote.

Also, voters will need to re-register if they have moved, changed their name or to change their political party affiliation.

Voters can register online or download registration forms at http://www.ss.ca.gov/elections/elections_vr.htm, at county election offices or by the U.S. Postal Service.

Recall winner urged to end government waste

By Daily Press staff

More than 165,000 members and supporters of "Citizens Against Government Waste in California" have called for the next governor to initiate a full private sector audit of the state government modeled after President Reagan's Grace Commission.

"If California's next governor is serious about the \$38 billion budget deficit, he or she must take a comprehensive, business-like approach to waste and pork in the state budget," CAGW President Tom Schatz said. "A state grace commission would be an effective means to locate and eliminate wasteful spending. The result will be a more efficient and accountable government, improved delivery of services and savings for the taxpayers of California."

The "President's Private Sector Survey on Coast Control," also known as the Grace Commission, was a two-year project directed by President Reagan to root out government waste, mismanagement and inefficiency. It was based on a similar commission that then Gov. Reagan had in California.

From 1982 to 1984, 161 corporate volunteers led an army of 2,000 volunteers on a waste hunt through the federal government. The effort was funded entirely by voluntary contributions from the private sector. It cost taxpayers nothing.

The Grace Commission made 2,478 recommendations, which, if implemented, would've saved \$424.4 billion over three years, an average of \$141.5 billion a year all without eliminating essential services.

Through the implementation of some of the recommendations, CAGW has helped save more than \$700 billion since its inception.

"Californians are already some of the most overtaxed citizens in the nation," Schatz said. "The prospect of raising taxes to erase the deficit would be a slap in the face. A state Grace Commission would give lawmakers the option of cutting wasteful spending without raising taxes."

South Carolina Gov. Mark Sanford is taking a similar approach to the budget deficit in his own state. In June, the governor signed an executive order establishing the Governor's Commission on Management, Accountability and Performance to pour through the state's budget and submit a report in September.

"History illustrates that removing politics and using a private sector approach to increase efficiency is the best way to improve government performance," said Schatz. "The California recall movement is a revolution against the fiscal incompetence of politicians. CAGW hopes the incoming governor uses that momentum to appoint private sector experts who will work, in Ronald Reagan's words, like 'tireless bloodhounds' to solve the budget crisis."

CAGW is the nation's largest nonpartisan, nonprofit organizations dedicated to eliminating waste, fraud, abuse and mismanagement in government. For more information, call (202) 467-5300 or go to www.cagw.org.



surf report

The SW swell will turn more southerly today and start to slowly wind down as new S swell slowly builds. Good spots will have chest-high sets.

OUTLOOK: The SSW will hold for a few days but fade into the weekend. Expect another burst from the south in the middle of next week, and maybe some tropical push in the meantime.

Get stoked on an epic sesh? Get burned by a bad report? Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

Today the water is:

66°

Sunrise: 6:28 a.m.
Sunset: 7:37 p.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	5:34	0.3	5:58	1.1	11:53	5.4	11:58	5.0
SUNDAY	6:06	0.9	6:59	1.1	N/A	N/A	12:30	5.5
MONDAY	6:41	1.5	8:15	1.0	12:58	4.3	1:14	5.5
TUESDAY	7:22	2.2	9:50	0.9	2:22	3.6	2:10	5.5
WEDNESDAY	8:22	2.8	11:26	0.5	4:33	3.2	3:24	5.5
THURSDAY	10:09	3.1	N/A	N/A	6:40	3.5	4:47	5.6
FRIDAY	12:38	0.0	(11:30)	3.0)	7:42	3.9	6:02	5.8

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The Q Line

The state's recall election is heating up as the top leaders position themselves for the governor's seat.

There have been plenty of polls conducted by various news outlets trying to nail down who's in the lead for Gov. Gray Davis' job. One day it's Davis, then it's Arnold Schwarzenegger, or Lt. Gov. Cruz Bustamante, or Arianna Huffington.

As we enter a new month, the public expects to hear some real messages coming from these candidates about how they are going to fix the state's problems. Even

if we don't get any answers, it promises to be an entertaining news cycle.

This week, the Santa Monica Daily Press will conduct its own poll of Santa Monicans' thoughts on the election, though it won't be quite as scientific as the others.

"Will you vote for or against the recall? And who will you vote for and why?"

Call (310) 285-8106 with your response before Thursday at 5 p.m. We'll print them in Friday's paper. Please limit your comments to a minute or less. It might help to think first about the wording of your response.



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Bon Appetit Lifestyle

LETTERS

Weird stuff happens in the desert

Editor:

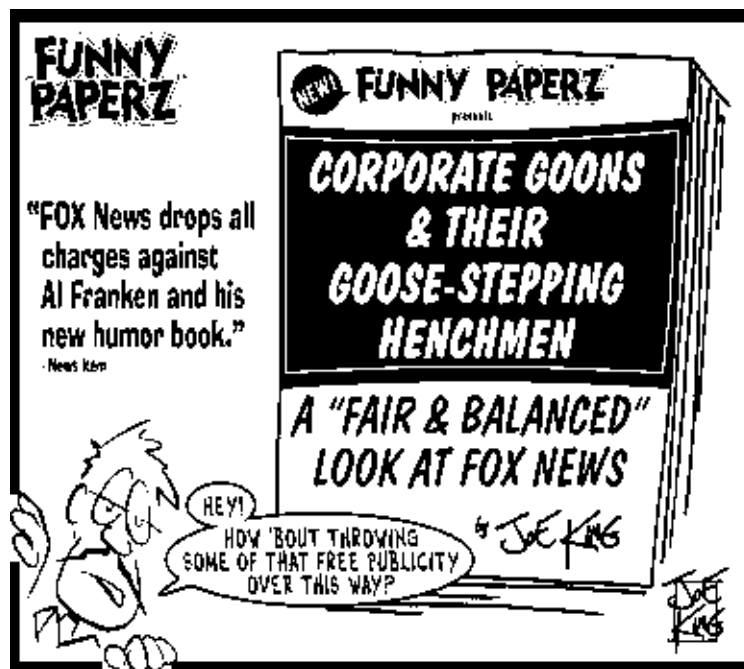
I enjoyed the story in your Sept. 1 Daily Press about Burning Man ("BM festival a focus for parties, religious yearning"). It's like a visit to a strange city, this "Black Rock City" that exists only one week a year, this invented, Godard sci-fi of a city floating in alkaline silt on a 30,000-year-old primeval lake bed. The only time I attended, I found it a once-in-a-lifetime experience.

"We're offering people something they can't get anywhere else," I heard founder Larry Harvey say. "There isn't a corporation in this land that could recreate it. You can't buy it. You can't buy community. It's like love."

And the community came through for us too, when Ruby, an actress from Pasadena I went with was given some kind of cookie and told to nibble it, but she ate the whole thing and started to see snakes crawling all over her and we ended up in the big blue-and-white medical tent for three hours. The doctors in there were on drugs, too. The medic who attended to us took Paxil he said, "because I used to be violent." A doctor wrapped in a Guatemalan holy man blanket ("This is actually the healing part" he told me later), helped Ruby recover with calm talk and glucose.

Yes, you discover things in a desert wilderness. And that's the idea I think of Burning Man: To bring it back to town with you, to come back covered over in a fine dust, your car all salty in this city of shiny vehicles, so everyone knows where you're coming from. From a place called "Black Rock City" where life is different for a week and here's what it would be like to live this way right here. ("Hey, just trying to make a difference!") Look around and you'll see them. They're among you, the ones with alkaline smiles, participating.

Hank Rosenfeld
Santa Monica



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'No' always means 'no' and other related myths



INCITES

By Ed Silverstein

Not unexpectedly, the conversation at a recent party turned to Kobe Bryant's arrest for sexual assault.

After the prerequisite regurgitation of the assorted rumors and conjecture, I suggested to the eight women and six men that I didn't believe that "no" always means no.

I was immediately taken to task by one woman who was shocked, aghast even, that I could have made such a statement. But before I could write myself off as a troglodyte who had missed the bus to extinction, the remaining seven women (and to a lesser extent the men) jumped to my defense. These women didn't believe that "no" always meant "no." Surprisingly, most of them also felt that a woman who goes to a man's hotel room in the middle of the night without the express purpose of having sex bore at least some small part of the responsibility for what subsequently occurred.

This is in direct contrast to the hard line feminist rift, such as espoused by Wendy Murphy, director of the Victim Advocacy & Research Group, and CNN's latest supercilious Gloria Alred clone.

Ms. Murphy, a lawyer, contends that "no" means "no," period. Even, she insists, if the woman walks into your hotel room naked. "This is the law and there

can be no gray areas," she said.

Ms. Murphy's legal absolutism is belied, however, by her obvious disdain for one of the most basic tenants of law: Presumption of innocence. Murphy has repeatedly referenced Bryant's accuser as "the victim" and the incident as "the crime," with nary an "alleged" to be found. Such statements presume Bryant's guilt without any benefit of due process.

Ms. Murphy also seems to be out of touch with modern feminism. Since the party, I have talked with dozens of women ranging in age from 20 to 70, career women and stay-at-home moms, and nearly all disagree with Murphy's "extreme" views.

So when does "no," not mean "no?"

Those queried held the near unanimous opinion that once consensual penetration was initiated (with the stipulation that each act, i.e., intercourse, oral sex, etc., required a separate consent) that there was no basis to claim rape, even if the woman changed her mind. Further, due to the highly charged emotional and physical state during sex, it would be impossible to determine when one reaches a point of no return. Taken to an extreme, imagine a woman changed her mind as the man reached climax and expected him to disengage mid-orgasm.

Another difficulty in determining culpability is the possibility that the woman's accusation is false. The motivation can range from extorting money to gaining celebrity, or even revenge. A woman can also feel compelled to lie in order to save face or protect herself from public ostracism. Such could have been the case if the parents or friends of Bryant's accus-

er were racist, though that is not to imply that this was the case.

So what constitutes rape? Most agree that any form of sex initiated through force, coercion by threat of physical or psychological harm or the administration of drugs or alcohol without the person's knowledge is rape. But even this is not absolute.

Several of the men I spoke with had had experiences (though extremely rare) with women who pursued aggressive rape fantasies.

These women tend to give mixed, often confusing signals that are designed to initiate a (simulated) rape. A similarly confusing circumstance can occur with certain Asian cultures in which the woman compliments the man by telling him he is too large and that he must stop because he is hurting her.

That is not to say that I am condoning rape in any form. I have cared for rape victims. It is one of the most heinous crimes imaginable. The emotional devastation defies description regardless of whether the woman was chaste or promiscuous, attacked by a stranger in a dark alley or date raped in her home. The scars can be permanent and life altering. And a man who drugs a woman to have sex should be strapped to a tree, horse whipped, castrated, then smeared with honey and staked over a fire ant mound. And any man who disagrees should be treated to the experience of downing a Bud Light and waking up with Andrew Luster giving him a high colonic.

And there is also no question that, historically, rape victims have gotten the short end of the stick. Often they were

treated more like criminals than casualties. But more recently the pendulum has swung. There is a tendency now to treat an accusation of rape, or any sexual crime for that matter, as fact. The accused is often deemed guilty and even subsequent exoneration rarely removes the stink. Victims of a false accusation can be equally devastated as those victims of the actual crime.

It is unlikely that we will ever know for sure what occurred between Kobe Bryant and his accuser, and chances are that even if we did there would be no easy answers. For this reason we must insure that we do not rush to judgment and the rights of both parties are equally protected.

We should also avoid dependence on unrealistic myths such as, "no," always means "no." It suggests that women have no obligation to act responsibly or be aware of the potential consequences of their actions.

Further, it could embolden inexperienced women to put themselves in risky situations, such as going to a man's hotel room at two in the morning. And let's be clear about this, a woman who goes to a man's hotel room in the middle of the night should not be there to borrow mixed nuts from the mini bar. And for those of you who believe that "no" does always mean "no," I would deem it prudent that you are 100 percent ready to say "yes" before you put yourself into any situation in which your only protection is a two letter word.

(Ed Silverstein is a freelance writer living in Santa Monica. Comments and sensitivity training can be sent to: edsincites@aol.com).

Opinions expressed are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to sack@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.

YOUR OPINION MATTERS!

Send your letters to Santa Monica Daily Press Attn. Editor:

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LOCAL



Civil lawsuit against local landlord will continue

LANDLORD, from page 1

and pay \$5,530 in fines.

"The landlord's pattern of behavior was clear ... and it was completely against the law," said Deputy City Attorney Adam Radinsky, who added that the plea offer had been available to Liska for months.

As part of her plea, Liska was convicted of one count of discrimination based on occupancy by a minor child and one count of intimidating or coercing a tenant. Both charges are misdemeanors. Liska also must pay City Hall \$500 to take a course in fair housing practices and pay for an advertisement that promotes them.

Liska was charged under the city's tenant harassment ordinance, which was passed by the City Council in 1995 to protect tenants from landlords seeking to profit illegally from vacancy decontrol, which allows landlords to raise the rent on rent-controlled units when tenants move out. Hundreds of complaints have been filed under the ordinance and the vast majority have been resolved out of court, Radinsky said.

City Hall's criminal charges followed a civil lawsuit filed in January by the Vivancos and Aricka Traylor, an African-American mother of five, who claim Liska discriminated against and harassed them based on their race.

Traylor said she wanted to rent an apartment in the building but was told by Liska that she doesn't rent to families with children, the lawsuit alleges.

The Vivancos, who still occupy their two-bedroom unit with their four kids, allege Liska has repeatedly overcharged them, yelled at their children and didn't allow them to play outside. The suit also alleges that Liska threatened to evict them if they had any more children.

The Vivancos occupy the last rent-controlled apartment in the six-unit building and are the last Latino family to live there, according to the lawsuit.

Liska sent the Vivancos a 30-day notice in December ordering the family to

move out of the apartment. The eviction notice alleged that the family is disruptive to their neighbors because their children play outside, kick balls against the apartment walls and play loud music.

Liska and Eric Meller, her attorney, couldn't be reached for comment. They have previously declined to comment on the case.

Dario Navarro, an attorney in the civil case, said the families are pleased that Liska didn't fight the criminal charges.

"They're elated, they're extremely happy," he said. "They feel partially vindicated, but of course they haven't been paid damages."

Radinsky said City Hall didn't pursue restitution for the families because of the pending civil suit. With the criminal charges now resolved, the lawsuit — which was put on hold in July — is expected to resume sometime next month.

The civil suit seeks an unspecified amount of money. However, the Vivancos ask for the return of overpaid rent, punitive and exemplary damages and a stop to Liska's eviction effort. Based on what's allowed under rent control laws, the Vivancos claim that they have been overcharged rent by as much as \$200 each month for the past 17 years.

The criminal plea can't technically be used in the civil case because Liska pleaded no contest, which is not an admission of guilt. However, both Navarro and co-counsel Denise McGranahan, who works for the non-profit Legal Aid Foundation, said Liska's plea agreement puts their case in a much better position, partly because the threshold for proving guilt in a civil lawsuit is lower than in criminal courts, where defendants must be proven guilty beyond a reasonable doubt.

"It's too soon to say at this point what it's all going to come down to," McGranahan said. "It's good to know that she has been convicted ... but it's not like that will make it a clear-cut winner for us."

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Police investigation ongoing

SHOOTING, from page 1

wounds were.

Santa Monica Police Department Lt. Frank Fabrega said police received several calls from residents who heard shots fired. Police closed off 20th Street between Delaware Avenue and Olympic Boulevard, as well as the alley near 20th Street and Delaware Avenue.

SMPD homicide detectives were on scene interviewing witnesses and gathering evidence several hours after the shooting. It was reported that bloodhounds were brought to the area in an effort to pick up a scent of the suspect or suspects involved.

At about 8 p.m., police officers were seen hosing off the blood-stained sidewalk. Fabrega said the investigation is ongoing. He was unable at presstime to give further details.

"It's too preliminary at this time," he said regarding the details of what happened.

The area, known as the Pico neighborhood, was the scene of five shootings that all occurred in less than a month from May to June. The SMPD arrested eight suspects who were allegedly

involved in one or more of the shootings. The charges range from attempted murder to parole violations.

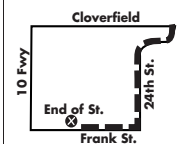
The neighborhood has been riddled with gang violence and drug dealing for decades. Most of the tension is territorial — between the Graveyard Crips and the Santa Monica 17th Street gang — as well as racial. One gang is black, the other Latino.

It is unknown whether Tuesday's shooting was gang or drug related. Gilanni, who was black, is described by neighbors as a quiet kid who had been "slipping" into the wrong crowd.

Anyone with information regarding the shooting should call the SMPD's robbery/homicide unit at (310) 458-8451 or the watch commander at (310) 458-8426.

While Tuesday's shooting marks the city's first murder this year, Fabrega said serious crimes against persons or property is down 7.7 percent for the first seven months of 2003 and overall arrests are up 12 percent, according to SMPD statistics.

(Daily Press staff writer John Wood contributed to this story.)


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CALIFORNIA BRIEFS

Wildlife sanctuary reopens after tumultuous year

By The Associated Press

LAKE FOREST — A wildlife sanctuary run by California State University, Fullerton, has been reopened a year after it was shut down.

University officials said they closed the 12-acre Tucker Wildlife Sanctuary last September for a variety of reasons, including employee departures, a lack of funds and damaging storms.

The Orange County preserve reopened Monday with upgrades, including new safety railings and park benches.

"They've cleaned this place up quite a bit," said amateur photographer John Hanna of Garden Grove.

Cal State Fullerton has run the refuge since 1968. The original owners, Ben and Dorothy Tucker, donated the land to the San Fernando Valley Audubon Society in 1939.

The Audubon Society gave the preserve to the university, but had threatened to take the land back because it wasn't being maintained.

More than 40,000 people a year visited the sanctuary before it closed.

Cops kill suspected Burger King burglar

By The Associated Press

RIALTO — An officer shot and killed an armed San Bernardino man after an attempted robbery at a Burger King, police said.

Police were notified about 8:30 p.m. Sunday that the restaurant was being robbed by two men, according to a Rialto Police Department news release.

The officers arrived as the robbers tried to run away, the statement said.

Joey Robinson Jr., 35, threatened the officers in some way as they confronted him outside the restaurant, the release said, so one of the officers fired at him, hitting him in the upper torso.

He was taken to a hospital, where he was pronounced dead an hour later.

A 16-year-old was arrested, but his name was withheld because he is a juvenile.

Fewer murders in LA County

By The Associated Press

LOS ANGELES — Homicides have decreased in the county this year, driven by less murder in the city, according to coroner's office statistics.

At the same time, the number of murders in the unincorporated county and small municipalities has risen.

Statistics show homicides have decreased in LAPD territories and increased in areas patrolled by the Sheriff's Department.

Sheriff Lee Baca said the discrepancy can be attributed to a difference in staffing numbers. The number of LAPD officers has increased overall as the number of sheriff's deputies has declined.

Baca called the homicide statistics "a reality check on how resources affect crime problems."

Homicides in the city reached 326 last week, down 22 percent from 420 during the same time last year.

But in the unincorporated areas and cities patrolled by the Sheriff's Department, there were 217 homicides as of last week, an increase of 11 percent, or 21 homicides, over the same period last year.

Union focus is on Doubletree

UNION, from page 1

that she supports the union because organizers have promised to raise her salary while reducing her workload. Currently, Mena said she makes \$9.26 an hour and cleans 16 rooms a day.

The Sheraton is about to be the third unionized hotel in Santa Monica. Workers at the Viceroy and Fairmont Miramar hotels also are organized.

Managers at the Loews Santa Monica Beach Hotel agreed last year to let union officials gather signatures in what's known as a "card-check process." Under a card check process, union officials have an extended period of time — two to three years — to gather signatures from employees who want to organize.

Petersen wouldn't say how many cards have been gathered at Loews over the past nine months, but said the real victory is not in gathering signatures but in getting the management to agree to the card-check process in the first place.

Sheraton managers agreed a month ago to the card-check process. Under the agreement, managers stay neutral while union officials gather signatures. Sheraton managers said Tuesday they look forward to taking the next step in their new partnership with the union.

"We're committed to a strong relationship with the employees and we feel that we're entering into a new era of cooperation and mutual respect with the union," said Kate Bartolo, senior vice president for the Kor Group, which owns the Sheraton, as well as the nearby Viceroy Hotel.

The union is actively engaged in efforts to unionize the Doubletree Guest Suites Hotel, located on Pico Boulevard. Petersen said the ultimate goal is to have a union presence in all 10 of Santa Monica's high-end hotels. Those still without any union presence are the Doubletree, the Radisson Huntley Hotel, Shutters on the Beach, Le Merigot Beach Hotel, the Holiday Inn Santa Monica Pier and Casa Del Mar.



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Real Estate

The right way to remodel a home is thought out



DAYS ON THE MARKET

By Jodi Summers

As anyone who has ever lived through it knows that remodeling can be a chore.

Here are a few ideas to make the job easier:

PRIORITIZE

Experts say the most successful remodeling projects begin with homeowners who have a definitive, yet realistic, idea of what they want done.

"Sometimes it's good to live in a house a while before you renovate," said Michael Litchfield, author of the book "House Check."

Brent and Michelle Deatherage moved into a two-bedroom stucco house with visible scars of wear and tear. Used as rental property for the past last 20 years, their fixer upper by Santa Monica College needed serious upgrading.

"We were sleeping in sleeping bags on the floor and showering with the water hose in the back yard," said Brent Deatherage. "So naturally we were in a hurry to get certain areas in the house fixed."

While the property needed a lot of work, they went about their renovation in a logical order. They started with the rooms that needed the most work and moved forward to the next room after the current project was completed.

"We felt confident that if we had a plan, a blueprint for the way we wanted things to be, we could do a lot of the work ourselves," said Michelle Deatherage. "We knew we'd need help with bigger projects, such as the cabinetry and wiring, but we

were able to get our priorities in order and move in a logical order that worked with our budget."

Knowing what you want to do will save you from having to make costly changes in the middle of your project by doing your best to visualize what it will look like when it's complete.

"Whenever you make changes it costs extra money," said Sal Alfano, editor-in-chief of Remodeling magazine.

WORK WITH BELIEVERS

When it comes to vision and craftsmanship, look beyond the bottom line.

Going with the lowest price is not the best route for choosing an architect or a contractor. Ask around. Any local builders association or lumberyard is a good resource for finding contractors who are certified and known in their areas of expertise.

Mike Weiss, chairman of the National Association of Home Builders Remodelers Council, recommends going with a firm with at least five years in the business.

Interview your contracting and design candidates as you would anyone else applying for the job. You'll get a range of personalities and estimates. Think about finding someone that is enthusiastic about your project and seems relatively easy to work with. Once you've narrowed the field, ask each semi-finalist for references, then check their credentials.

"You need to trust the employees you have coming into your home," confirms licensed contractor Orn Sveinsson. "When something goes wrong — and it always does — you'll appreciate working with someone you feel comfortable with."

KNOW YOUR TERMINOLOGY

Even though you might have a general contractor handling the major aspects of

your remodel, you want to know what the people you hired are talking about and what you're paying for. Have a copy of your employee's work schedule and understand what it says.

"If you can speak the language of your craftsmen you'll not only be able to communicate more effectively, you'll be taken more seriously," Sveinsson said. "You'll want to be somewhat familiar with common terms, such as change orders, or cost-plus estimates."

TIME, INGENUITY AND CREATIVITY SAVES MONEY

"If you're not in a rush, you can find great deals on anything," Michelle Deatherage said.

Your never know when Bourget Bros. is going to have a closeout sale on marble tile. If the current room is not a total disaster, you can choose to wait to redo the dining room until the materials you want to work with become available at the right price.

When you do make the commitment to renovating a room — over buy — get more than enough materials. Keep the receipts. Once the project is finished, unused items that are not custom-ordered can be returned in a single trip.

It beats having to face the lines at Home Depot on a Saturday morning because you ran a quart short of Magnolia Sunset paint.

"We spent a lot of time going back and forth to the store because we would run out of something we needed," Michelle Deatherage said. "We could have saved time if we had bought more wisely."

When looking for unique items like a teal green ceiling fan be creative, as Michell Deatherage said, "If you find that perfect ceiling fan but its blades are the wrong color, try painting them to the color you want."

Getting to know your neighbors is another way to save money.

"Chances are that there is someone in the neighborhood that will loan you that needed saw or screwdriver, which saves you the expense of buying something you'll only use once," said Brent Deatherage.

GIVE YOURSELF SPACE

The process of remodeling can be all-consuming when you're living in the midst of it. Take a break from eating, sleeping and breathing in a construction zone. If moving to another wing is not an operation, create a "safe room" free of any signs of construction. Make that your haven when the craze of remodeling gets too much.

"Stick with it," Brent Deatherage said. "And take pride in your accomplishments. We learned to celebrate each room as it was completed. Take time out to admire what you have accomplished, how nice your home looks and be proud of it."

(If you would like to more information of interest to property owners, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call at (310) 309-4219.)

Commercial lending gets hotter

The Mortgage Bankers Association of America's survey concluded that commercial and multi-family lending in the second quarter of 2003 increased 56 percent from the first quarter to a total of \$48 billion. The second quarter numbers also are 29 percent higher than the numbers from the same quarter in 2002. Retail properties saw the biggest jump in lending volume with a 44 percent increase over the first quarter's volume. However, it was the multi-family sector that accounted for the majority of the lending activity, taking 51 percent of the origination dollars.

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SOLD	2449 OAK ST	SANTA MONICA	90405
Date Sold	SqFt: 770	List Price: \$525,000	Bed: 2
08/28/2003	Lot Size: 3,079	Sold Price: \$540,000	Bath: 1
SOLD	2407 31ST ST	SANTA MONICA	90405
Date Sold	SqFt: 1,195	List Price: \$625,000	Bed: 3
08/25/2003	Lot Size: 5,998	Sold Price: \$590,000	Bath: 2
SOLD	511 MARINE ST	SANTA MONICA	90405
Date Sold	SqFt: 0	List Price: \$945,000	Bed: 2
08/25/2003	Lot Size: 7,496	Sold Price: \$925,000	Bath: 1
SOLD	425 26TH ST	SANTA MONICA	90402
Date Sold	SqFt: N/A	List Price: \$1,395,000	Bed: 3
08/28/2003	Lot Size: 10,724	Sold Price: \$1,250,000	Pool Bath: 2.75
SOLD	535 19TH ST	SANTA MONICA	90402
Date Sold	SqFt: 2,021	List Price: \$1,695,000	Bed: 3
08/28/2003	Lot Size: 8,938	Sold Price: \$1,700,000	Bath: 1.75
SOLD	707 21ST PL	SANTA MONICA	90402
Date Sold	SqFt: 4,410	List Price: \$2,095,000	Bed: 5
08/27/2003	Lot Size: 7,596	Sold Price: \$2,015,000	Bath: 3.50
SOLD	611 22ND ST	SANTA MONICA	90402
Date Sold	SqFt: 5,466	List Price: \$2,399,000	Bed: 5
08/28/2003	Lot Size: 7,548	Sold Price: \$2,330,000	Bath: 4.5
SOLD	331 PALISADES AVE	SANTA MONICA	90402
Date Sold	SqFt: 4,599	List Price: \$4,900,000	Bed: 4
08/26/2003	Lot Size: 17,500	Sold Price: \$4,600,000	Pool Bath: 4
SOLD	331 PALISADES AVE	SANTA MONICA	90402
Date Sold	SqFt: 4,599	List Price: \$4,900,000	Bed: 4
08/27/2003	Lot Size: 17,500	Sold Price: \$4,600,000	Pool Bath: 4

SOLD	1524 FRANKLIN ST #A	SANTA MONICA	90404
Date Sold	SqFt: 514	List Price: \$225,000	Bed: 1
08/25/2003	HOD: \$166	Sold Price: \$225,000	Bath: 1
SOLD	125 STRAND ST #11	SANTA MONICA	90405
Date Sold	SqFt: N/A	List Price: \$299,000	Bed: 1
08/27/2003	HOD: \$72	Sold Price: \$265,000	Bath: 1
SOLD	1437 BERKELEY ST #B	SANTA MONICA	90404
Date Sold	SqFt: 639	List Price: \$262,000	Bed: 1
08/26/2003	HOD: \$167	Sold Price: \$267,000	Bath: 1
SOLD	1222 PRINCETON ST #2	SANTA MONICA	90404
Date Sold	SqFt: 635	List Price: \$275,000	Bed: 1
08/25/2003	HOD: \$176	Sold Price: \$280,000	Pool Bath: 1
SOLD	1014 6TH ST #D	SANTA MONICA	90403
Date Sold	SqFt: 580	List Price: \$329,000	Bed: 1
08/26/2003	HOD: \$119	Sold Price: \$345,000	Bath: 1
SOLD	1228 14TH ST #306	SANTA MONICA	90404
Date Sold	SqFt: 802	List Price: \$359,000	Bed: 1
08/25/2003	HOD: \$185	Sold Price: \$362,000	Bath: 1
SOLD	1125 PICO BL #202	SANTA MONICA	90405
Date Sold	SqFt: 826	List Price: \$369,000	Bed: 2
08/28/2003	HOD: \$160	Sold Price: \$369,000	Bath: 1.5
SOLD	2337 OAK ST #4	SANTA MONICA	90405
Date Sold	SqFt: 1,262	List Price: \$399,000	Bed: 2
08/28/2003	HOD: \$180	Sold Price: \$405,000	Bath: 2.5
SOLD	1127 10TH ST #101	SANTA MONICA	90403
Date Sold	SqFt: 1,119	List Price: \$465,000	Bed: 2
08/30/2003	HOD: \$215	Sold Price: \$425,000	Bath: 2

SOLD	2022 DELAWARE AVE #5	SANTA MONICA	90404
Date Sold	SqFt: 1,489	List Price: \$449,000	Bed: 3
08/26/2003	HOD: \$150	Sold Price: \$442,500	Bath: 2.5
SOLD	814 6TH ST #6	SANTA MONICA	90403
Date Sold	SqFt: 1,200	List Price: \$469,000	Bed: 3
08/27/2003	HOD: \$243	Sold Price: \$482,000	Bath: 2
SOLD	914 LINCOLN BL #103	SANTA MONICA	90403
Date Sold	SqFt: 1,135	List Price: \$499,000	Bed: 2
08/25/2003	HOD: \$283	Sold Price: \$483,500	Bath: 2
SOLD	925 14TH ST #13	SANTA MONICA	90403
Date Sold	SqFt: 1,317	List Price: \$499,000	Bed: 2
08/29/2003	HOD: \$360	Sold Price: \$512,000	Bath: 2.5
SOLD	1502 PRINCETON ST	SANTA MONICA	90404
Date Sold	SqFt: 1,507	List Price: \$545,000	Bed: 2
08/29/2003	HOD: \$200	Sold Price: \$580,000	Bath: 2.5
SOLD	2222 6TH ST #B	SANTA MONICA	90405
Date Sold	SqFt: N/A	List Price: \$589,000	Bed: 2
08/25/2003	HOD: \$150	Sold Price: \$589,000	Bath: 2
SOLD	2804 6TH ST	SANTA MONICA	90405
Date Sold	SqFt: 1,579	List Price: \$695,000	Bed: 2
08/26/2003	HOD: \$250	Sold Price: \$740,000	Bath: 3
SOLD	515 OCEAN AVE #303N	SANTA MONICA	
Date Sold	SqFt: N/A	List Price: \$949,000	Bed: 2
08/27/2003	HOD: \$804	Sold Price: \$590,000	Pool Bath: 2
SOLD	849 14TH ST #8	SANTA MONICA	90403
Date Sold	SqFt: 2,200	List Price: \$1,100,000	Bed: 3
08/26/2003	HOD: \$300	Sold Price: \$1,100,000	Bath: 2.5

REAL ESTATE

A, B, C's of commercial lease agreements, expenses



IN YOUR SPACE

By Christina S. Porter

Question: What should be included in operating expenses?

There are questions about what costs should be included in the annual operating expense charges, fueled by an ongoing disagreement between landlords and tenants about who is responsible for the cost of capital expenditures and whether they should be included in the tenant pass throughs.

A capital expenditure is considered as the cost of a building improvement that lasts beyond the current accounting period, which is one year, or an item that increases the value or life of the asset. A suggestion by KBA Lease Services is to think of capital expenditures as investments in a building that are intended to bring long term benefits.

In general operating expenses include:

- Building maintenance
- Power
- Property management
- Property taxes
- Property insurance

A distinction that should be noted is that a capital expenditure is different than a capital improvement. A capital improvement is a new improvement like a new security system. A capital expenditure is usually a replacement or a refurbishment of an item that has worn out.

It makes sense that the base rent is meant to cover normal wear and tear of the building. All of its parts are demonstrated by the fact that an owner is compensated for the normal wear and tear through depreciation of the building and all of its parts, by his ability to decrease his tax liability on an annual basis. Through the years, the components of a building and the building itself, are expected to wear out and be replaced.

At the very least, if an item must be replaced or added, and the cost of which cannot be negotiated out of the lease should be amortized over its useful life and then over

the remaining term of the existing lease. It is the owner who will truly reap the long term benefit of such an improvement. The only time a capital expenditure should be included in operating expenses is if the improvement will reduce operating expenses, and even then, the cost should be amortized over the expected life of the asset and again over the remaining term of the existing lease.

There are three ways in the office leasing arena to structure a lease, as far as who pays for what and when — a "full service gross" lease, a "modified gross" lease and a "triple net" lease. Generally you will find either a FSG lease or a MG lease in an office building. Triple net leases will be found mostly in retail and industrial projects.

A modified gross lease is a structure for setting the terms and conditions in a lease agreement that falls somewhere between the definition of a full service gross lease and triple net lease.

When a building's asking rental rate is said to be "modified gross" it means that the owner will pay the property taxes and insurance. In multi-tenant office buildings, the owner usually picks up the cost of the "common area maintenance" (but its multi-tenant building owner, when utilizing the modified gross lease structure, is separating the utility costs. Unless a building is separately metered, many of the older buildings are not) allocating the utility costs equally is virtually impossible and the cost of installing a separate meter is prohibitive. Hence, estimation becomes the method of measurement and most tenants are not comfortable with estimating their utility costs. Depending on the market conditions at the time, it may be possible to negotiate the installation of a separate meter into the lease.

In leasing, almost everything is negotiable and who pays for what and when is simply dependent on the economic conditions in the area. When the relationship between supply and demand is the ruler of who pays for what and when, these different types of lease structures provide a place to begin negotiations

(Christina S. Porter is a senior associate at NAI Capital Commercial Real Estate, specializing in leasing and selling office and industrial buildings.)

COMMERCIAL REAL ESTATE PROPERTIES LEASED & SOLD

SOLD

Date	Location	Price	Sq.Ft
5/13/03	1221 2nd Street	\$9,000,000	24,000 sf on 7,500 sf of land (\$375 per square foot)
10/25/02	1227 2nd Street	\$8,700,000	24,000 sf on 7,500 sf of land (\$362 per square foot)
10/04/02	1932 Wilshire Blvd. (Walgreens Drug Store)	\$7,500,000	12,200 sf on 22,500 sf of land (\$614 per square foot)
6/9/03	1547 6th Street	\$1,951,671	4,970 sf on 7,500 sf of land (\$392 per square foot)
1/16/03	720 Wilshire Blvd (Corner lot)	\$7,275,000	25,789 sf on 22,500 sf of land (\$282 per square foot)
9/5/01	1442 2nd Street	\$6,025,000	17,200 sf on 7,500 sf of land (\$350 per square foot)
11/21/02	524-530 Santa Monica Blvd. (old Pep Boys)	\$2,700,000	19,340 sf on 10,000 sf of land (\$139.61 per square foot)
9/28/01	1528 6th Street	\$2,500,000	6,646 sf on 7,500 sf of land (\$376.17 per square foot)

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STATE

Colleges battle internet file-sharing with software

BY ALEX VEIGA

AP Business Writer

LOS ANGELES — Students arriving for fall classes at colleges across the country are facing technological hurdles and stern warnings aimed at ending swapping of music and movie files over high-speed campus Internet connections.

Several of the universities are responding to a recording industry campaign to control the rampant copying of files over peer-to-peer networks.

Among other things, campuses are distributing brochures, running ads in student newspapers and devoting school Web pages to information on copyright infringement.

Some are even using software to choke the amount of data that can flow in or out of a computer when students use Kazaa and other file-sharing programs.

"We're feeling a great deal of pressure as a result of what the entertainment industry is doing, and we're stepping up a lot of activities to address it," said Jim Davis, associate vice chancellor for information technology at the University of California, Los Angeles.

The Recording Industry Association of America, a trade group representing the five major recording companies, regards file-sharing as theft and is expected to file several hundred copyright infringement lawsuits by mid-September.

So far, at least 10 universities, including UCLA, have been served with subpoenas demanding they help the recording industry identify possible targets of such lawsuits, according to the Electronic Frontier Foundation, an advocacy group for online civil liberties.

Two of the universities — Boston College and the Massachusetts Institute of Technology — argued successfully in court that the subpoenas were improperly filed. But the victory didn't preclude the RIAA from obtaining a subpoena from a Massachusetts court.

Despite such challenges, RIAA President Carey Sherman said he was gratified by the attention copyright violations are getting on campuses.

"There's a world of difference this year than just a year ago in terms of the seriousness that universities are taking this issue," he said.

Sharing of music files is a crucial issue for the industry. It says the practice is largely responsible for a 25 percent drop in CD sales since 1999. Revenue from album sales has declined from \$14.6 billion in 1999 to \$12.6 billion in 2002, according to the RIAA.

The industry has begun to embrace pay music download services, particularly the successful Apple iTunes for Macintosh computer users. But a successful Windows-based service for the vast majority of home computer users has not yet emerged.

Last year, UCLA received dozens of notices every month from record companies and movie studios complaining about copyright violations. The school has been emphasizing the legal perils of file-sharing during student orientation this summer, Davis said. The message will be reinforced through e-mails to students and faculty when classes begin.

Similar tactics are being used at the University of Southern California in Los Angeles.

"When I first got here, there was no real warning given to students," said jun-

ior Errol Wilson, 20, an international relations and sociology major. "Since then, it seems like they've definitely beefed up."

Wilson, who has downloaded about 200 songs, said he received a warning from the university about his file-sharing when he was a freshman. But he hasn't received any other complaints since he changed his computer settings to block others from downloading music from his hard drive.

It's estimated that people download more than 2.6 billion copyright files every month on file-sharing networks. Users typically search for songs or movie files then download them directly from another file-sharer's computer. Users can block access to their own files without losing the ability to download from others.

"When I first got here, there was no real warning given to students."

— ERROL WILSON
USC student

The RIAA has been specifically targeting people who make their digital song collections available for sharing.

Ohio State University, the University of Virginia and the University of Wisconsin, Stevens Point, among others, also have become more aggressive in warning students about downloading music.

"Sometimes students don't realize when you download something, you're also making it available for upload. They don't understand the process," said Colleen Andrews, student computing services manager for the University of Wisconsin, Stevens Point. "The majority of (students) don't realize that what they're doing could get them into legal trouble."

Unless users change settings, some file-sharing software can make computers relay data among those signed onto the network.

The number of copyright violation notices received by the University of Virginia increased sharply during the spring term, so university officials designed a new Web site over the summer and are running ads in the student paper to boost awareness.

"We're doing everything we can think of to make sure students can understand this," said Shirley Payne, director for security coordination and policy.

At the University of California, Berkeley, which received one subpoena request in August, students living in campus housing must undergo orientation on copyright infringement before getting a university Internet account.

The university is also limiting the amount of data students can send or receive over the Internet. Students have a five gigabyte weekly limit on uploading or downloading. If they exceed it twice, they can lose their Internet access.

That amount would allow students to download four movies and 200 song files without going over the limit.

"There are a lot of legitimate reasons for file-sharing," said Bob Sanders, a UC Berkeley spokesman. "There are a lot of (music files) out there that are not copyrighted. We wanted to give students room to use the Internet for what it was meant for, but we do want to emphasize to them that there are illegal uses."

NATIONAL



Kerry officially announces his candidacy for president

BY MIKE GLOVER

Associated Press Writer

MOUNT PLEASANT, S.C. — John Kerry, maintaining that "George Bush's vision does not live up to the America" the decorated war hero once defended, officially declared his candidacy for the Democratic presidential nomination Tuesday.

Using the aircraft carrier USS Yorktown as a backdrop, the Vietnam War veteran presented himself as the alternative to the Republican leader.

"In challenging times we need leadership that knows how to make America safer, that knows how to put America back to work," Kerry told the crowd. "The president has misled America and he has made our path more difficult as a result."

The four-term senator made his formal announcement after months of campaign-style appearances and debates with fellow Democratic presidential hopefuls.

"I reject George Bush's radical new vision of a government that comforts the comfortable at the expense of ordinary Americans," Kerry said. "George Bush's vision does not live up to the America I enlisted in the Navy to defend."

John Forbes Kerry has the initials of a one-time Democratic president — JFK — and a comparable pedigree — Ivy League education, commander of a small Navy craft during wartime and Massachusetts senator. Perceived as the front-runner early on in this campaign, that notion evaporated in the heat of rival Howard Dean's summer surge.

While the bulk of his speech was aimed at Bush, Kerry also took aim at his Democratic foes.

"Some in my party want to get rid of all tax cuts — including those for working families," he said. "That's wrong. We need to be on the side of America's middle class and I've proposed a tax cut for them because it's the right way to strengthen our economy."

Dean has used an aggressive anti-Washington theme to gain momentum, coupled with his staunch opposition to the U.S.-led war against Iraq. The former Vermont governor, who has called for repealing all of Bush's tax cuts, vaulted to a 21-point lead over Kerry in New Hampshire.

"Today, with confidence in the courage of our people to change what is wrong and do what is right, I come here to say why I'm a candidate for president of the United States," Kerry said.

Kerry was joined by crew members of a Navy gunboat he commanded in Vietnam, where he won a Silver Star, Bronze Star and three Purple Hearts. Introducing Kerry was former Sen. Max Cleland of Georgia, who lost both legs and an arm in Vietnam combat. It is all part of Kerry's core argument that his military experience gives him unique credibility among the Democratic contenders to confront Bush on national security issues.

"I am running so we can keep America's promise — to reward the hard work of middle class Americans and pull down the barriers that stand in their way and in the way of those struggling to join them," Kerry said.

The Massachusetts Democrat also appeared on several nationally broadcast morning news shows, telling NBC's "Today" he believes "our foreign policy is arrogant and we are losing influence and respect in the world."

Some in the Kerry camp argue that he should begin challenging Dean directly to blunt his momentum, while others see that as a sign of panic and argue for patience. Kerry dismissed the polls showing him slipping.

"In challenging times we need leadership that knows how to make America safer, that knows how to put America back to work."

— JOHN KERRY

Democratic presidential candidate

"We always knew there were going to be two or three candidates in the race," said Kerry, arguing that his campaign is geared for the long haul. While others have scored early, Kerry said he's cranking up his campaign at a time when voters are beginning to pay attention.

"That's why I'm announcing my campaign now and that's why the polls don't mean anything today," he said Monday. "America is only just beginning to listen."

While Kerry has sought to focus attention on his war-hero background, some have urged him to broaden his appeal. With a distinctively martial theme for his announcement, there was little evidence he was taking that step.

"Americans have always had the extraordinary courage to do what's right for the country," said Kerry. "He (Bush) has turned it into a game for the privileged."

The choices Kerry faces with a campaign that's faltered early are hardly new.

Former Vice President Al Gore relocated his campaign to Nashville, Tenn., and pared back his staff when his campaign stumbled early in the 2000 presidential race.

After South Carolina, where Democrats vote during the third week of the nominating season, Kerry was headed to Iowa where precinct caucuses take place Jan. 19. On the second day of his announcement swing, Kerry was heading to New Hampshire, which has tentatively set its primary for Jan. 27, before heading home to Boston and a hometown rally.



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NATIONAL

Former Congressman to attend Harvard at 70

BY DYLAN T. LOVAN
Associated Press Writer

LOUISVILLE, Ky. — Talk to Ron Mazzoli even for a little while and one thing becomes apparent: He is passionate about learning.

He thrives on it.

Consider the evidence: Mazzoli, who will turn 71 in November, had a distinguished 25-year career as a Democrat in Congress. He has taught law classes at the University of Louisville since his retirement in 1995. He was a visiting fellow at Harvard University's Institute of Politics for three months last year.

He enjoys catching up on an unfinished novel now and then.

So why would he give it all up and head back to college, forced to pore over term papers while the neighbors who are just a fraction of his age are getting loud in the quad?

"I want to disprove the theory that you can't teach an old dog new tricks," said Mazzoli, who will enter a one-year mid-career program at Harvard Sept. 10. The coursework is usually reserved for thirty-somethings who want to take a career in politics a step farther.

The lure of learning attracted him to the historic campus in Cambridge, Mass.

"I sort of feel a day is lost if you don't learn something," he said.

The trip to Harvard won't be repeat of spring 2002, when he was there as a visiting fellow. Mazzoli ran a study group for students at the Institute of Politics, and lived in a comfortable house near campus.

This time, he and his wife, Helen, will live in a one-bedroom undergraduate dormitory in Lowell House, one of Harvard's 12 undergraduate houses. Being in that setting will put the couple close to everything Harvard has to offer, but Mazzoli admits he's a little concerned about the nocturnal habits of his neighbors.

"The other side of it is the noise level and the activity level," he said, adding he wonders "just exactly how we're going to function when you have students running

around" at night.

But adjusting to college life is a challenge that her husband is eager for, Helen Mazzoli said.

"I think because he always looks for a challenge and he's always ready to expand his horizons mentally, and he's so taken with the idea of learning, that this appeals to him," she said.

A friend and former colleague, former Arkansas Sen. David Pryor, said Mazzoli will serve as a mentor for younger students.

"We're never too old to learn and never to old to share our experiences with others," said Pryor, who headed the Institute of Politics when Mazzoli was there. "That's one of the great characteristics of people when they reach a certain age."

Pryor said students flocked to Mazzoli.

"He made young people want to go into politics," said Pryor, a U.S. senator from 1979 to 1996.

Mazzoli graduated magna cum laude from Notre Dame University in 1954, spent two years in the Army and practiced private law before entering politics as a state senator in 1968. He was elected to his first congressional term, representing the 3rd District, in 1971, and was named chairman of the House subcommittee on Immigration, Refugees and International Law in 1981.

But now, the man who has a federal building named for him in downtown Louisville freely admits that his toughest task may be navigating a personal computer.

After taking some computer courses, "I find myself not so fearful as I used to be," he said.

Mazzoli won't receive any scholarship money for the courses in the Mid-Career Program in Public Administration, one of the school's oldest degree programs. He's paying for the classes himself.

"At this point in our life, Helen and I have no toys. We have no boats, we have no vacation homes, we have no country club memberships. But we have enjoyed things like this."

He has no grand plans once he finishes the two-semester program.

Couple rescued after snow-storm, fall on Grand Teton

By The Associated Press

MOOSE, Wyo. — A man whouddled two nights with his wife in a blizzard near the summit of Grand Teton — then fell 50 feet as the couple tried to make their way down — was listed in fair condition Tuesday.

Joe Hestick, 47, and Beth Hestick, 48, both of Bridgeport, W.Va., set out Aug. 25 to climb the famous 13,772-foot peak, according to Grand Teton National Park officials.

On Friday, the couple were high on the route when a moisture-laden storm settled in and deposited 2 feet of snow on the summit.

They found a dry cave near the summit and stayed put until clouds lifted and conditions improved Sunday. But as they were making the way down, Joe Hestick fell and was seriously injured.

Exum mountain guide Jim Williams heard cries for help on the mountain and called rangers by cellular phone. Daylight was fading and park officials immediately

arranged for the park's contract helicopter to fly rangers and rescue gear to the mountain's Lower Saddle.

Williams meanwhile climbed to reach the Hesticks, who were at 12,100 feet. He administered first aid and kept rangers informed of the couple's condition until the rescue team arrived.

Suspended from the helicopter, ranger Marty Vidak was brought in at about 8 p.m. and helped Williams place Hestick into an evacuation suit. Hestick was then flown down the mountain and taken to St. John's Medical Center in nearby Jackson.

Williams helped Beth Hesticks to the Lower Saddle and gave her warm fluids. She spent the night in her tent but was flown off the mountain Monday morning because she was dehydrated and had swollen feet.

"The Hesticks did a remarkably good job of surviving the extended stormy weather on the mountain," said ranger Brandon Torres, commander of the rescue.



WORLD BRIEFLY

Taliban fighters overrun in cave

By The Associated Press

QALAT, Afghanistan — Afghan and U.S. troops overran three suspected Taliban positions and pinned down fighters in a cave Tuesday as fighting raged on in southern Afghanistan, the U.S. military and an Afghan commander said.

American bombing echoed through the mountains as the troops tried to root out hundreds of Taliban holdouts who have offered a week of fierce resistance.

Coalition forces clashed with five- and 10-strong groups of fighters firing small arms and rocket-propelled grenades, U.S. military spokesman Col. Rodney Davis said.

The troops had cornered a group of insurgents in a cave and were attacking it Tuesday afternoon using small arms fire, artillery and air support.

There were no reported coalition casualties in the latest fighting, Davis said. He had no details on Taliban casualties.

Gen. Haji Saifullah Khan, the main Afghan commander in the battle area in Zabul province's Dai Chupan district, said U.S. warplanes and helicopter gunships hammered Taliban positions until shortly before dawn Tuesday.

N. Korea to talk about nuclear arms

By The Associated Press

SEOUL, South Korea — North Korea said Tuesday that it is willing to resolve the dispute over its nuclear program "through dialogue," in an apparent softening of its stance following last week's six-nation

talks in Beijing.

After last week's landmark talks in the Chinese capital, North Korea angrily dismissed the need for more talks and threatened to strengthen its "nuclear deterrent force," casting doubt on the prospects for future meetings.

On Tuesday, the North's state-run news agency, KCNA, repeated North Korea's threat to increase its nuclear capabilities unless the United States changes its policy and signs a nonaggression treaty with the communist state, but also said North Korea is willing to continue the six-nation talks.

"We have not yet changed our firm will to resolve the nuclear problem between the DPRK and the United States through dialogue," KCNA said in a commentary monitored by South Korea's Yonhap news agency. DPRK stands for Democratic People's Republic of Korea, North Korea's official name.

Last week, representatives from the United States, the two Koreas, Japan, China and Russia met in Beijing to discuss ways to end the nuclear crisis.

Lt. Gov., Gov. Davis avoid one another

By The Associated Press

PLEASANTON — Both came to this tidy suburb to address the same holiday picnic crowd, but the uneasy peace between Gov. Gray Davis and Lt. Gov. Cruz Bustamante was evident: The two Democrats scrupulously avoided each other, and neither mentioned the other by name.

Davis, rallying to keep his job, and Bustamante, billing himself as insurance should Davis be recalled next month, did not stand together at the Labor Day campaign stop at the Alameda County Fairgrounds,

some 30 miles east of San Francisco.

In separate speeches, both focused on issues important to labor unions, but neither mentioned the other.

Earlier in the day, Davis joined a chorus of critics targeting Arnold Schwarzenegger, telling a rally in Los Angeles that the actor is a stand-in for former Republican Gov. Pete Wilson, who Davis says ran an anti-labor administration.

Meanwhile, Schwarzenegger met with enthusiastic Labor Day supporters at the California State Fair in Sacramento.

"Many workers have witnessed firsthand the American dream slipping away," he said.

Cruise goers fall ill on trip

By The Associated Press

NEW YORK — More than 300 people aboard a North Atlantic cruise ship became sick with a Norwalk-type virus, causing the vessel to cut its voyage short and head for New York.

At least 322 passengers fell ill during an outbreak aboard the Regal Princess, U.S. Centers for Disease Control and Prevention officials said.

The ship was bound for New York from Copenhagen, Denmark on a 16-day trip. It was expected to dock in New York Harbor early Tuesday, cutting its voyage short by two days.

The ship set out Aug. 18 and stopped in Britain and Ireland, then left for Iceland. As it prepared to go to the open sea, passengers and crew became more ill, prompting the decision to skip a stop in Newfoundland.

Members of the CDC's vessel sanitation program were expected to board the ship in New York to investigate the outbreak's cause.

The norovirus — which includes Norwalk and Norwalk-like viruses — caused thousands of cruise ship passengers to fall ill last year. It can cause diarrhea, stomach pain and vomiting for 24 to 48 hours.

The viruses are spread through food and water and close contact with infected people or things they have touched.

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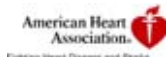
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INTERNATIONAL

Iraqi-U.S. government official demands an end to American occupation

BY TAREK AL-ISSAWI

Associated Press Writer

NAJAF, Iraq — A member of the U.S.-picked governing council angrily denounced the American occupation in a eulogy for his slain brother before 400,000 Shiite mourners Tuesday, demanding U.S. troops leave Iraq and blaming them for lax security that led to the revered cleric's assassination.

Abdel-Aziz al-Hakim spoke in the holy city of Najaf at the funeral of his brother, Ayatollah Mohammad Baqir al-Hakim. Men clad in white robes and dark uniforms brandishing Kalashnikov rifles stood guard along the roof of the gold-domed Imam Ali mosque, where the cleric was killed Friday in a car bombing.

Shortly before the funeral started, a car bomb exploded in central Baghdad outside police headquarters, killing one police officer and wounding up to 13 people, an Iraqi police officer said. It was the latest attack apparently targeting Iraqis working with the U.S.-led occupation.

Also Tuesday, a Black Hawk helicopter crashed south of Baghdad, killing one U.S. soldier and injuring another in a "non-hostile" incident, said U.S. military spokesman Spc. Anthony Reinoso. The military also announced that two U.S. soldiers were killed Monday by a roadside bomb in southern Iraq.

The deaths raised to 286 the number of American forces killed in the Iraq war. Of those, 148 died since President Bush declared an end to major fighting on May 1. Seventy soldiers have died in combat since Bush's declaration.

L. Paul Bremer, the U.S. civilian administrator for Iraq, who cut short his vacation because of the Najaf bombing, said Tuesday that coalition forces want to share responsibility for national security with Iraqis.

"We have seen ... the influx of both foreign fighters and foreign terrorists in the last months and it shows that Iraq is one of the battlefields in the worldwide war against terrorism," Bremer said.

"We completely agree with the argument that we should find ways quickly to give Iraq and Iraqis more responsibility for security and indeed that is exactly what we are doing," he said, adding that as many as 60,000 Iraqis are involved in security.

In Najaf, black mourning banners were draped across the Imam Ali shrine. Friday's bombing there was Iraq's bloodiest attack since the fall of Saddam Hussein, with accounts of the death toll ranging from more than 80 to more than 120.

"The occupation force is primarily responsible for the pure blood that was spilled in holy Najaf, the blood of al-Hakim and the faithful group that was present near the mosque," the cleric's brother said.

"This force is primarily responsible for all this blood and the blood that is shed all over Iraq every day ... Iraq must not remain occupied and the occupation must leave so that we can build Iraq as God wants us to do."

Unable to recover al-Hakim's body after the blast, the family buried a coffin containing his watch, his pen and wedding ring in the 1920 Revolution Square,

a cemetery set aside for martyrs in the Shiite uprising against British occupation. Al-Hakim's 15 bodyguards were buried in neighboring plots.

Mourners scooped up sand from the ground in the cemetery to take home as a souvenir.

Earlier, police on loudspeakers implored the crowds jammed shoulder-to-shoulder in the streets surrounding the shrine to allow the truck carrying the ceremonial coffin to pass. Despite their efforts, the truck, was unable to make it to the entrance of the mosque in Najaf, 110 miles south of Baghdad.

Police stood with their weapons ready as pumps sprayed water on the mourners after some fainted from the heat.

The ayatollah's son warned that the country had entered a dangerous new era.

"Our injured Iraq is facing great and dangerous challenges in which one requires strength," Mohammed Hussein Mohammed Saeed Al-Hakim said as the funeral procession made one of its final stops before Najaf in the town of Hilla.

In Baghdad, huge plumes of black smoke rose above the blast scene, where debris lay scattered around the headquarters.

Iraqi Police Officer Ibrahim Yusuf said investigators were looking into the possibility that a member of the police force may have planted the bomb. Acting police chief Hassan al-Obeidi, who has offices in the headquarters building, is closely associated with the U.S.-led occupation authority.

The spiritual leader of the al-Qaida-linked Ansar al-Islam terrorist group, Mullah Krekar, denied that his organization played any role in the Najaf bombing, or the attacks on the Jordanian Embassy on Aug. 7 and the U.N. headquarters on Aug. 19.

"I consider it very unlikely that members of Ansar al-Islam committed such big and grave acts," Krekar said in a statement broadcast on the Qatar-based Al-Jazeera TV station, adding that his group's Islamic convictions prevent them from striking such targets.

The CIA said Monday it was examining an audiotape purportedly from Saddam denying he was behind the Najaf bombing. Al-Hakim was a longtime opponent of Saddam who returned from exile after the U.S. invasion.

Al-Hakim spent more than two decades in exile in Iran, returning only in May.

The tape appeared to have little effect on the anger Shiites feel against Saddam and his Baath Party. Mourners beat their chests outside the shrine demanding vengeance and a new banner hanging at the entrance of the Najaf declared: "Killing Baathists is a national and religious obligation."

Some Iraqi police leading the investigation of the bombing have said they believe al-Qaida linked Islamic militants were behind the attack. The FBI said it would help investigate the bombing after receiving a request from local officials.

The transfer of patrols in Najaf from U.S. Marines to an international force led by Poland, set for this week, had been put on hold. The overall handover ceremony will still take place Wednesday in Hilla, said Maj. Rick Hall, spokesman for the 1st Battalion, 7th Marines.

SPORTS



SPORTS IN BRIEF

By The Associated Press



GOLF

■ **NORTON, Mass.** — Adam Scott used consecutive birdies to open a huge lead and closed with a 5-under 66 to win the Deutsche Bank Championship.

Scott led by at least three shots throughout a rainy afternoon on the TPC of Boston, and a birdie on the final hole gave him a four-shot victory over Rocco Mediate.

The 23-year-old Australian, who finished at 20-under 264, won for the first time on the PGA Tour and fifth time worldwide.



FOOTBALL

■ **SEATTLE** — Seattle Seahawks offensive lineman Chris Terry was suspended Monday for the team's first four games for violating the NFL substance abuse and personal conduct policies.

An NFL statement said Terry also was fined an additional five game checks. He is eligible to return to the Seahawks' active roster on Oct. 6.



TENNIS

■ **NEW YORK** — In a rain-interrupted match that ended about 6 1/2 hours after it began, women's No. 6 seeded Jennifer Capriati reached the U.S. Open quarterfinals for the third straight year by beating No. 11 Elena Dementieva 6-2, 7-5.

Second-seeded Justine Henin-Hardenne beat Dinara Safina 6-0, 6-3 in the only other match that was completed. Rain washed out all the men's action.

A total of 69 matches — including ones in the doubles, junior and senior tournaments — were postponed without a shot being hit.



COLLEGE FOOTBALL

Nebraska moved back into the Top 25 for the first time in nearly a year, earning the No. 23 ranking following a 17-7 season-opening win against No. 24 Oklahoma State.

In the first regular season Associated Press college football poll, the biggest movement was caused by Southern California's 23-0 win at Auburn. The Trojans earned six first-place votes and moved up four spots to No. 4. Auburn plummeted 11 places to No. 17.

The top three teams remained the same, with Oklahoma at No. 1 followed by defending national champion Ohio State and Miami. Michigan dropped one spot to No. 5 after beating Central Michigan 45-7.



SOCCER

■ **CARSON** — Cindy Parlow and Aly Wagner each had a goal and an assist and the United States women didn't allow Costa Rica a shot on goal in a 5-0 victory in a tuneup match for the Women's World Cup.

Mia Hamm, Shannon Boxx and Abby Wambach added goals in the win played in front of 12,349 at the Home Depot Center in suburban Los Angeles, the new stadium where the World Cup final will be played on Oct. 12.

The defending champion U.S. team opens against Sweden on Sept. 21.



BASEBALL

■ **PHOENIX** — Hours after being released from the hospital, Barry Bonds hit the go-ahead single in the ninth inning to lead the San Francisco Giants to a 2-0 victory over the Arizona Diamondbacks.

Bonds, scratched from the lineup Sunday because of exhaustion, was released from the hospital after staying overnight to have his vital signs monitored.

Sunday's game was the second Bonds missed in the series with Arizona for reasons related to the death of his father, Bobby Bonds, on Aug. 23. He left Saturday night's game in the eighth inning because his heartbeat rose to more than twice normal and he had trouble breathing.

■ **MINNEAPOLIS** — The Minnesota Twins acquired 46-year-old pitcher Jesse Orosco in a trade with the New York Yankees.

Orosco, designated for assignment by the Yankees, was acquired Sunday for a player to be named.

Orosco is the oldest player in the major leagues. In 24 seasons, he has pitched in 1,244 games, the most in major league history.

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ACROSS

- 1 Flight units
- 6 Woolly youngster
- 10 Dutch export
- 11 "Oh boy!"
- 12 Hoosier poet
- 13 Let up
- 14 Singer Redding
- 15 Patch buyer
- 16 Pertness
- 17 Alias letters
- 18 Road curve
- 19 It can't be made up
- 22 Orderly
- 23 Rowing need
- 26 Horserace start
- 29 Siesta
- 32 Carnival setting
- 33 Moving day sight
- 34 Help new freshmen
- 36 Tabloid fodder
- 37 Dixie damsel
- 38 Minos' kingdom
- 39 Rival

DOWN

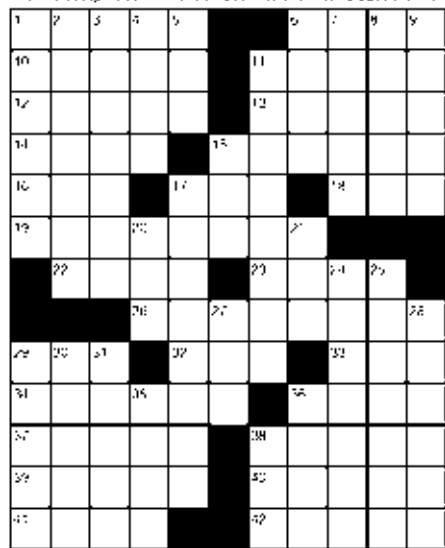
- 40 Less covered
- 41 Girl
- 42 Rating units
- 1 Amble
- 2 College cost
- 3 Squashed circle
- 4 Baker's offering
- 5 Mole, for one
- 6 Timber wolf
- 7 Not out
- 8 Tiny amounts
- 9 Saloon orders
- 15 Enjoy Aspen
- 17 Bar member
- 20 Spigot
- 21 Have dinner
- 24 European resort
- 25 More chic

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Yesterday's answer

- | | |
|-----------------|---------------------|
| 11 Pearl Harbor | 27 Take a load off |
| 28 Comes in | 29 Prize |
| 30 Sports spot | 31 Heaps |
| 32 Avenue | 33 Liners |
| 34 "Blast it!" | 35 Rather's network |

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Announcements

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Daily Press Classifieds

It Really



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— Christine Cohen

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— Jim Rickwalt, Johnnie's Italian Restaurant

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PEOPLE IN THE NEWS

Magician David Blaine cuts off ear as part of the trick

By The Associated Press

■ **LONDON** — Magician and endurance artist David Blaine has turned to sleight of hand, apparently lopping off part of his ear in front of reporters.

The stunt took place Monday during a news conference to promote Blaine's latest feat, a six-week stint in a plastic box suspended above the River Thames.

The 30-year-old New Yorker appeared to hack at his ear with a knife after a reporter asked him to perform a trick. He left the news conference with blood apparently streaming from his head and returned to show an ear that looked like it was missing a chunk.

Blaine, who previously has encased himself in ice for three days and spent 35 hours standing atop a 100-foot pole, plans to enter a plastic box suspended from a crane 40 feet above the Thames on Friday. His goal is to remain there, consuming only water, for 44 days.

The magician told reporters the box would contain only "some diapers, a journal, some pens and some lip balm pretty much."

■ **NEW YORK** — Good news, ladies: George Clooney is still extremely single. And that's partly because the simple act of going out to dinner can turn into a monumental ordeal.

"To the European press, I'm fresh meat," the actor said during an interview at his Italian villa for Vanity Fair magazine's October issue. "That kind of frenzy, you have to really be up for it."

After a marriage to actress Talia Balsam and relationships with Renee Zellweger and models Celine Belitran and Vendela, Clooney still keeps hope alive about dating.

"You get to start over and go, 'I'm a really nice guy.' And by virtue of saying it, you can be it. You can actually decide, OK, now I'm a really nice guy. But my dates know everything about me, and some of it's true and some of it isn't," the former "ER" star said.

"(Usually) it's, 'Well, why don't we stay in and have some drinks and get to know each other before we decide if we're willing to face up to this.' It does make those things awkward."

■ **TOKYO** — Bob Sapp will fight Mike Tyson anytime, anywhere.

"I'm confident I could beat him," the 29-year-old former NFL lineman said Monday. "I know he wants to fight me, and all we have to do now is work out the rules."

Sapp and Tyson engaged in a heated verbal exchange on Aug. 15 in Las Vegas after Sapp defeated American Kimo Leopoldo in the K-1 World GP 2003.

K-1 combines karate, taekwondo and kickboxing. Bouts are regularly staged before crowds of up to 70,000 in Japan.

Sapp, nicknamed "The Beast," is a 6-foot-7, 350-pound former Minnesota Vikings defensive lineman.

Tyson, who hasn't fought since stopping Clifford Etienne in February, recently filed for bankruptcy protection in New York. The filings indicate Tyson owes \$17 million in back taxes and \$10 million in other debts.

■ **NEW YORK** — John Stamos will be Broadway's new Guido Contini.

Stamos replaces Antonio Banderas Oct. 7 as the film director obsessed with women in the Tony Award-winning revival of "Nine," playing at the Eugene O'Neill Theatre.

The 40-year-old Stamos, best known for starring on

the television sitcom "Full House," has appeared in several Broadway musicals. He replaced Matthew Broderick in the revival of "How to Succeed in Business Without Really Trying" and starred as the master of ceremonies in the long-running Roundabout Theatre Company production of "Cabaret" at Studio 54.

Banderas' last performance will be Oct. 5. That will also be the last performance for Melanie Griffith, his wife, in "Chicago," which is playing at the Ambassador Theatre across West 49th Street from the O'Neill.

■ **COLUMBUS, Ohio** — 'N Sync is in the black, city tax officials say.

The boy band and its management finally paid an overdue tax bill after several reminders and two lawsuits.

The account was "paid in full" as of Thursday, city tax administrator Melinda Frank said Friday.

Two lawsuits, each covering a separate aspect of the city income tax law, sought a total of \$7,861 for back taxes, interest and penalties for income earned in the city in 2000 and 2001.

The group paid slightly more than \$4,000 after providing the city with new information that indicated the tax bill should be less, city attorney Richard Pfeiffer said.

The complaints filed in April in Franklin County Municipal court named Zeeks Inc. and four of the five band members.

"Before we file suit against anyone, we usually send nine to 10 notices," Frank said. "They have gradually sterner and sterner language."

Messages left after hours Friday at the New York offices of the band's public relations firm were not returned. No telephone listing could be found for Zeeks.

DID YOU KNOW?: Jimi Hendrix was the opening act for the Monkees on their first tour.

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