

FREE

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Volume 1, Issue 269

Santa Monica Daily Press

A newspaper with issues

Main Street project finally a done deal

Board reluctantly decorates, approves 'the box'

BY CAROLYN SACKARIASON
Daily Press Staff Writer

The developer of a massive apartment and retail complex on Main Street has finally won city government approval to rejuvenate a blighted section of town.

But it didn't come without serious expense and frustration for Howard Jacobs, owner of the property where the former Pioneer Boulangerie Bakery sits and another parcel across the street.

Dozens of government officials also have spent an exorbitant amount of time and energy reviewing the project while experiencing a certain level of frustration with the process.

Jacobs' plan to redevelop the area has gone through at least four major revamps in 3 1/2 years, when he first purchased the property. He has been seeking the blessing of city government ever since — jumping over countless hurdles within City Hall. Every aspect of the development was put under enormous scrutiny — from the height and width of the buildings' elevators to how the potted plants on the top floor of the building will be watered, to the

color of paint and kind of materials that will be used for the exterior.

Most city officials would agree the rigorous public review process has made the project architecturally better, but there are some, including the ones who ultimately approved it Wednesday, who think it doesn't belong in Santa Monica.

"In Santa Monica, by the time it's done, it will have taken between five and six years to get an apartment building built."

— HOWARD JACOBS
Real estate developer

Because of a tangled web of bureaucracy and local politics, the Santa Monica Planning Commission had to go against its earlier decision of denying the project. Commissioners reluctantly voted 5-2 to

See DEVELOPMENT, page 6



Andrew H. Fixmer/Daily Press

Illustrations courtesy of Howard Laks & Associates Architects

(Middle) The final sketch of a rental apartment and retail complex at the corner of Main and Bay streets, where the former Pioneer Boulangerie Bakery now sits abandoned, pictured on top. (Bottom) The final sketch of the complex across the street. Both projects have been approved.

Rent board takes its case to small claims court

BY ANDREW H. FIXMER
Daily Press Staff Writer

Boo Soon Park knows firsthand how persistent the city can be about collecting its annual rent control fees from Santa Monica landlords.

The city currently has a \$5,000 lien on her Arizona Street duplex and won a judgment in Santa Monica Small Claims Court last week for another \$1,000. Park refused to pay the annual \$264 fee for the board to regulate her one rent-controlled unit.

The fees are collected on the roughly 2,500 rent controlled properties throughout the city. The revenue collected from the fees is used to fund the rent control board, which sets rules and regulations on rent-controlled units. It also mediates rent control disputes between landlords and tenants.

When landlords don't pay the annual fee, the amount increases by 4 percent every month they are delinquent. While most landlords pay on time, the few who don't rack up penalties quickly.

Judge Pro Tem Michael Graham awarded the city \$792 owed by Park for rent control registration, but lowered the fines to \$120.

"I'm sure the city won't be happy with me for doing this," he said, "but the fines seem a little excessive."

Until four years ago, Park was exempted from the fee because she lived on the same premises as her rent-controlled unit. But in 1996, the board learned that Park was living in a different location but she was still filing for the exemption, officials said.

"Mrs. Park's credibility does come into play," said Marti Padilla, a rent control board information coordinator who appeared in small claims court last week.

Park said she has never been given a chance to counter the board's claims because she was not properly noti-

fied. She said she didn't know about a rent control board hearing and therefore couldn't appear in her defense.

"It's not fair," Park said. "Nobody will listen to me. Nobody will listen to the truth."

Rent control board officials deny Park's claim.

In recent years, the rent control board has been collecting lapsed fees before landlords begin piling up huge fines. The last large judgment the board received against a delinquent landlord was more than four years ago.

See COURT, page 6

Davis to telemarketers: 'Leave us alone'

Governor signs bills to stop unwanted faxes

By staff and wire reports

SACRAMENTO — Gov. Gray Davis signed three bills Thursday he called a package of "leave-us-alone legislation" — including bills that ban unwanted faxed advertisements and unsolicited text messages on

cell phones.

With his signature, Davis eliminated California's law against sending unsolicited faxes to allow a stronger federal law to take effect.

The federal law requires that companies sending unsolicited faxes for advertising get permission before faxing those ads. The state law struck down required that unsolicited advertisements sent over fax

machines have a toll-free number so fax owners could be removed from the phone lists.

"We have a little home office and I'm constantly getting unwanted ads there, generally two or three faxed ads a day," Davis said.

Several Santa Monica businesses earlier this year were forced to settle with a local consumer advocacy

See FAXES, page 7

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ARIES (March 21-April 19)

★★★ Take a step back from the immediate, or else you could trigger. Refuse to be upset, and deal with a needed change, even if affects your plans. Sleuth through difficulties, finding different sources. Don't hesitate to call in an expert if need be. Tonight: Take it easy.



TAURUS (April 20-May 20)

★★★★ Others might be volatile, and you simply might not care. Loosen up in your dealings that mix business and pleasure. A partner could be cranky and difficult. Take your time with this person. Don't try to change the impossible. Tonight: Where your friends are.



GEMINI (May 21-June 20)

★★★ You have more than your fair share on your plate. You could be easily overwhelmed. Handle work first, putting a domestic or personal problem on the back burner. This might take more than your share of self-discipline, but you can do it! Tonight: Manage a personal matter. Aren't you glad it's the weekend?



CANCER (June 21-July 22)

★★★★★ Reach out for others at a distance. Find an expert if you face a jam in your daily life. Getting others' perspectives can help you clear a problem easily. Work with others; consider yourself part of the team. Detach from someone else's weird behavior. Tonight: Take in a movie.



LEO (July 23-Aug. 22)

★★★★ Deal with others more directly. You could discover that a child or loved one is in a sour mood. Don't push your luck in interpersonal dealings. One-on-one relating helps you cruise over a bump or two. Allow others to have their way. Say little right now. Tonight: Find a favorite person.



VIRGO (Aug. 23-Sept. 22)

★★★★ Pressure intensifies at work. You cannot seem to cover all the bases by yourself. How you approach a discussion could determine the outcome. Brush up on your diplomatic style, establishing a better bond. Let an associate air out his or her confusion. Tonight: Say yes to an invitation.



LIBRA (Sept. 23-Oct. 22)

★★★★ Get into work and clear out as much as you can. Don't be disappointed by someone else's reaction. Not everyone can focus as you do. Loosen up when dealing with your different friends and associates. You can make the day a lot easier if you want. Tonight: Soak away stress.



SCORPIO (Oct. 23-Nov. 21)

★★★★ Just because you think everything should go fine, doesn't mean it will. You can stick your thumb into the dam to prevent a flood. Better yet, find a more viable solution. Others need to agree as well. Tonight: Romp off into your weekend.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★ If you can call in and lie low, do so. Pressure might shorten your fuse. Be aware that you're unusually touchy right now, whether you're dealing with the household pet or the boss. What you don't say might be more significant than what you do. Tonight: Hide out.



CAPRICORN (Dec. 22-Jan. 19)

★★★★ Your efforts will pay off if you proceed with care. You reverse your opinion about a key matter. Avoid making major purchases right now. Mistakes could happen way too easily. Return calls. Catch up on an important friend's news. Tonight: And away you go.



AQUARIUS (Jan. 20-Feb. 18)

★★★★ Recognize what might be happening with a special friend or associate. This person might be very uncomfortable, which is why he or she is backing away. Give this person space, and in the long run you won't burn any bridges. Tonight: Treat a friend to munchies.



PISCES (Feb. 19-March 20)

★★★★ Sensitivity to those around you will determine the nature of your interactions. Many people could be out of sorts. Share your perspective and help others get over it. Inspire those around you, reminding them it's Friday. Tonight: Whirl out the door.



QUOTE of the DAY

"I never did give anybody hell. I just told the truth and they thought it was hell."

— Harry S. Truman (1884-1972)

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LOCAL

Santa Monica police are SWAT champions

By Daily Press staff

Santa Monica Police Department's SWAT team took first place this week in the Eighth Annual Ventura Police Department's SWAT competition.

SMPD's SWAT team beat out seven other teams from cities in Los Angeles, Ventura and Orange counties.

"We clearly dominated the event," said SMPD Lt. Frank Fabrega.

The competition consisted of several events: two tactical scenario, two obstacle courses, five shooting events that required each operator to accurately fire a submachine gun, hand gun, shot gun, and .223 rifle. Additionally, two team members participated in the long gun event firing the .308 rifle.

Sgt. Mike Braaten earned the Top Gun award, which included a competition against 42 other operators firing several weapon systems. His overall score was based on elapsed time and accuracy in four shooting events.

The Santa Monica police team also won the obstacle course by producing the fastest time of the day.



Photo courtesy of the Santa Monica Police Department
Santa Monica Police Department's SWAT.

The Q-Line

Sympathy for the housekeeper

A couple of weeks ago, hotel housekeepers demanded a higher wage, more breaks, a longer lunch, less hotel rooms to clean and family health insurance, among other things.

They said many of their co-workers were let go last year and now the ones that have been spared their jobs are being asked to work harder for the same amount of money.

So last week, Q-Line asked:

"Is it the hotel ownership's responsibility to give their workers more money or is more work for the same amount of money just part of keeping your job given the current economic climate?"

Here are your responses:

■ "I think that the housekeepers that are unhappy with their breaks and health insurance should quit and find another job. Nobody is twisting their arms to stay. They should just leave. Quit. Find another job."

■ "The real culprit in the hotel owner and hotel employee affair is the high cost of doing business and living in Southern California. The hotel employees should work diligently, fulfilling their job description, and the hotel owners should pay them a fair living wage. The hotel owners should also work diligently

in promoting their business. The days of taking business and employees for granted are over. If the hotel owner then finds they cannot meet the high cost demands of their business, they should then review the feasibility of being in business."

■ "Current economic climate has nothing to do regarding these workers. They have a job and they have agreed to accept the wages and what that job pays for the work required. If some of the workers have a bargaining agent — the union — those workers should

surf report

Information compiled by Jesse Haley

Be prepared for mediocre surf this weekend as fading northwest and southwest swells leave breaks in small wind swell waves. Spots with good exposure to the northwest will see knee to waist-high surf, while shadowed breaks are smaller.

Conditions Saturday and Sunday should prove similar to today.

Forecasts don't show any new activity is until Monday when a southern hemisphere swell is predicted to give surf a nice bump into the chest-high range again.

Water remains cool, low sixties, and relatively clean.

Today's Tides:

Low-	3:36 a.m.	0.08'
High-	9:49 a.m.	4.84'
Low-	3:31 p.m.	1.42'
High-	9:29 p.m.	5.53'

Location	Friday	Saturday	Water Quality
County	2-3'/Fair	2-3'/Fair	A
Zuma	2-3'/Fair	2-3'/Fair	A
Surfrider	1-2'/Fair	1-2'/Fair	A
Topanga	1-2'/Fair	1-2'/Fair	A
Breakwater	2-3'/Poor	2-3'/Fair	A
El Porto	2-3'/Poor	2-3'/Fair	A

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ask the union leaders to ask for more money at the end of their current contract agreement. Any worker has the right to quit their job and find a new employer."

■ "While it is the hotels responsibility as well as in their best interest to pay the workers a decent wage and provide health care benefits, this begs a larger question: Why are the hotels and other industries allowed to employ undocumented workers with impunity? If the immigration laws were enforced against employers, and illegals deported, the surplus of low and unskilled labor would dry up overnight and employers would be forced to pay a living wage to ALL workers."

■ "We are in the third year of a weak economy which has hurt me a great deal. Although I know the hotel workers and their SMRR supporters won't like this, I don't think they deserve longer lunches, fewer rooms to clean, etc. Not when the economy continues to falter. Not when the hotels are 40 percent empty. Since enacting the living wage ordinance is the Alpha Omega for SMRR."

■ "Hotel workers definitely deserve a wage and a living wage. They work hard for their money, millions of dollars off their sweat and labor. The living wage has been supported by city council, and the voters

See Q-LINE, page 5



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OPINION

The living wage makes good economic sense

(Editor's note: The city council passed an ordinance last July requiring businesses in the coastal zone that generate more than \$5 million in annual revenue to pay their employees up to \$12.25 an hour. Those businesses and their supporters have asked for the ordinance to be rescinded, which is before voters this November. The Daily Press welcomes opinion submissions on both sides of the issue.)

Flora Andrade is a housekeeper at a high-end hotel in Santa Monica. Despite working full time, she struggles to provide the bare necessities for her family, and has no health benefits for her or her children.

There are hundreds of stories like Flora's in the Santa Monica hotel industry. Stories of hard-working men and women who clean rooms, scrub floors and wash dishes yet don't earn enough to get by.

Many Santa Monica voters like myself are deeply moved by these stories. They know that something's wrong when a person works hard, yet still has to rely on charity or anti-poverty programs to make ends meet.

Sadly, as voters consider Measure JJ — the living wage proposition on the November ballot — they are encountering a slew of misinformation from opponents.

Luckily, solid scientific data is at hand. The report of professor Robert Pollin is the most comprehensive and objective analysis of the impact of the living wage on Santa Monica. Giving it a

fresh look can clear up a lot of campaign confusion.

For example, who benefits from the living wage? Pollin's survey of 200 low-wage workers in Santa Monica's tourism zone offers a compelling portrait. The typical hotel worker in Santa Monica is Hispanic and, despite working full-time, is eligible for many poverty-relief programs. Almost all of these workers support at least two children, some as single parents. Many have been at their jobs for nearly 20 years.

That information is only part of a 254-page report commissioned by the Santa Monica City Council to study how the living wage would affect the city's workforce and economy. Professor Pollin, the author of the study, is co-director of the Political Economy Research Institute of the University of Massachusetts, Amherst. He is the author of dozens of articles ranging from macroeconomics to debt and is a research associate for the Economic Policy Institute in Washington, D.C.

Pollin's study provides the best information available on how Santa Monica's economy will be affected by the living wage. His conclusions clearly support the living wage ordinance. Pollin found that this law would significantly benefit low-income families, and would result in minimal job loss. Furthermore, he found that many tourist businesses, particularly

beachfront hotels, benefited so much from public funding and growth restrictions that their resulting high profits readily allow them to pay a living wage to their employees.

To fairly analyze the impact of a living wage law in Santa Monica, Pollin studied government labor statistics, city government records and business records. He gathered information from public discussions, as well as private meetings with both advocates and opponents of the living wage. He solicited the comments of academics and adjusted his research to accommodate the additional viewpoints and analysis.

To ensure the highest level of professionalism, professor Pollin invited peers in the field to review his methodology and conclusions. One reviewer, professor Richard Freeman, is regarded as one of the world's foremost labor economists. The author of 25 books and 300 articles, he holds the Herbert Ascherman chair in economics at Harvard University; directs the labor studies program at the National Bureau of Economic Research, and has consulted for the World Bank, the Congressional Budget Office, and the U.S. Department of Labor.

Professor Freeman's appraisal of Pollin's study is unequivocal. He lauds the report as "a fine piece of applied economic analysis" and a "well-done empirical investigation," and offers the follow-

ing conclusions:

■ The proposed living wage will benefit low-wage workers.

■ Affected businesses can afford to pay higher wages. Professor Freeman concludes that "city policies restricting growth in the Coast(al) Zone create extra profits for hotels," and that these profits can fund wage increases.

■ The living wage will likely lower employer turnover, thus saving employers money and partially offsetting wage increases.

■ The living wage proposal will not cause significant job loss.

Those who have studied the living wage know that it will do much good. Santa Monica's growth from a sleepy seaside city to one of the nation's top resort destinations has inadvertently created a class of working poor people. Maids and janitors who clean the luxury hotels are not asking to live in luxury, but simply to be paid decently so they can support their families without having to rely on poverty relief. Measure JJ will help them achieve that modest goal.

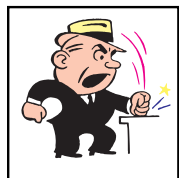
Measure JJ, the living wage, is the right thing to do. It has been studied, debated and refined. It's time to make it official.

Vivian Rothstein, a longtime Santa Monica resident and living wage activist, is the director of Santa Monicans Allied for Responsible Tourism (SMART).

Guest Commentary

By Vivian Rothstein

Fun, games expected on not-so-distant political horizon



AS I SEE IT

By Bill Bauer

Sunday, the Santa Monica Coalition to Protect the Living Wage is kicking off their campaign "to protect Santa Monica's living wage law" at City Hall.

The coalition is the political arm of Santa Monicans Allied for Responsible Tourism, which is an appendage of the Hotel Employees and Restaurant Employee's union. Vivian Rothstein is a paid HERE organizer and chair of SMART. SMART and the coalition are both headquartered at 525 Colorado — HERE's union hall.

Lest you think that all this is a coincidence and that the coalition and SMART are not HERE clones, check out the guest speaker for the kick off. It's Maria Elena Durazo, president of HERE, Local 11.

Isn't it incongruous that the president of HERE is a keynote speaker at a living wage kickoff? A HERE contract allows unionized hotels to pay employees a basic hourly wage less than that required for non-union hotels under the city's "living" wage requirement. Whoops, I forgot. It's

not about wages, it's not about justice. It's about unionizing hotels.

In SMART talk, SMART's summer 2002 newsletter, Loew's Hotel housekeeper, Edith Garcia is quoted as saying, "I'm making more than the living wage now, but it could be all taken away so easily." Edith is so right. If Loews unionizes, her pay could drop by \$2 or \$3 an hour, or even more. Edith better think again about whether she really wants the union.



On Sunday, the Santa Monica Police Officers Association interviews city council candidates. The POA is the bargaining unit for our sworn police personnel, so wages and benefits are their major concerns.

The POA likes to back front runners so the individuals they endorse are odds-on favorites to win seats. With a sizable war chest and lots of political savvy, they are very successful at getting their favorite politicians elected.

POA endorsees usually portray themselves as championing "law and order" and pro-police. However, the POA has frequently backed candidates who, after being elected, have been slow to approve budgets to expand much needed resources such as additional officers for vice or traffic enforcement or to expand the homeless

team or to hire additional patrol officers, for example.

In previous elections, the POA has endorsed numerous candidates who favor an open door homeless policy even though transients — who comprise less than 2 percent of our city population — account for over one-third of the SMPD's arrests and bookings.

It seems everyone benefits in this special interest political game but the residents.



On Tuesday evening, the Santa Monica City Council will deal with the 2001/2002 Annual Review of the City's Coordinated Plan for Homeless Services and Related Issues.

The annual report, produced by the community and cultural affairs department, analyzes the state of homelessness in Santa Monica and reports on the effectiveness of the 10 city supported homeless service agencies.

Also on the agenda are first readings of two proposed municipal ordinances. Section 4.08.097 prohibits sleeping in downtown doorways at night. Chapter 5.06 has two sections: 5.06.010: Restrictions on food distribution in public parks and on the lawn in front of City Hall and 5.06.020: Food distribution on public

streets and sidewalks prohibited without city authorization.

To date, a pro-homeless city council has vigorously resisted taking steps to stop the homeless influx, limit services or establish goals to reduce the number of vagrants here.

However, with the ever-louder chorus of complaints now coming from all segments of the community about the number of — and behavior of — the ballooning army of vagrants, transients and inebriates, our leadership has to act.

The proposed ordinances are a beginning for taking back our streets and parks. As such, they should be fully supported. So, it's going to be interesting to see if city leaders will finally and grudgingly take these small steps to help mitigate problems or continue to look the other way, obfuscate and whine.

Will they make-up excuses for why they can't initiate controls on the public feedings? Or, will they vote to squander even more taxpayer money on services that seem to enable even more souls to exist in misery on our streets?

Tune in Tuesday night or read all about it in the Daily Press next week.

Bill Bauer is a freelance writer and longtime resident of Santa Monica.

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.

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OPINION



The QLine

CONT, from page 3

will ratify it in November. We must support hard working, law-abiding Americans."

■ "Welcome to business 2002. Because of the economy's downturn, most businesses are cutting the size of their workforce, and those lucky, or should I say unlucky enough, to be still employed are over-worked and underpaid in order to make a profit for their company. If the housekeepers are given higher wages, there will be even fewer housekeepers because of lay-offs. As far as breaks, I doubt if they even take their breaks. They are probably discouraged from taking them because of the load of work. I think they are entitled to a fare wage. Perhaps the corporations executive CEO can take a cut."

■ "Hotel service workers should be paid a living wage. They work hard to keep the hotels clean and comfortable. They will work harder when paid a wage to support their families and provide food for the table and decent housing. They want fewer rooms to clean and health insurance. If their child is sick, how can hotel owners deny medical care? If hotels

workers are paid an adequate wage, they will pay taxes, spend the money and help the economy. A higher wage and humane working conditions will help everyone."

■ "In a free market system the employee can ask for anything of the employer. The employer can either meet those demands or suggest that the employee look elsewhere for a better job. The question is...should Santa Monica's hotels be forced to pay more for less productivity while nearby cities are left at a competitive advantage? I believe most of the hotels workers in question are from Latin America. If we could convince the leaders of those countries to develop acceptable minimum wages, unionization and environmentally safe business practices, then perhaps we here in the border states could see some relief with our overburdened health and welfare services, public school systems and huge densities in our inner cities. Is that racist? No. Does it have racial and cultural aspects to it? Of course it does. Let's start to deal openly and honestly with the situation and not allow some of our local leaders to delude themselves into thinking they can right the wrongs of the world here in our little island oasis, Santa Monica."

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LOCAL

Board put in 'awkward' position for project

DEVELOPMENT, from page 1

approve it.

Planning commissioners denied the project in December, saying the 170,000-square-foot development will ruin the character of Main Street and its surrounding neighborhoods mostly because it's too big — the west side of the project will take up an entire city block. The commissioners, as well as some residents in the area, also feel the project will clog the streets with traffic.

Kathleen Masser, an area resident who has fought against the project since its inception, said nothing can be done architecturally to mask the enormity of the buildings — except for possibly shrink wrap.

However, the city council, Main Street business owners and other residents think the 133-unit rental apartment and retail complex will save the run-down area, which is now home to transients and littered streets.

"It's really in a bad state," said one resident, who grew up in the neighborhood and didn't want to give his name. He added that he's disappointed that two tractors sit on the property yet nothing is being done.

"Somebody wants to do something with the place and it's just not happening," he said.

Jacobs hopes the development will redefine an area that has sat vacant for too long, while at the same time create a new life for the north end of Main Street, which has all but died in terms of economics, aesthetics and quality of life.

"The project is a substantial link between the redevelopment of the civic center and the south portion of Main Street," he said. "I think it will fill a void in the neighborhood."

Jacobs envisions the ground floor of the buildings' retail space to have neighborhood-serving stores, which would possibly include the old Pioneer Boulangerie Bakery — a former gathering place for the community.

"They have been waiting for 3 1/2 years, and it would be a shame if they weren't interested still," he said.

By the time it's all said and done, it will have taken Jacobs nearly six years to finish the project — about three years too long in his mind.

"In Santa Monica, by the time it's done, it will have taken between five and six years to get an apartment building built," he said, adding he expected the

entire approval process to take 18 months. The delays were not just from bureaucratic methods, but also because the review process became convoluted, he said.

Jacobs filed a lawsuit against the city in 2001, claiming it has cost him millions of dollars because it dragged its feet in completing the environmental impact review of the project. The report was completed late last year, several months after the supposed deadline. The lawsuit is still pending.

Jacobs appealed the planning commission's denial to the city council, which unanimously approved it in February after Jacobs made substantial changes to the buildings' facades. But the architectural review board voted it down, despite that Jacobs made changes based on recommendations by council and city officials.

As a matter of process, Jacobs chose to appeal the decision to the planning commission instead of going back in front of the ARB with more changes. The developer said he believed he wouldn't get a fair shake in front the ARB and also thinks its review was out of its legal purview.

As a matter of law, the planning commission was limited to only reviewing the project's architectural design, landscaping and exterior aspects this time because it was acting as the ARB.

That put the planning commission in an awkward position because its members didn't want the project as proposed in the first place. On Wednesday, commissioners described the development as a "box" they didn't particularly like but had to decorate it.

"The issue of the size of this project and the traffic it will create is behind us," said commissioner Barbara Brown, adding that giving the appearance of a fair review is as important as being fair. "We all know that we didn't approve this project ... We have to call a halt here and move on."

Commissioner Kelly Olsen, who with commissioner Geraldine Moyle, voted against the project, said it's irresponsible to not fine tune the building's architecture to make it the best project possible.

On Thursday, Olsen said he thought Brown was trying to end the project's three-hour review on Wednesday for personal reasons.

"I think it was a commissioner who was cranky and wanted to go home," he said. "We have a responsibility, and I don't think saying 'good enough' is good enough."

Judge lowers landlord's fines

COURT, from page 1

"People are supposed to pay registration fees at the beginning of August," said Doris Ganga, an attorney who represents the rent control board. "If they don't, we like to get them quick before penalties mount up."

In Park's case, the annual fee had not been paid for three years, totaling \$780. But the fines amounted to nearly \$1,600 — more than double what she would have otherwise paid.

City officials say the penalties are necessary and not excessive.

"It's used to try to get people to pay fees in a timely manner ... The fact that we are going to small claims rather than anywhere else indicates they aren't (exces-

sive)," Ganga said. "If it was worth a lot of money, we couldn't take care of it in small claims."

The maximum allowable amount that can be collected in small claims court is \$5,000.

Collecting fees in small claims court has been successful for the rent control board because it's less expensive — mostly because lawyers can't get involved, officials said.

Currently there are only two outstanding balances owed to the board — Park's matter and a landlord who hasn't paid photocopying fees for a transcript, a rent control board official said.

"There's not much they can do with their property to avoid paying it," Ganga said. "We'll get our money eventually."

STATE



Report: Film group helped Pittsburgh lure productions

By The Associated Press

LOS ANGELES — A nonprofit group formed to keep film and television production in Los Angeles contributed at least \$10,000 over the past two years to help an organization looking to lure production to western Pennsylvania, a newspaper reported Thursday.

The Entertainment Industry Development Corp., facing a criminal investigation over possible misuse of funds, provided the money to help the Pittsburgh Film Office sponsor a fund-raising gala, the Daily News of Los Angeles said.

The event this year netted a \$120,000 profit and within months Pittsburgh was able to attract producers of TV's "The West Wing" to film there.

"Unbelievable ... It seems to be conflicting with the purpose behind the EIDC," said Vance Van Petten, executive director for the Producers Guild of America.

"I don't understand, I can't even comprehend the validity for that kind of contribution," he said. "Taking nothing away from the Pittsburgh Film Office, my understanding is that EIDC is to promote filming and taping in Los Angeles, that that is the objective."

The EIDC countered that keeping productions from moving to Canada and other countries helps everyone, including Los Angeles.

"We want to keep every production in Los Angeles that we can," said EIDC Vice President Morrie Goldman. "But, if for some reason a film company wants a look we can't offer, we'd rather they go to Pittsburgh than Toronto."

Prosecutors are investigating whether EIDC officials, who help producers gain permits to film in Los Angeles County, misused public funds by taking trips to the Caribbean and spending \$40,000 to attend professional basketball games and other sporting events.

No charges have been filed, but prosecutors have searched the offices of the EIDC and seized financial records.

"But, if for some reason a film company wants a look we can't offer, we'd rather they go to Pittsburgh than Toronto."

— MORRIE GOLDMAN
EIDC vice president

In a separate development, Los Angeles County District Attorney Steve Cooley said Thursday he has launched a criminal investigation into the use of EIDC funds to hire attorneys to defend the group.

In a letter to EIDC board members, Cooley said his office considers the group to be a public entity, restricted by state law in its ability to use public funds to defend itself.

The EIDC has maintained it is a private corporation.

Fax companies say it's free speech to send advertisements

FAXES, from page 1

group because they contracted with a Silver Lake-based advertising company to send out faxes. Some business owners said they were unfamiliar with the federal law that prohibits the practice.

The other two bills signed Thursday prohibit businesses from sending advertisements through text messaging on cellular phones or pagers and make minor changes to the state's do-not-call list for telemarketers.

"Many cell phone and pager companies charge by the text message, whether outgoing or incoming," Davis said. "We're acting now to keep spam text messaging from spinning out of control like spam e-mail has."

The bill by Assemblyman Tim Leslie, R-Tahoe City, takes effect in January.

The fax bill, by Assemblywoman Christine Kehoe, D-San Diego, and Sen. Debra Bowen, D-Marina del Rey, was killed twice in the Assembly Business and Professions Committee before it was eventually approved by the Legislature.

A representative for Fax.com told lawmakers the federal law was being challenged, and if struck down, could leave California consumers with no protections. Fax.com and other businesses say they are exercising their First Amendment right to free speech.

The Kehoe-Bowen bill was supported by Attorney General Bill Lockyer, who in August joined 19 other state attorneys

general in supporting a Missouri lawsuit against American Blast Fax Inc.

"No reasonable advertiser would claim that it had the constitutional right to send junk mail C.O.D. and require the recipient to pay the cost, yet the sending of unsolicited fax advertisements is tantamount to the same practice," the attorneys general said in the brief.

"We're acting now to keep spam text messaging from spinning out of control like spam e-mail has."

— GRAY DAVIS
Governor

Davis also signed a bill by Sen. Liz Figueroa, D-Fremont, that makes some minor changes to the state's do-not-call list for telemarketers.

Starting in April, telemarketers will be required to purchase that list from the attorney general's office. Californians can ask to have their phones added to that list, and companies that ignore the privacy request will have to pay \$500.

Figueroa's bill lets small businesses to pay reduced rates for the list and moved the program's start date from January to April.

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STATE

Caltrans to treat all highway banners alike

BY COLLEEN VALLES
 Associated Press Writer

SAN FRANCISCO — Above hundreds of zooming cars on U.S. 101 leading into San Francisco, two Santa Cruz women triumphantly tied a banner to a pedestrian overpass Thursday after a state agency agreed to leave up all signs that do not pose safety hazards.

Cassandra Brown and Amy Courtney sued the state Department of Transportation after their banners were ripped off highway overpasses while U.S. flags were allowed to remain. Their banner on Thursday read "War. At What Cost? \$200 billion. 10,000 dead."

Caltrans' move brings the department into compliance with a January order by Judge Ronald Whyte of U.S. District Court in San Jose. He ordered the agency to enforce its rules on a content- and viewpoint-neutral basis, saying the agency could not grant permit exemptions for American flags.

"It's a victory for the Constitution and that's a victory for all of us," said Brown, who also hung a banner in Santa Cruz on Thursday.

The women say consolidation of the media has left Americans with few outlets to get their messages out to a large audience. They say their message is a protest against the use of force by the United States in the Middle East.

"It's a bittersweet victory," Courtney said. "I think the real victory will come when the United States examines its foreign policy."

Caltrans spokesman Dennis Trujillo said the department's policy has not changed, but that it simply decided to

comply with the judge's order while hoping to have it overturned on appeal. The appeal is scheduled to be heard Oct. 9 in the 9th U.S. Circuit Court of Appeals.

Banners, American flags and any other items hung from freeway overpasses will be removed if they can fall or create a distraction, Trujillo said.

"It's a victory for the Constitution and that's a victory for all of us."

— CASSANDRA BROWN
 Plaintiff

But James Wheaton, of the First Amendment Project, said billboards along highways pose the same risk of distracting motorists. The organization is asking people to avoid safety problems by putting banners on the inside of fences on overpasses, using sturdy materials that will not shred, and fastening them securely with wire, rope or plastic.

Courtney and Brown sued Caltrans last year arguing their anti-war banners were taken down because of their content, while American flags were left up.

The two put up a banner in November reading "At What Cost?" next to an American flag on an overpass crossing busy Highway 17 in the Santa Cruz mountains.

The sign was taken down by a police officer, and a second sign put up in December also was removed.

Despite reports, ex-'Tonight Show' host doing just fine

By The Associated Press

MALIBU — Retired king of late night television Johnny Carson has emphysema, but it is not causing him any major problems, he said Thursday.

Carson had just finished 45 minutes of tennis when he was told about a tabloid report claiming he was seriously ill.

A National Enquirer story cited by the New York Post Thursday said Carson was suffering from "deadly" emphysema and had become a virtual recluse aboard his luxury yacht. The supermarket tabloid said Carson has "been grappling with killer emphysema for several years and wants to stay out of the public eye."

The 76-year-old Carson, who retired 10 years ago as host of "The Tonight Show With Johnny Carson," said he

learned of the reports after playing tennis for 45 minutes at his Point Dume estate.

Through Carson Productions spokesman Jeff Sotzing, Carson confirmed he does have emphysema.

"I'm dealing with it the best I can and it is not causing me any major problems," Carson said.

In emphysema, some of the lungs' air sacs become damaged, making breathing more difficult. The progress of the disease can be delayed but not cured.

Carson was host of NBC's late night talk show from 1962 until his retirement in 1992. He has seldom been seen in public since his retirement.

When he's not spending time at his bluffside tennis estate, Carson cruises in his custom-built, triple-decker, 130-foot boat.

Celebrity reality show planned

By The Associated Press

LOS ANGELES — Eight celebrities are stranded in a remote location with only rice and water and have to cooperate to survive.

It could be a scenario for a really low-budget independent movie but instead it's an upcoming reality TV show with the unlikely title, "I'm a Celebrity ... Get Me out of Here!"

ABC has ordered 15 episodes of the series, based on a British program, to air on consecutive nights in midseason. An airdate, players and a host were not announced.

Each celebrity will be given "tasks or trials to perform. If you do well, everybody gets to eat. If you don't, they won't," said ABC spokeswoman Annie Fort said Thursday.

NATIONAL



Critics say law leaves personal information unprotected

BY LEIGH STROPE

Associated Press Writer

WASHINGTON — A 1999 law that tore down Depression-era legal barriers separating banks, investment firms and insurance companies has undercut consumer privacy protections it promised, critics told Congress on Thursday.

"The act has confused consumers, provided a green light to the unauthorized sharing of personal financial data as part of misleading telemarketing campaigns and is riddled with loopholes that exempt many business practices from any control," Minnesota Attorney General Mike Hatch told the Senate Banking Committee.

The Financial Services Modernization Act was passed with overwhelmingly bipartisan majorities and signed by President Clinton. It streamlined financial services, allowing banks, investment firms and insurance companies to have common ownership and to market each other's products.

As a result, personal information is now legally being collected, repackaged and shared with hundreds of newly affili-

ated companies, said Phyllis Schlafly, president of the Eagle Forum, a conservative advocacy group.

That information includes income, employment history, credit score, marital status and medical history.

The law "failed to recognize that consumers are the rightful owners of their personal information," Schlafly said. "Your financial diary should be your property, not the bank's."

It also does not let consumers stop the transfer of their private information among these affiliated companies, of which there are many, she said. For example, Bank of America has nearly 1,500 corporate affiliates and Citigroup has more than 2,700.

But financial services companies argue that information is shared for legitimate purposes, such as to prevent and detect fraud. They say consumers can benefit with discounts offered only by sharing information. For example, a longtime bank customer may want and expect a discount on a mortgage loan offered by an affiliated company, said John Dugan, spokesman for the Financial Services

Coordinating Council.

"While consumers expect limits on the disclosure of their information, they also expect companies to provide them with benefits that can only be provided through information sharing," he said.

The law requires financial institutions to send consumers opt-out notices that prevent their personal information from being shared — with only third-party unaffiliated companies. Critics say those notices are incomprehensible and most consumers don't even recall receiving them.

Attorneys general of 42 states, the District of Columbia and two U.S. territories have called on the Federal Trade Commission and other federal regulatory agencies to create standard notices and require simpler language.

Telemarketing hasn't been stopped either, the critics said. The law was supposed to prevent such cases as U.S. Bancorp, which settled with 40 states and territories in 2000 after selling customer information to marketers of dental and health coverage, travel benefits, credit card protection and discount membership programs. Buyers were billed by charges

placed on their U.S. Bancorp credit card. The company received a sales commission of 22 percent with a guaranteed minimum payment of \$3.75 million.

The law prohibits financial institutions from sharing credit card numbers and account numbers to third-party marketers. But companies have found loopholes. Many companies sell or share encrypted card numbers or other unique identifiers, "which enables the telemarketing abuses that were at the heart of congressional concern to continue unabated," said Vermont Attorney General William Sorrell.

Many states that had more stringent laws prior to the 1999 act are exercising that authority to protect consumers. Six states have laws that require a consumer's permission before information can be shared by banks, and 14 states have similar laws or regulations targeting insurance companies.

North Dakota voters this summer reversed the Legislature's repeal of that state's opt-in law, putting back on the books requirements that consumers must give their consent before information can be shared to banks.

Disabled-access settlement for \$1 million called record

BY MIKE ROBINSON

Associated Press Writer

CHICAGO — The architects and builders of a luxury apartment house have agreed to pay a record settlement of nearly \$1 million to fix doors too narrow and thermostats too high for people in wheelchairs to use.

"As this settlement demonstrates, it can be extremely expensive to go back and make housing accessible after a building is completed," U.S. Attorney Patrick J. Fitzgerald said Thursday.

The 24-story Park Evanston went up in 1996 — six years after federal law required adequate access for people who use wheelchairs.

Assistant U.S. Attorney Joan Laser said the settlement with the architect, Harry Weese Associates, and the developer, John Buck Co., is believed to be the largest of its kind for a single building.

Weese will pay more than \$900,000 over five years to retrofit the 283 units and common areas.

Buck will perform the work and will pay \$50,000 to a fund for those who wanted to rent at the Evanston build-

ing but could not do so for lack of access. It also will pay a \$13,600 civil penalty and \$30,000 in attorneys' fees for a disabled advocacy group, Access Living.

"It can be extremely expensive to go back and make housing accessible after a building is completed."

— PATRICK J. FITZGERALD
U.S. attorney

Another defendant, the firm of Gensler Architecture, Design & Planning Worldwide P.C., will pay \$10,000 in Access Living's attorneys' fees. Gensler absorbed much of Weese, including the partner who designed the Park Evanston, when the firm was dissolved last year.

Attorneys for the architects and developers did not

immediately return calls.

Access Living president Marca Bristo praised the settlement as one that will prod architects and developers to remember the disabled in their plans.

"Full independence for our community will not be achieved until we have housing on a par with that available to the non-disabled community," said Bristo, who uses a wheelchair.

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NATIONAL

FBI director says that al-Qaida shifting wealth

BY MARCY GORDON
Associated Press Writer

WASHINGTON — FBI Director Robert Mueller said Thursday that the al-Qaida terror network has been shifting much of its wealth from cash to gold and other commodities, making it harder for U.S. agencies to track.

At a hearing, some lawmakers said a recent allegation that a suspected member of a New York terror cell spent \$89,000 in a casino raises the possibility that the cell was laundering money for Osama bin Laden's network.

A Democratic lawmaker asked Mueller about criticism that the FBI may have lacked sufficient evidence when it arrested the six men this weekend near Buffalo, N.Y., and was acting under pressure to show results. The six, accused of supporting bin Laden's organization, are being held in jail without bail.

"That is absolutely not true," Mueller replied. "The FBI does not respond to entreaties to find somebody to arrest."

Al-Qaida "is seeking alternative ways" of moving funds, Mueller testified at the hearing of the House Financial Services Committee. He said the FBI and the CIA are following every lead in the government's ongoing effort to shut down the network's finances but because the money is mostly being moved abroad, it's difficult for U.S. investigators to trace it.

Still, committee chairman Rep. Michael Oxley, R-Ohio, suggested movements of large quantities of gold should be fairly easy to detect.

Oxley asked Mueller about a report in Thursday's New York Times that al-Qaida has transferred substantial assets beyond the reach of banks into diamonds, gold and other commodities.

Starting after the Sept. 11 attacks, the

U.S. government began an aggressive program of freezing bank accounts and other assets of suspected terrorists around the world and groups said to support terrorism.

Treasury Department officials have touted the results, reporting last week that some \$112 million in assets belonging to suspected terrorists have been frozen worldwide in more than 500 accounts since the Sept. 11 attacks. Of that total, \$34 million has been blocked in the United States and \$78 million overseas.

U.S. officials say that the asset freezes and arrests in Europe, Southeast Asia and elsewhere have weakened the al-Qaida organization.

Still, the Treasury report acknowledged that more must be done. Officials say one of the challenges is trying to track money flowing outside traditional financial channels, such as trading in diamonds or gold.

A recent United Nations report said the global campaign to choke off financing for terrorist organizations had stalled, with only \$10 million frozen in the past eight months. The report said the campaign has pushed al-Qaida underground but hasn't stopped the flow of money and fresh recruits.

The administration will create a task force to improve regulations for catching drug dealers, terrorists and others involved in money laundering, Deputy Treasury Secretary Ken Dam told the Financial Services Committee on Thursday.

He said the new task force would be housed within the Treasury Department and would work with financial regulators, law enforcement, consumers and others.

Congress last fall enacted a sweeping anti-terrorism and anti-money-laundering law in response to the terror attacks and Treasury has been putting out new rules to implement it.

CEO seeks bail



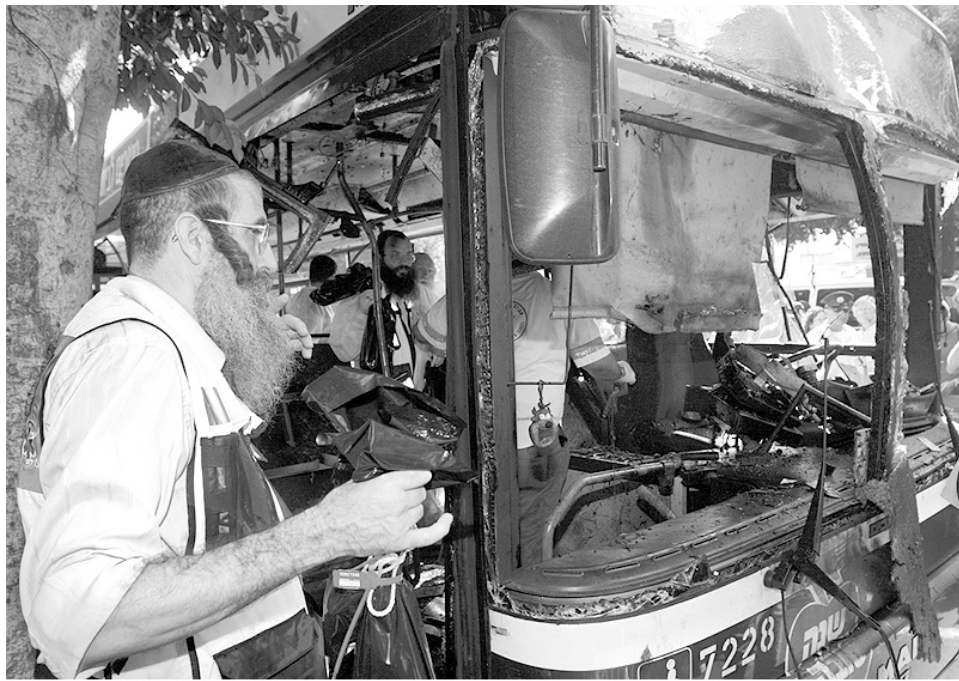
John-Marshall Mantel/Associated Press

Former Tyco chief executive L. Dennis Kozlowski arrives for a bail hearing at state Supreme Court in New York Thursday. Kozlowski resigned June 3, a day before he was indicted on sales tax evasion charges in New York involving the purchase of art that cost \$13 million.

INTERNATIONAL



Funeral at attack site



Laurent Rebours/Associated Press

An ultra-orthodox Jewish volunteer holds a bag with human remains for proper Jewish funeral at the site of a suicide attack explosion in Tel Aviv Thursday. A suicide bomber blew himself up on a crowded bus in downtown Tel Aviv on Thursday, killing at least five other people and wounding 49 in the second such attack in two days.

OPEC rejects West's call to boost oil output

BY DIRK BEVERIDGE

AP Business Writer

OSAKA, Japan — OPEC ministers decided Thursday to keep oil production levels unchanged through year's end, despite calls from the West for more output and fears a U.S. war on Iraq could disrupt supplies.

Consuming nations had lobbied for an increase in output to cut rising fuel bills, but OPEC figured the market is adequately supplied and any increase in price has been based on a "war premium" whipped up by Washington's saber-rattling about toppling Iraqi President Saddam Hussein.

"I think they are political prices, not market prices," said Qatari oil minister Abdullah bin Hamad al-Attiyah, who was named Thursday as the new president of the Organization of Petroleum Exporting Countries.

OPEC's most important player, Saudi Oil Minister Ali Naimi, said oil is now at a good level for buyers and sellers alike, adding he would like to see its price average \$25 per barrel, a "magic number" slightly below the current level, but more expensive than oil has been for most of this year.

OPEC maintained its official supply ceiling of 21.7 million barrels per day, which is being boosted by up to 2 million barrels daily as most members cheat on their individual output quotas.

In an acknowledgment of concerns that high prices could prove economically damaging to oil-importing nations, the ministers said they would gather again on Dec. 12 at OPEC headquarters in Vienna to take a fresh look at the market.

OPEC pledged more oil would be pumped if the price moves too high, with some saying they would watch closely for any action against Iraq that might lead to supply shortages, or hoarding by consumers that could nudge prices upward.

"We'll have to follow the developments and act accordingly," said Nigeria's presidential oil adviser, Rilwanu Lukman.

"We have to keep our wits about us."

Lukman said OPEC would raise production if the price breaks out of its target range of \$22 to \$28 per barrel. Premium grades of crude traded on the New York and London futures markets have been higher than that lately, but OPEC said its benchmark price was just \$26.92 on Wednesday.

On the New York Mercantile Exchange, nearby October crude futures rose 2 cents to \$29.50 a barrel. On London's International Petroleum Exchange, nearby November Brent futures gained 6 cents to \$28.38 per barrel.

Consuming nations, including the United States, are worried that tight supplies heading into the peak demand season could make oil cost even more, but many in OPEC think prices have been pushed higher by fears President Bush will decide to attack Iraq to oust Saddam — not by any imbalance in the market.

OPEC also said the world economy is expected to show only modest growth in the near term, which is unlikely to do much for demand.

The "war premium" is believed to have inflated oil by \$2 to \$4 per barrel, but some in OPEC noted that prices slid earlier in the week when Iraq said it would readmit U.N. weapons inspectors. Prices later crept back up as it became clear OPEC would not boost output.

Kuwait expressed concerns Thursday that Iraq might attack its oil fields if Washington were to wage war on Saddam. When U.S.-led coalition forces pushed Iraqi troops out of Kuwait in the 1991 Gulf War, retreating Iraqis destroyed oil facilities and set numerous wells on fire.

"We have our history for that — we always worry," said the acting Kuwaiti oil minister, Sheikh Ahmed Al Fahd Al Ahmed Al Sabah. "I believe, and I know, that Saddam can do it because he did."

After agreeing to hold production steady, OPEC ministers may have some explaining to do over the weekend in Osaka, which is

Iraq free of mass destruction weapons, foreign minister says

BY DAFNA LINZER

Associated Press Writer

UNITED NATIONS — Iraq is free of nuclear, biological and chemical weapons, Saddam Hussein told the United Nations in a speech read Thursday by his foreign minister. The White House dismissed the speech as a "disappointing failure."

It was the first comments attributed to the Iraqi leader since Iraq's surprise announcement this week that it would accept the unconditional return of international weapons inspectors nearly four years after they left. The decision, which followed a tough speech on Iraq last week by President Bush, has divided the major powers on the U.N. Security Council.

"Our country is ready to receive any scientific experts, accompanied by politicians you choose to represent any one of your countries, to tell us which places and scientific installations they would wish to see, particularly those about which the American officials have been fabricating false stories, alleging that they contain prohibited materials or activities," Foreign Minister Naji Sabri told the world body, quoting the Iraqi president.

"I hereby declare before you that Iraq is clear of all nuclear, chemical and biological weapons," Sabri said, further quoting Saddam.

The speech to the U.N. General Assembly — one week after Bush addressed the gathering — was greeted with loud applause by diplomats from around the world.

But in Washington, White House spokesman Ari Fleischer said the speech "presented nothing new and was more of the same."

"The speech is an attempt to lure the world down the same dead-end road that the world has traveled before and, in that, it represents a disappointing failure by Iraq," Fleischer said.

Appearing in the afternoon at the homeland security command center, Bush told reporters he had not heard the speech by Iraq's foreign minister.

"Let me guess, the United States is guilty, the world doesn't understand, we don't have weapons of mass destruction — it's the same old song and dance we've heard for 11 years," he said, calling anew for the United Nations to pass a get-tough resolution.

In the speech, the Iraqi president said he wanted a comprehensive solution to its problems with the United Nations to "bring to an end the cyclone of American accusations and fabricated crises against Iraq."

The speech heavily criticized the United States and Bush for trying to link Iraq in some way to the tragedy of Sept. 11.

It charged that "the American propaganda machine, along with official statements of lies, distortion and falsehood" was being used for "inciting the American public against Iraq, and pushing them to accept the U.S. administration's schemes of aggression as a fait accompli."

Iraq called on the United Nations to help protect its sovereignty in the face of possible U.S. military action.

And it charged that the United States was working in concert with Israel and was trying to control the Middle East oil supply.

"The U.S. administration wants to destroy Iraq in order to control the Middle East oil and consequently control the politics as well as the oil and economic policies of the whole world," the foreign minister said.

He also charged that the United States was fomenting problems with Iraq to prevent the Security Council from lifting economic sanctions and to keep the Middle East from becoming a nuclear-free zone as called for in council resolutions.

The United States, he said, does not want to embarrass Israel — which he referred to as "the Zionist entity" — or deprive it of the nuclear, chemical and biological weapons it possesses.

"I hereby declare before you that Iraq is clear of all nuclear, chemical and biological weapons."

— NAJI SABRI
Foreign minister of Iraq

Despite Iraq's offer to admit the inspectors, the United States and Britain have begun crafting a draft resolution that would tighten the timetable Iraq has to comply with previous resolutions and authorize force it fails to do so.

But the two English-speaking allies will need to overcome strong opposition from France, Russia and Arab states, which believe there is no need for such a move before inspectors can test Iraq's sincerity on the ground.

The Security Council was set to discuss Iraq later Thursday.

In Washington, Bush asked Congress for authority to use military force to disarm and overthrow Saddam, saying the United States will take action on its own if the Security Council balks.

The president sent to Capitol Hill his proposed wording for a resolution, a late draft of which would, according to White House officials, give him permission to use "all means he determines to be appropriate, including military" to deal with Saddam.

U.N. sanctions were imposed and inspectors sent to Baghdad at the end of the 1991 Persian Gulf War to disarm Iraq and certify that the country's weapons of mass destruction have been destroyed.

But after seven difficult years, often peppered with crisis over access to sites and cooperation, inspectors left Iraq in December 1998 ahead of punishing U.S. and British airstrikes.

At the time, the United Nations disbanded the first inspections team amid allegations that some members were spying for the United States. A new inspection team was established and Hans Blix of Sweden was appointed to head the U.N. Monitoring, Verification and Inspections Commission.

Blix has said he could have people on the ground as soon as he is able to complete details for their return with Iraq in talks scheduled later this month in Vienna.



SPORTS

Chicago Bears keep winning the close ones

BY DAVE GOLDBERG

AP Football Writer

■ The Chicago Bears have won their last 12 games that have been decided by seven points or less. This year they've won their first two games by a total of five points.

"If you want to say luck, say luck," says wide receiver Marty Booker. "But we have a winning attitude."

The Bears are favored by 2 1/2 points Sunday when they meet New Orleans, another 2-0 team, in their temporary home in Champaign, Ill. The Saints have been impressive, knocking off two supposed contenders, Tampa Bay on the road and Green Bay at home.

The Bears have been their usual selves, scoring a last-minute touchdown to beat Minnesota at home, then winning in Atlanta 14-13 when the Falcons' Jay Feely missed a 45-yard field-goal attempt with just over a minute to go.

"We figure the other team is not going to be able to make a play, or we will be able to," says safety Mike Brown, whose interceptions in three games over the past two years have helped the Bears pull out games.

As is customary when they win, the Saints are depending on defense.

They had three fumbles and an interception against the Packers last week and pressured Brett Favre all game, sacking him once and forcing two intentional grounding calls.

BEARS, 16-15

■ St. Louis (minus 1 1/2) at Tampa Bay (Monday night)

Surprised by the spread? The Rams are winless and the Bucs have beaten them on Monday night in each of the past

two seasons.

Law of averages.
RAMS, 24-20

■ Washington (plus 8 1/2) at San Francisco

The Redskins won 38-7 in their exhibition in Japan in early August, and Steve Mariucci wasn't happy about the way Steve Spurrier kept throwing against his scrubs late in the game.

MARIUCCI, 38-7

■ New York Jets (plus 6) at Miami

Two conflicting streaks: The Jets have beaten the Dolphins eight straight times; the Dolphins have won 16 straight at home in August and September.

DOLPHINS, 16-8

■ Carolina (plus 6) at Minnesota

Nice as the Carolina start is, the Panthers have beaten two of the NFL's worst teams at home.

VIKINGS, 30-20

■ Kansas City (plus 8 1/2) at New England

The Patriots could let down after clobbering Pittsburgh and the Jets. But Bill Belichick won't let them.

PATRIOTS 31-13

■ Dallas (plus 8 1/2) at Philadelphia

The Eagles may be as good as they looked Monday night.

EAGLES, 27-11

■ Buffalo (plus 9) at Denver

Can the Bills make it three overtime games in a row?

BRONCOS, 58-52 (OT)

Roddick to open against Clement in Davis Cup

By The Associated Press

PARIS — Andy Roddick will open the U.S. team's Davis Cup semifinal Friday against defending champion France by playing Arnaud Clement.

"I like playing on the big stage and it doesn't get much bigger than a semifinal out there on the big court," Roddick said following Thursday's draw.

The second singles match at Roland Garros, home of the French Open, will be between James Blake and Sebastien Grosjean, France's highest-ranked player.

Argentina plays Russia in the other semifinal. Marat Safin opens Friday's play against Juan Ignacio Chela, followed by Yevgeny Kafelnikov vs. Gaston Gaudio. Kafelnikov, owner of two Grand Slam tournament titles, says he'll retire if Russia wins.

The U.S. holds the record for the most Davis Cup titles with 31 victories, but hasn't won since 1995. It last reached the final in 1997. France has won the event nine times. The two countries have met in 13 ties, and the U.S. leads 7-6. The last time they played at Roland Garros was in 1932, when France won 3-2.

The doubles match Saturday would be between Fabrice Santoro and Mickael Llodra of France and Todd Martin and Mardy Fish of the United States. The reverse singles take place Sunday.

U.S. team captain Patrick McEnroe said a final decision on the doubles team could be based on "what happens Friday and what the score is."

Blake is a possible replacement for the doubles team. Blake and Martin won their doubles match against Spain in last April's Davis Cup quarterfinals.

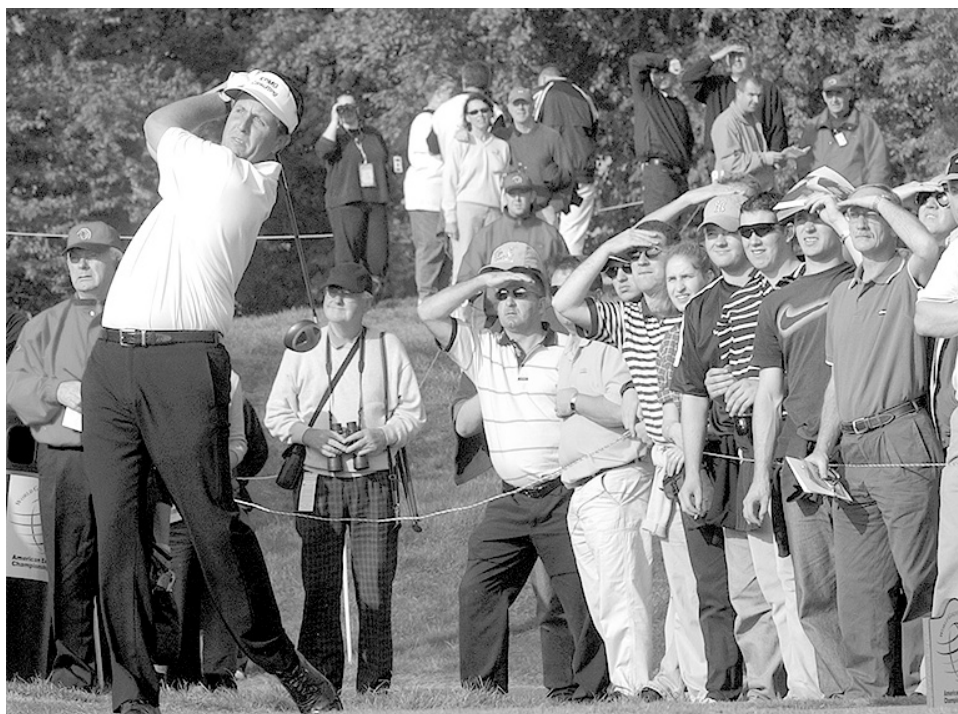
Roddick lost his only previous singles match against Clement at the World Team Cup last May.

"I know his strong points and his weak points," Clement said. "But there will be no similarities between the match at Duesseldorf and (Friday's) match."

Grosjean beat Blake in their only previous match in the second round of this year's French Open. Blake is 5-0 in Davis Cup matches, including two wins in doubles, while Roddick has won all seven of his Cup matches.

Grosjean has an 8-6 Cup record, while Clement, the 2001 Australian Open finalist, is 5-4. Both have played only singles.

Fore!



Adam Butler/Associated Press

Phil Mickelson, of the United States, swings during the first round of the American Express Championship at Mount Juliet Golf Course in Thomastown, Ireland, Thursday. Mickelson finished 2 under par.

■ Green Bay (minus 8) at Detroit

Until last season, the Lions had beaten the Packers seven straight times at home. This is the new Ford Field and Joey Harrington is starting at quarterback for the Lions.

PACKERS, 40-7

■ Seattle (plus 6 1/2) at New York Giants

The Seahawks are headed for a long season.

GIANTS, 27-8

■ Indianapolis (minus 12) at Houston

San Diego exposed the Texans for what they are: a true expansion team.

COLTS, 24-10

■ Cleveland (plus 4 1/2) at Tennessee

Steve McNair and Eddie George are hurting again. Defense does it.

TITANS, 17-13

■ San Diego (minus 1) at Arizona

The Chargers step up in class.

CARDINALS, 16-13

■ Cincinnati (plus 7 1/2) at Atlanta

Gus Frerotte note: Michael Vick is a natural left-hander.

FALCONS, 33-5

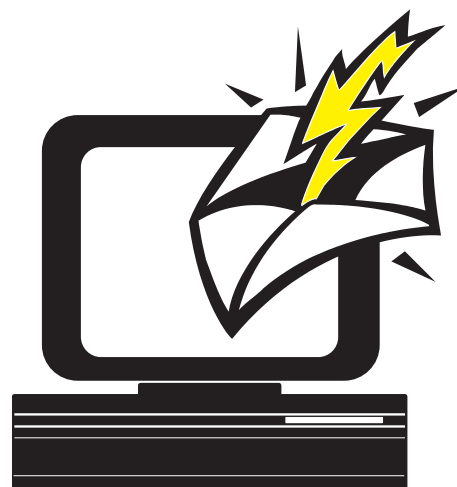
■ LAST WEEK: 9-7 (spread), 8-8 (Straight up)

■ SEASON: 15-16-1 (spread) 19-13 (straight up)

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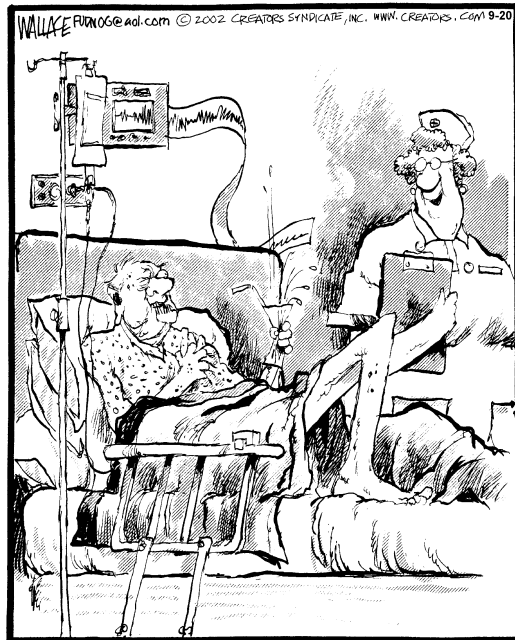
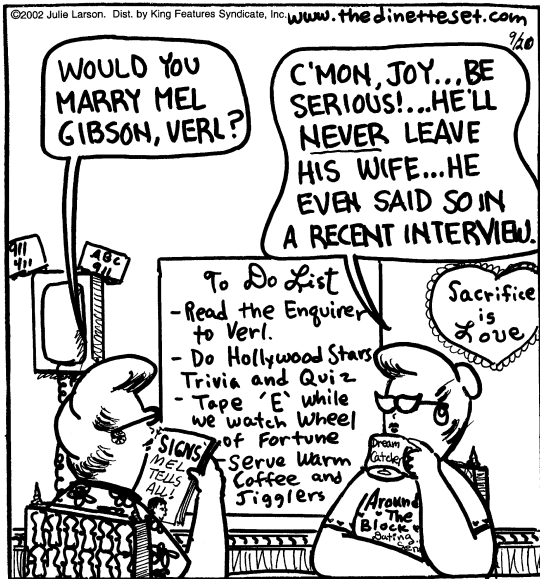


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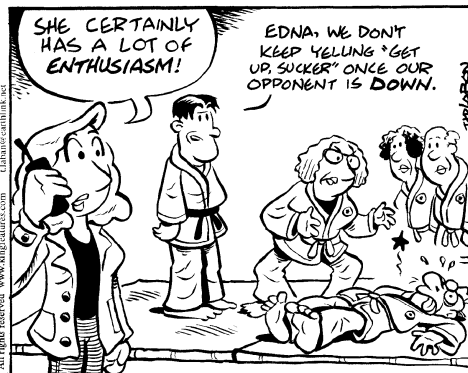
By THOMAS JOSEPH



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11 Mideast native
12 Full of energy
13 Malice
14 Bannister, e.g.
15 Take a load off
16 Ones with prisoners
18 Important age
19 Actor Wallach
20 Had a bite
21 Transmit
23 Golf bag collection
25 Morse symbol
27 Halt
28 Old oath
30 Nile wrigglers
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37 Somewhat
39 Under the weather
40 Extreme
41 When Ophelia drowns
43 Indy entrant
44 Lawn game

45 Fire

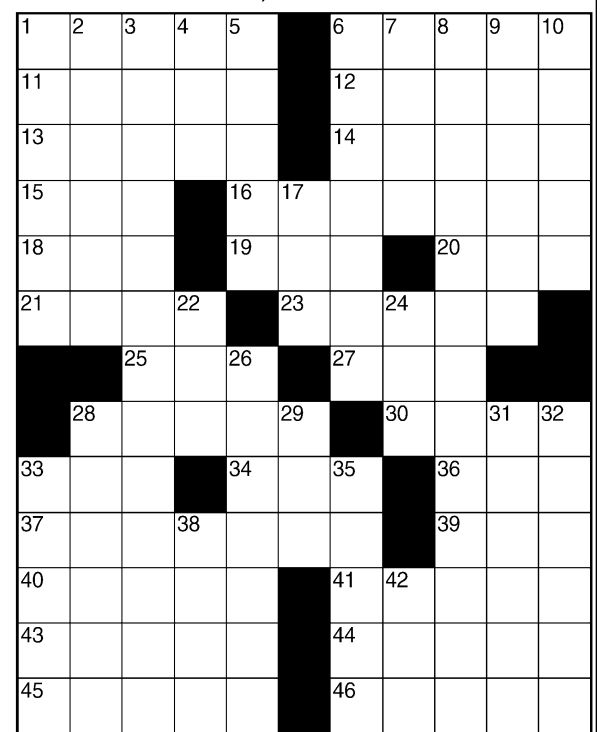
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Yesterday's answer

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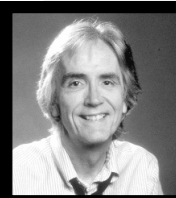
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9-20

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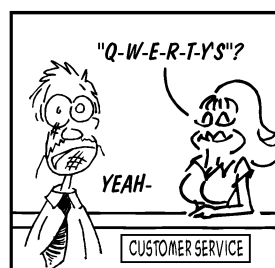
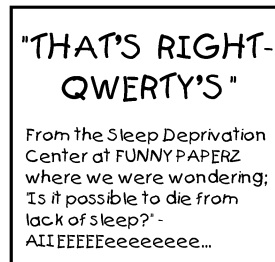


NEWS OF THE WEIRD

by Chuck Shepard

Tourists beat up bear to save deer

Twice in a two-week period, what authorities believe to be the same yearling bear was roughed up by tourists in the Great Smoky Mountains National Park in Tennessee because each time he had a fawn in his grasp and was about to have dinner. Floridian Michael Shaw, 38, was charged by park rangers with interfering with wildlife for kicking and roughing up the bear (even though he insisted that saving the deer was the right thing to do), and in the second attack on July 7, a group of visitors drove the bear away by pelting him with rocks (until an animal researcher in the group explained to them the way nature works).





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Vehicles for sale

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Announcements

GET YOUR message out! For only a buck a day, call (310)458-7737 to run your announcement to over 15,000 interested readers daily.

PRO SE of Neighborhood Project needs volunteers for events that honor our heroes. (310) 899-3888 pro.se@adelphia.net.

VOTE FOR Pro Se Santa Monica City Council! Our Residents, Businesses, Schools must come first!

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QUICK AND Dirty (if the newspaper rubs off on your hands). Market your small business in our services section for a buck a day. Call (310)458-7737.

Yard Sales

NEIGHBORHOOD YARD Sale! Clothing, jewelry and much more! Between Centinela & Inglewood Blvd, Culver City. 9am to 2 pm. 12063 Aneta Street.

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HAWAIIAN INSTANT anti-aging facial moisturizer. 1oz \$8.50. Happy or MBG. Ralph Sahara, P.O. Box 62174, Honolulu, HI 96839. Free catalog. 5 free samples.

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Calendar

Friday, September 20, 2002

movies

Loews Broadway Cinema
1441 Third St. at Broadway
City by the Sea (R) 12:20, 1:40, 3:00, 4:20, 5:40, 7:00, 8:20, 9:40.
Igby Goes Down (R) 12:00, 1:15, 2:30, 3:45, 5:00, 6:15, 7:30, 8:45, 10:00.

Mann Criterion
1313 Third St.
Spider Man (PG-13) 1:50, 7:15.
Men in Black II (PG-13) 11:30, 4:40, 10:00.
Austin Powers in Goldmember (PG-13) 11:50, 2:20, 5:00, 7:30, 10:15.
My Big Fat Greek Wedding (PG) 11:40, 12:20, 2:10, 2:45, 4:50, 5:30, 7:20, 8:00, 9:50, 10:30.
XXX (PG-13) 12:00, 3:30, 7:00, 10:10.
Stealing Harvard (PG-13) 11:45, 2:00, 4:30, 7:10, 9:40.

AMC Theatre SM 7
1310 3rd Street
Signs (PG-13) 2:10, 4:40, 7:25, 9:50.
FearDotCom (R) 9:40.
Road to Perdition (R) 1:40, 4:20, 7:05, 9:45.
Barbershop (PG-13) 2:20, 4:50, 7:35, 10:00.
Blue Crush (PG-13) 1:30, 4:00, 7:10.
Spy Kids 2 (PG) 2:05, 4:30, 7:00, 9:25.
Blood Work (R) 4:10, 9:35.
Swimfan (PG-13) 2:00, 5:00, 7:15, 9:30.
Serving Sara (PG-13) 1:50, 7:10.

Landmark Nu-Wilshire
1314 Wilshire Blvd.
The Kid Stays in the Picture (R) 2:30, 4:45, 7:15, 9:45.
Mostly Martha (PG) 1:30, 4:15, 7:00, 9:30.

Laemmle Monica
1332 2nd St.
Possession (PG-13) 1:45, 4:25, 7:05, 9:50.
The Good Girl (R) 1:00, 3:15, 5:30, 7:50, 10:10.

Aero Theatre
1328 Montana Ave.
Tadpole (PG-13) 5:00, 7:30, 10:00.

Today

Community

Will Rogers PTA invites the Santa Monica community to the second annual "HOEDOWN & WELCOME BACK BBQ DINNER". Please join us for this fun and energetic community event. Friday September 20 from 3:00 to 7:00 PM. Will Rogers Learning Community, 2401 14th Street. The \$5 Admission includes mesquite BBQ Tri-tip, Roasted Corn, BBQ beans and a drink. Sack Races, Trick Roper, Live Music, Food and Crafts.

Santa Monica Strutters, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable environment. The Santa Monica Strutters meet Mondays, Wednesdays, and Fridays, from 8 a.m. To 10 a.m., at Santa Monica Place, Fourth St. and Broadway Ave. in Santa Monica.

Theater / Arts

"The Day that Changed the World," a dramatic 9-11 photo exhibit will be shown at the Grand Salon of Kerckhoff Hall near the center of the UCLA campus from Sept 15th through Sept 20th. The exhibit consists of 140 photographs by veteran photojournalists in New York,

Washington and Pennsylvania taken in the aftermath of the Sept. 11 attacks. A memorial book will be available at the exhibit for guests to sign and express their thoughts. The book will be presented to the New York City Fire Museum at the conclusion of the tour. Viewing times are as follows: Sept. 15, 1-5pm; Sept. 16-19, 9am-4pm; Sept. 20, 9am-1pm. The exhibit is free, parking is \$7.00. For more information contact (310)206-0632.

"The Big Wheel," an exhibition of photographs of the historic Santa Monica Pier and Pacific Park by Juanita Richeson, is on display until September 20 at the Main Library Art Gallery, second floor, 1343 Sixth Street. The exhibition is free and open to the public. For more information about the program, the public can contact the Santa Monica Public Library at (310) 458-8600, or visit the photographer's web site www.metropolisphotos.com.

Music / Entertainment

14 Below, 1348 14th St., Santa Monica. If the band stinks, take advantage of commodious booths, pool tables, and fireplace. Full Bar. Over 21. (310)451-5040.

LUSH 2020 Wilshire Blvd., Santa Monica. Three bars, plenty of booths, sofas, leopard-print carpet and a sunken dance floor. Mexican grill serves dinner after 5 p.m. Full bar. Over 21. Cover \$5 - Free. (310)829-1933.

Anastasia's Asylum, 1028 Wilshire Blvd., Santa Monica. Board games, cushiony sofas, a full veggie menu, juices, teas, and coffee that grows hair

on your chest. No cover. (310)394-7113.

The Joint, 8771 W. Pico Blvd., W. LA. One of the most exotic rooms in the local rock-facility pantheon. Pizza. Cover \$10 - \$5. Full bar. Over 21. (310)275-2619.

Open Mic Music. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Saturday

Community

Meet the Author! Author and Screen writer "Murder She Wrote" Tom Sawyer discusses his latest novel "The Sixteenth Man". This program is for adults. Ocean Park Library, 2601 Main Street. 3 p.m. To 4:30 p.m. (310)392-3804.

Weekly Storytime, 11:00 a.m. Come to Barnes & Noble for Saturday readings with the kids! Call 310-260-9110 for more information.

Theater / Arts

Santa Monica Children's Theatre Co. presents a newly forming musical theatre company for children. Every Saturday from 10:15 a.m. - 2:15 p.m., Quest Studios, 19th & Broadway in Santa Monica. Tuition is \$325 per month - covers cost of all classes and productions. Contact Janet Stegman at (310)995-9636.

The Empty State Theater at 2372 Veteran Ave. in W. Los Angeles proudly presents: "The Fortune Room Lounge Show" A musical improv show featuring the "Stella Ray Trio" and "The Lucky

Players". Every Saturday night at 10:00 p.m. Admission is \$10.00, drinks included w/admission. Lots of parking! For information or reservations please call (310)470-3560.

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Music Showcase. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Calendar items are printed free of charge as a service to our readers. Please submit your items to todaypaper@smdp.com for consideration. Calendar events are limited by space, and will be run at the discretion of the Calendar Editor. The Daily Press cannot be held responsible for errors.

KEEP YOUR DATE STRAIGHT

Promote your event in the Santa Monica Daily Press Calendar section. Fax all information to our Calendar Editor:
Attention Angela @ 310.576.9913



BACK PAGE

Citizens use arts and smarts to slow troublesome traffic

BY DAVID DISHNEAU

Associated Press Writer

HYATTSTOWN, Md. — The sculpture is as close to an official traffic stopper as the law allows: A stick figure with an upraised, white-gloved hand, it is one of 19 artworks that Hyattstown citizens have placed along a road in hopes of slowing the cars speeding past their front doors.

"If you see one, then all of a sudden, you start looking and, hopefully, your initial reaction is to slow down," said Linda Tetens, an artist who helped organize the project.

The Road Show, as residents call it, is among the many approaches citizens nationwide have devised for dealing with traffic problems that authorities won't or can't solve. Others involve brightly colored flags, "pace cars," homemade speed bumps, even a steel gate.

Tiny Hyattstown, about 25 miles northwest of Washington, isn't even a wide spot in the road. That is one of the problems its 65 residents face in trying to slow drivers who ignore the 30 mph limit on Route 355, a state highway popular with commuters avoiding congested Interstate 270.

Some of the community's 200-year-old houses are right beside the road, leaving little margin for parking — which tends to slow passing cars — or other "traffic-calming" features such as roundabouts and lane closings.

Tetens, who created some of the sculptures, said she and a neighbor once borrowed a police radar gun and found the average speed was at least 45 mph. In the

three years that Tetens has lived in Hyattstown, one neighbor's car was hit by a motorcycle and another was rear-ended while slowing to make a turn. In another accident, a driver who had stopped so that Tetens could pull out of her driveway was struck from behind.

The sculptures along the one-third-mile stretch include an enormous set of wind chimes hanging from a sturdy maple branch, and six brightly colored pin-wheels. The display began in July and has been changed periodically.

"It's been fun, artwise, and it's been fun to see that it worked," Tetens said.

Whether it really does work is unclear.

Bobby Donovan, another organizer of the project, said there have been at least three car accidents along the strip in the past month. He said community leaders are seeking help from state officials in installing sidewalks and establishing other visual cues that this is a residential area.

Hyattstown does not have its own police force. State police have helped nab tractor-trailers that illegally take the road to avoid a truck scale on I-270, but Montgomery County police say Hyattstown is just one small problem area competing for officers' attention.

Some Madison, Wis., citizens tried numerous tactics to make drivers yield to pedestrians after authorities refused to place additional stoplights along a commercial block of Monroe Street.

"We have done yard signs, Burma Shave signs, we have done speed boards, we have marked down who didn't slow down and the police sent them warning letters. Most of these things had some

effect, but mostly it was temporary," said Ann Clark, of the Dudgeon-Monroe Neighborhood Association.

They found greater success with pedestrian flags, a strategy also in use elsewhere, including Salt Lake City. Before stepping into the intersection, pedestrians can grab a tall, bright orange flag from a curbside canister. They wave it while crossing the street, then deposit it in a container on the other side.

"It's been wonderfully effective," Clark said. She said no pedestrians have been struck by cars on the block since the project began in May, compared with two such accidents in the previous 18 months.

Homegrown strategies in other communities have included:

■ Pace cars in Mesa, Ariz., where citizens who pledge to obey the speed limit can display "Official Neighborhood Pace Car" stickers on their vehicles to remind others to slow down;

■ Speed bumps in Rodgers Forge, Md., where Andrew McBee used them to slow traffic in an alley behind his house for three years until he was ordered to remove them last summer. He molded each of the speed bumps out of six to eight bags of asphalt from Home Depot.

■ An iron gate across a road that residents of Mukilteo, Wash., installed with city approval two years ago to prevent cars from speeding through their neighborhood at 60 mph. The gate was later removed by court order.

Employees sue Polo retailer

By The Associated Press

SAN FRANCISCO — Miffed at having to buy Polo's high-priced clothing, employees at the retailer's stores are suing Polo in a class-action suit against the company's uniform policy.

The complaint was filed Wednesday by Toni Young on behalf of other unnamed plaintiffs and claimed Ralph Lauren's Polo stores require sales representatives to purchase and wear the latest clothing line from the retailer.

"Defendants require all retail sales associates in their employment to purchase Polo Ralph Lauren clothing and accessories as a condition of their employment," said the court documents.

It was unclear from the complaint how much the sales representatives earned, though the court document said "sales associates, including the plaintiff, are paid low wages."

A typical man's Ralph Lauren Polo shirt costs in excess of \$50. Women's apparel exceeds \$90 for blouses.

According to the court document, Polo maintains its uniform policy "to give (it) a competitive advantage over other designers and retailers.... The policy is also meant to deliver (Polo's) current fashion message to the public."

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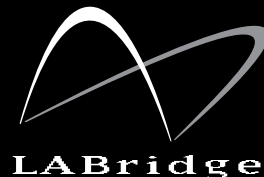
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