

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY



3 6 38 42 45
Meganumber: 30
Jackpot: \$15M



10 14 39 42 46
Meganumber: 1
Jackpot: \$23M



2 10 20 27 33

DAILY 3

MIDDAY: 1 6 0
EVENING: 7 5 1



1st: 10 Solid Gold
2nd: 02 Lucky Star
3rd: 05 California Classic
RACE TIME: 1.47.53

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

NEWS OF THE WEIRD

BY CHUCK SHEPARD

■ School bus driver Delores Davis faced termination in Coushatta, La., in August after she decided to arrange seating on her bus, with whites up front and all nine black kids into the back two rows.

■ In a suburb of Nashville, Tenn., in July, reserve Army Capt. John Parker was let go as a criminal-justice teacher at Wilson Central High School because he had volunteered for a second tour of duty in Afghanistan. School officials offered him his job back after the first tour, but after the second, they terminated his course, suggesting that he was insufficiently committed to teaching.

TODAY IN HISTORY

Today is the 270th day of 2006.
There are 95 days left in the year.

1964 The Warren Commission issued a report concluding that Lee Harvey Oswald had acted alone in assassinating President Kennedy.

1991 President George H.W. Bush announced in a nationally broadcast address that he was eliminating all U.S. battlefield nuclear weapons, and called on the Soviet Union to match the gesture.

QUOTE OF THE DAY

"The more you practice, the better. But in any case, practice more than you play."

BABE DIDRIKSON ZAHARIAS
AMERICAN ATHLETE (1911-1946)

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Suspected gunman's trial shelved

BY KEVIN HERRERA
Daily Press Staff Writer

LAX COURTHOUSE — A suspected gang member charged with the attempted murder of two undercover Santa Monica Police officers will not stand trial until late October after his attorney filed a motion asking for more time to prepare a defense.

The trial of Michael German Espindola, 21, a resident of Santa Monica, was supposed to begin Tuesday, however, Los Angeles Superior Court Judge Katherine Mader granted the motion to postpone the proceedings. Mader set a trial date for Oct. 25, according to a court clerk.

Espindola has pleaded not guilty to two counts of attempted murder, two counts of assault with a firearm, one count of shooting at an occupied motor vehicle and one count of unlawful firearm activity.

In addition, the complaint against Espindola alleges the attempted murder was to further the activities of a criminal street gang and that Espindola personally discharged a handgun. He has been held on \$2.4 million bail.

If convicted, he faces up to life in prison, according to the Los Angeles County District Attorney's Office.

The shooting occurred on Feb. 2 at about 5 a.m. near the corner of 20th Street and Pico Boulevard. Officers immediately sealed off the area and conducted a search, locating the suspects in an apartment building in the 1900 block of 17th Street near Santa Monica College. The department's SWAT team was deployed and negotiated the surrender of the suspects at approximately 6:15 a.m., police said.

Officer Walter Ramirez, a 4-year-veteran of the department, suffered a "through and through" wound to his right wrist, and was transported to UCLA Medical Center where he was treated and released.

Shortly before the shooting, the suspects were observed acting suspiciously in the parking lot of the

See **SUSPECTED SHOOTER**, page 5



Prettier with age

Fabian Lewkowicz/Daily Press
Robert Weinstein, 77, dusts off his sculpture titled 'Woman' at the SMC library. The sculpture is made from 230 million-year-old Kansas limestone, complete with embedded fossils.

In the business of disrepair

BY KEVIN HERRERA
Daily Press Staff Writer

CITY HALL — Prosecutors with the City Attorney's Consumer Protection Unit on Tuesday celebrated their latest victory in the battle against fraud — a settlement agreement that includes nearly \$11,000 in restitution to victims of a credit repair scheme

Master Credit Corp., which oper-

ated using a Santa Monica post office box, and owner Santi Khamvongsa pleaded no contest last week to the criminal charge of false advertising and have agreed to pay a dozen Californians \$10,775 within two years or face an additional \$1,000 fine, said Gary Rhoades, an attorney for City Hall.

The defendants will also serve

See **CREDIT SCHEME**, page 6

Weller's defense making its case

BY JESSICA ROBERTS
Special to the Daily Press

DOWNTOWN LA — Three weeks into what's expected to be a six-week trial, the prosecution on Tuesday rested its case against George Russell Weller, now 89, calling into question his whereabouts on the morning before he crashed through the Farmer's Market three years ago, killing 10 people and injuring dozens more.

David Eisenman testified that he saw a red car driving erratically on San Vicente Boulevard, near the intersection with Bundy Drive about 10 a.m. on July 16, 2003, about four hours before the incident for which Weller now faces 10 counts of vehicular manslaughter with gross negligence.

Weller, who was 86 at the time of the crash, was again absent from the courtroom, having been granted special permission from the court due to declining health.

Eisenman said he called the police that night after he saw a report about Weller's accident on the evening news.

"I recognized the car and driver as the one I saw on the road," Eisenman told the jury.

As Eisenman turned left into the far right lane on San Vicente Boulevard, he said he spotted a red sedan in the left lane. He testified the

See **WELLER**, page 5

Go ahead and eat your spinach

BY KEVIN HERRERA
Daily Press Staff Writer

CITY HALL — While visitors to any one of the four Santa Monica Farmers' Markets may be wary of purchasing fresh spinach in the wake

of a nationwide E.coli outbreak that has infected 183 people and killed as many as three others, city officials say it's safe to dig in.

That's because all spinach sold at the markets comes from growers with operations outside the three

counties where the outbreak originated — Monterey, San Benito and Santa Clara.

The latest update from the federal Center for Disease Control advises

See **SPINACH**, page 7



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Eddie Guerboian

Horoscopes

2

WEDNESDAY, SEPTEMBER 27, 2006

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Midweek fun tonight, Leo

Santa Monica Daily Press

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:

★★★★★DYNAMIC ★★★★★ POSITIVE ★★★ AVERAGE ★★SO-SO ★DIFFICULT



ARIES (March 21-April 19)

★★★★ You need to encourage yourself to take the high road. Others suddenly feel free to present another point of view. Try on different thought patterns for size. You will understand a lot more about those around you. Tonight: How about a game of Scrabble?

TAURUS (April 20-May 20)

★★★★ Work with individuals rather than groups. This recipe points to success right now. It might be time for a diet or a change in health patterns. Observe a tendency to go to excess. A moneymaking opportunity drops on you. Tonight: Quality time with a special person.

GEMINI (May 21-June 20)

★★★★★ Others need to dominate. You cannot change their energy right now. Creativity surges as you brainstorm. Walk away from traditional thinking, and you could be delighted at the path that opens up. Tonight: Where the crowds are.

CANCER (June 21-July 22)

★★★★ You put in the ultimate effort to accomplish what you must. Friendship mixes well with an activity or work-related matter. Be open to a different approach or way of thinking. Doors will open. Tonight: Home is where the heart is.

LEO (July 23-Aug. 22)

★★★★★ Your creativity surges. New beginnings stem from brainstorming. You have a way with words that reaches into others' souls. You gain in stature. Keep conversations flowing. You might find yourself going off-topic or calling it an early day. Why not? Tonight: Midweek fun.

VIRGO (Aug. 23-Sept. 22)

★★★ You might be checking out an investment or a new way of investing for the future. Others will decide to act on these opportunities at a lesser level, such as buying a new plant or sprucing up the house. Relax. Enjoy the moment, if possible. Tonight: At home.

LIBRA (Sept. 23-Oct. 22)

★★★★★ Your words carry clout; others listen. You have a way of telling someone off so that he or she might not even realize it until later. Express the real you, and others will find you adorable, brilliant or whatever you might like. Tonight: At a favorite spot.

SCORPIO (Oct. 23-Nov. 21)

★★★ Dig into your imagination or inner self for answers, even with a financial matter. You really know which way to go or what is important. If you want to restructure your budget, there is no time like the present. Tonight: Pay bills.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★★ You are in the thick of things. Others naturally work with you, not against you. Someone might not know how to show his or her caring. Be sensitive to this person. He or she cares more than you realize. Tonight: As you wish.

CAPRICORN (Dec. 22-Jan. 19)

★★ Step back some and get off the podium for now. You might have a lot of admirers who would like you to take charge, but the timing is off. Discussions are animated but also informative. Listen well. Tonight: Some personal time.

AQUARIUS (Jan. 20-Feb. 18)

★★★★ You need to focus on what counts. What is important to you? Follow through on just that. Meetings and friendships play significant roles in plans, events and discussions. A relationship might be changing. Don't worry so much about it. Tonight: Just don't be alone.

PISCES (Feb. 19-March 20)

★★★ Take a stand. A partner or associate supports you more than you thought. With his or her help, you could be unbeatable. Understanding takes you down a new path. Many look up to you. Accept your role with humility. Tonight: A must appearance.

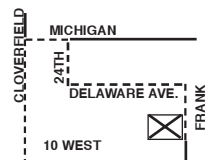
BORN TODAY Actress **Kathleen Nolan** (1933), musician **Meat Loaf** (1947)

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COMMUNITY BRIEFS



Courtesy of Will Rogers Polo Club

POLE POSITIONS: ‘Chukkers for Charity’ take the field at OPCC’s Victory Cup on Sunday.

Help for the poor is afoot this weekend

By Daily Press staff

Mount up for a good time, and for charity, this weekend and join the polo festivities at the 7th Annual Victory Cup event.

Hooves and mallets will fly when OPCC (formerly Ocean Park Community Center) hosts the polo fundraising event at Will Rogers State Park in Pacific Palisades on Sunday, Oct. 1, from 10 a.m. to 1 p.m. Proceeds will benefit OPCC’s Access Center in Santa Monica, providing food, clothing, counseling and other services to impoverished men, women and children on the Westside since 1963.

The event will include polo matches by the Will Rogers Polo Club, a champagne brunch and divot stomp, silent auction and Kidz Fun Zone with carnival games, face painting, pony rides and petting zoo. Tickets are \$100 per person and children 12 and under are free with paid adult. For additional information, call Donna Miller at 310-264-6646, ext. 235 or e-mail dmiller@opcc.net.

First candidates forum of the election season

By Daily Press staff

Questions and comments about the state of Santa Monica will be addressed in the first symposium of the election season this Thursday.

The symposium will be held in the Santa Monica Library Auditorium, 1324 5th St., from 7 p.m. to 8:45 p.m.

Moderated by Judi Bloom, formerly a television reporter, the forum will focus on the issues of city growth, development, density, population, traffic impacts, parking, transportation, land use and government accountability. Prepared questions and questions solicited from the audience will be asked. Those attending can speak with the candidates following the program.

Santa Monica Coalition for a Livable City, known for its direct approach in tackling growth issues, promises an informative evening for all concerned about the city’s future and interested in hearing candidates’ positions.

Bloom graduated Cornell and worked in broadcast news as a reporter and anchor for 15 years in New York, Miami, Philadelphia and Los Angeles. Changing careers, Bloom went back to school for her doctorate and became a clinical psychologist with a broad-based practice. Originally from Westchester County in New York, she and her husband Dennis Hauswirth have lived in the Los Angeles area since 1978, and in Santa Monica since 1982.

The event is open to the public and all are welcome.

Next stop, South Africa?

By Daily Press staff

Information about trekking through the exotic landscape of South Africa will be available to interested participants at Santa Monica College.

On Tuesday, Oct. 3, the college will present information meetings at 11:15 a.m. and 6 p.m. on its winter study tour to South Africa, which will include the cultural and scenic landscapes of the country.

The free presentations will be held in room 172 of the SMC Letters and Science Building, 1900 Pico Blvd.

The month-long study program, from Jan. 9 to Feb. 8, 2007, will include six units of academic credit in communication. Classes will be taught by journalism professor Barbara Baird, who worked as a reporter for the Los Angeles Times for 21 years, and broadcast professor Frank Dawson, with 20 years of experience as a television and entertainment industry executive.

The program will include a safari in Kruger National Park, sightseeing visits to Robben Island, Nelson Mandela’s house, Soweto and the Apartheid Museum and scenic and cultural tours in Cape Town.

The cost of the program is \$3,950, which includes round-trip airfare, tours, ground transportation, rooms and most meals. The cost does not include registration fees, which are \$20 per unit for California residents.

For information, go to <http://www.smc.edu/southafrica> or call (310) 434-4530, (310) 434-4585 or (310) 434-4159.



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SURF REPORT

SURF CONDITIONS

SWELL FORECAST (5-7 FT)

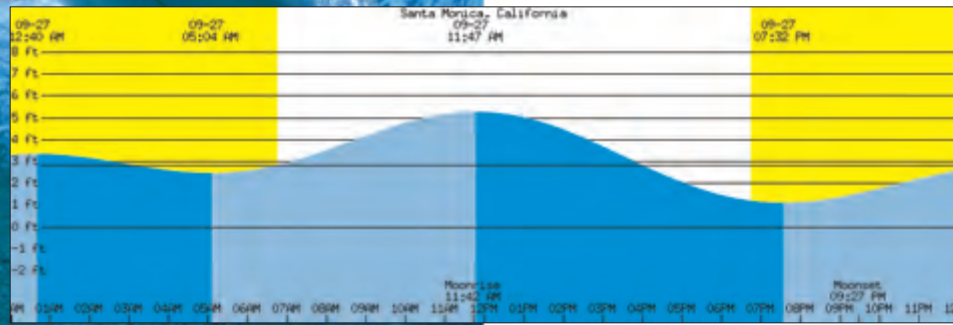
The SW swell should pick up a bit with size pushing head high on the better sets at stand-outs, but chest to shoulder high for the most part. NW remains quite small, and with the southern hemi energy being the only real swell component in the water, there will inevitably be noticeable dissimilarity in size between south facing breaks of varying bathymetry

LONG RANGE SYNOPSIS

SOUTH SWELL MIXES IN THURSDAY...

SMALL SURF THIS WEEKEND, BUT SOME LIGHT NW DUE...

TIDE FORECAST FOR TODAY IN SANTA MONICA



The QLine

Santa Monicans are about to enter the throes of campaign season. Locally, we've got multi-million bond measures to improve school facilities; a parcel tax increase to clean up the bay; an initiative to make pot smokers the lowest priority for cops and the question of whether the city manager should have the ability to fire top department heads who deserve it. On the city government front, there are three City Council seats up for grabs, all three of which are occupied by incumbents running. If you haven't heard from all eight of the candidates yet on their campaign platforms, you will.

So this week Q-Line wants to know, **"What do you want your elected leader to change in Santa Monica? What policies need to be created? What are the city's issues?"**

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your responses in the weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.

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LETTERS TO THE EDITOR

Rent Control only helps the fortunate

Editor:

I appreciate your articles about the recent developments of the City's policies with providing affordable housing and our need for apartments. Please also continue writing about the new candidates for City Council.

As a person who believes strongly in "social justice" and helping people in need, I find that rent control accomplishes neither of those worthy objectives. Instead, rent control today subsidizes those lucky few who rented at the right time and does nothing for the neediest who may need to rent now.

I own a four-unit apartment building here in Santa Monica. I am not a greedy, abusive landlord who is not devoted to Santa Monica like the picture that the city's Rent Control Board and some City Council members paint for all landlords. I struggle with my mortgage payment and work hard to keep up with the demands of maintaining my apartment building. I am truly interested and invested in this city.

Rent control is exacerbating the problems of making available apartments in the city, the high market rental rates, the poor condition of apartment buildings and the friction between the rent control renters and the landlords/market rate renters.

There has never been a test to determine who is benefiting from the below market rate rents. In fact, the individuals still benefiting from rent control just happened to have been in the apartments when the ordinance was founded. I would like to know how many of these people who are abusing the Rent Control Charter Amendment are working in the city rent control department or are city council members. I know of many disreputable situations where rent control tenants (paying a third of the market rental rate) are making more than middle-income wages and have their primary residence outside Santa Monica.

Landlords who request a correction of the rent to an increment closer to market rate (regulation 3304) for their absent tenants can spend years and over \$30,000 in legal fees in a frustrating process that favors the tenant. But what is appalling is how the rent control board does not even follow the ordinance for what constitutes "place of usual return" or even respond to the evidence produced.

Please continue your articles revealing the truth and there is hope for us to correct this injustice.

Amir Behboody
Santa Monica

Deceit is never a savory strategy

Editor:

In her Sept. 13 "Days On the Market" column, Jodi Summers writes that she's learned of "an excellent suggestion on how to deal with tenants." The advice is: Don't tell the tenant you're the landlord. "Instead, refer to yourself as the 'property manager.'" Then, if the tenant has a request, "You can say, 'I'm just the property manager so I will have to check with the owner.' That gives you time to think and to pass the buck if the answer is no."

It seems to me that this ingenious gambit might also work for tenants. The advice would be: Don't tell the landlord you're the tenant. Instead, refer to yourself as the "houseguest." Then, if the landlord asks for the rent, you can say, "I'm just the houseguest, so I will have to check with the tenant." That would give tenants time to think and to pass the buck if the answer is no.

All kidding aside, I was surprised that as a realtor at Boardwalk Realty, Ms. Summers endorsed dishonesty so openly. I would have thought that Boardwalk wouldn't wish to be associated with an unsavory business practice that Ms. Summers describes as "excellent."

James Picco
Santa Monica



ODDS OF A CHILD BECOMING A PROFESSIONAL ATHLETE:
1 in 16,000

ODDS OF A CHILD BEING DIAGNOSED WITH AUTISM:
1 in 166

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Loose borders just might be behind loose bowels



**THE
WITNESS
STAND**
BY CLIFF NICHOLS

Speaking with a physician can often be a disconcerting affair. But you wouldn't think it would have that effect when the subject is about something as innocuous as spinach. Boy, was I in for a surprise!

Figuring that what was good for Popeye should be good for us all, I asked, "What's up with all this bad spinach and the outbreak of E.coli?" My doctor friend's answer took the form of a series of questions about our current epidemic of sphincter spasms that caused mine to pucker.

The conversation went something like this:

First, he asked, "When you plan a trip to Mexico, what does a doctor tell you to do?"

I responded, "I've been told to take lots of antibiotics and paregoric."

"And, what else are you told about how to limit your eating habits down there?"

"I think the rule is to not eat any raw vegetables or salads, or put differently, don't eat anything that isn't well cooked, boiled or fried, right?"

"Right. And why is it that you take the medicine and follow that rule?"

I responded, "Because everybody knows that, if you don't, you are likely to get 'the runs.'"

"And, what causes the runs?"

I didn't know, and so I said, "I don't know. 'What does cause the runs, doctor?'"

"Things like E.coli."

"So, doctor, what's the point? The bad spinach causing an outbreak of E.coli is in this country, not Mexico."

"Well, have you ever considered that maybe the bad spinach in this country is coming to us from someplace like Mexico? When you think about it, there would be little difference between a bad salad tainted with E.coli bacterium that you wouldn't eat while in Mexico and the same salad, if it were brought to your home via your local grocer. The only real difference would be that, because it is placed on your dining room table, you would be more inclined to eat it. The effect on your bowels, however, would most likely be the same, wouldn't it?"

"Come to think of it, it probably would. But our government wouldn't let that happen, would they?"

"I don't know, but I can say this, 'Welcome to one of the probable future side-effects of globalization and free-trade.'"

My friend then went on to explain that, generally speaking, E.coli is produced by feces located either on or in the soil where vegetables are grown. And, when that bacterium is transferred to humans via those vegetables grown in proximity to the feces (i.e. spinach) it produces cramps, nausea and diarrhea similar to what we have observed recently with the current spinach debacle in this country. He pointed out that farming conditions that would permit this

to occur usually are found in third-world countries with less strict sanitation standards. So, when an outbreak of the type we have witnessed occurs in this country, logic would suggest that one of the first questions should be to ask, "Where did the bad spinach come from?" That is the first question that was asked when mad cow disease was spotted in Washington State, he said, and within days it was determined that the diseased cow had come from Canada.

Then why is that question not being asked of the bad spinach? One can only speculate, of course, but could it be because the government investigating the E.coli outbreak is also the same government that is currently promoting the importation of agricultural products that have been grown in other countries?

If so, the short of it is this: the health and sanitation standards of the countries that are growing the food we eat, for all practical purposes become our health and sanitation standards, and, to say the least, that may not always be a good thing for us here in America. But, wait. Don't go away. It gets even better. My friend noted that, just as E.coli can be imported into this country via bad veggies, so can other diseases hosted by, not only the foods we import, but by the people we allow to come into our country. In the past, it used to be the practice at ports of entry into this country, like on Ellis Island, to segregate sick immigrants from those that were healthy. Obviously, this was done to prevent an influx of various contagions into our population. That, however, is no longer the practice, my friend pointed out. What with our government's open border policy with Mexico, allowing anyone who wants to come in to this country, whether or not they are sick has been made acceptable. And, apparently many are. Therefore, according to my friend's ruminations, in the near future we may well see resurgence in this country of illnesses we thought had been eradicated for all practical purposes except for in some distant parts of the third world like diphtheria, whooping cough, tuberculosis, small pox and polio.

Thus, the ultimate question posed by my friend was: With our open border policies, could these illnesses soon be reappearing locally in our neighborhoods because our government has permitted them to be brought to our doorstep? If so, my friend warned, the diarrhea we are now witnessing could well be viewed in hindsight as the least of our problems. His point? When we see an outbreak of diarrhea erupting across our nation's fruited plains, we may do well to ask if it is not evidence that it is our very own government that has been caught with its pants down vis-à-vis an open border policy that quite possibly could imperil the future health of Americans?

And if it is determined that is the case, at minimum, wouldn't you have to conclude that's a policy that stinks?

Cliff Nichols is an attorney practicing criminal defense in Santa Monica. He may be contacted regarding this editorial at cliff@cliffnicholslaw.com or www.cliffnicholslaw.com.

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Weller's whereabouts are disputed

WELLER, from page 1

car changed lanes quickly, moving partially into the lane his car had entered, and braked and sped up abruptly a few times. Eisenman said the driver's erratic behavior made him hesitant to merge left out of the bike lane his car was in and on to San Vicente Boulevard.

"I felt that I needed to get away from his car and wanted to get in front of it," he said, adding that he got a look at the driver. "I saw an elderly gentleman ... white hair."

However, the witnesses' belief that he saw Weller was called into question by the defense, which began its case shortly after the lunch break.

Santa Monica Police Detective Virginia Obenchain, who interviewed Weller shortly after the accident at the Farmer's Market, said Weller told police that he had gone to Farm's Market on Montana Avenue and 21st Street in the morning — a small grocer located six blocks from Weller's home — and did not mention anything about San Vicente Boulevard.

Defense attorney Mark Borenstein asked Obenchain if Weller would have had to go in opposite directions to get to Farm's Market versus the San Vicente Boulevard and Bundy Drive intersection.

"Yes, taking the direct routes," she said.

California Highway Patrol Sgt. Donald Karol, who also is a supervisor of the Multi-disciplinary Accident Investigation Team

(MAIT), later testified that MAIT "couldn't confirm that the man that Dr. Eisenman saw was Mr. Weller."

Obenchain did confirm one of the key points for the prosecution — she said she could see through the windshield of Weller's Buick while sitting in the driver's seat at the scene after he plowed through the open-aiared market.

"I was able to read a 'restricted parking' sign 40 to 45 feet away," she said.

The defense has maintained that the deployment of Weller's airbag was a possible cause of the crash, decreasing visibility from within the car and possibly injuring the elderly driver amid the incident.

On cross-examination, Borenstein questioned Obenchain about her state of mind and the surrounding conditions when she looked through the windshield to read the sign. Obenchain confirmed that she was calm, the engine was not running and that she never drove the Buick.

Borenstein also asked about Weller's physical condition during the police interview and pointed to several instances on the tape of the interview when Weller is seen rubbing his arms.

On re-examination by Deputy District Attorney Ann Ambrose, Obenchain said the interviewers had asked Weller about his physical condition.

"He said he was fine," she said. "He said he did not have any bruises or cuts ... He did-

n't talk about the airbag at all."

Karol, who testified for the defense, said the MAIT investigation concluded that the accident had been caused by Weller's trying to press the brake, but instead pressing the accelerator.

The defense's main assertion is that Weller suffered a catastrophic case of "pedal error," confusing the accelerator for the brake, following a collision with a Mercedes Benz at the corner of Arizona Avenue and Fourth Street.

Karol, who re-interviewed several witnesses who had been at that corner, said the initiating event was "very important" and that this was not a "hit and run" accident, since Weller never stopped.

"We did not find any evidence of braking on the part of Mr. Weller," Karol said.

Before resting, the prosecution had entered, and the defense agreed to accept as fact, several items from the mechanical analysis of Weller's car, including that the examination found no leaks, restrictions or operational defects in the brakes or brake components, brake lights, emergency brake, throttle, accelerator, steering system or gear shift. Also, the examiner "did not detect anything that would cause the vehicle to accelerate without the driver pushing on the accelerator."

The prosecution also entered as fact that Weller had been examined at the UCLA Medical Center and was found to have "no medical condition that would have impaired his ability to drive."

The defense will continue its case today, with court in session only in the morning.

Accused gunman has trial postponed until next month

SUSPECTED SHOOTER, from page 1

Ralph's grocery store at 1600 Cloverfield Boulevard.

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

The officers lost site of the suspects' van around 18th Street and Pico Boulevard. As the officers drove south on 17th Street, they noticed the van parked in a driveway. As Ramirez drove

closer, a suspect, believed to be Espindola, jumped from the passenger side of the van, raised a weapon and fired three rounds, one striking Ramirez in the right wrist as he tried to drive away from the scene, police said.

His partner "saw the suspect raise his arm holding a firearm," said former SMPD Chief James T. Butts hours after the incident. "He yelled 'gun, gun.'"

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

The officers did not return fire, Butts said.

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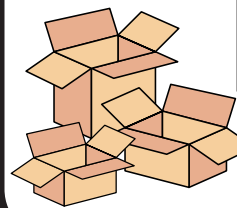
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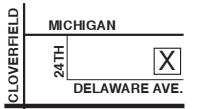
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CREDIT SCHEME, from page 1

three years probation, cancel all advertising in California and be forbidden from engaging in any credit-related work in the state unless they post a \$100,000 bond with the U.S. Department of Justice, according to the settlement agreement.

The victims of the scam said they paid, on average, more than \$500 to have Master Credit help them improve their credit records by resolving any unpaid bills or other financial disputes. The company did nothing, according to Rhoades, who filed the case in Santa Monica Superior Court on June 29.

Master Credit also claimed non-profit status, but in a separate action, that status was stripped by the Internal Revenue Service.

Representatives from Master Credit could not be reached for comment.

"This case puts consumers on notice that they should research companies before paying for such services," said Rhoades. "This

case also tells 'credit repair' companies that they will face criminal charges if they don't obey the law."

Rhoades said the case began when one customer called the Consumer Protection Unit to file a complaint, noticing Master Credit was using a Santa Monica mailbox. Investigators with City Hall checked with the Better Business Bureau and found there had been other complaints against Master Credit that were filed by victims from various cities in California. Master Credit was advertising over the Internet and in the Yellow Pages, Rhoades said.

After the defendants failed to appear in court for their Aug. 2 arraignment, the City Attorney's Office obtained arrest warrants and contacted the defendants at their Las Vegas office. Representatives with Master Credit voluntarily appeared in court and entered the plea agreement. Under state law, it is unlawful for someone to engage in false advertising, Rhoades said.

While none of the victims are Santa Monica residents, Rhoades said it is the phi-

TAKE HEED BEFORE TAKING CREDIT

If one decides to respond to a credit repair offer, the FTC recommends looking for these tell-tale signs of a scam:

- Companies that want you to pay for credit repair services before they provide any services.
- Companies that do not tell you your legal rights and what you can do for yourself for free.
- Companies that recommend that you not contact a credit reporting company directly.
- Companies that suggest that you try to invent a "new" credit identity — and then, a new credit report — by applying for an Employer Identification Number to use instead of your Social Security number.
- Companies that advise you to dispute all information in your credit report or take any action that seems illegal, like creating a new credit identity. If you follow illegal advice and commit fraud, you may be subject to prosecution.

losophy of the Consumer Protection Unit to be "proactive" so that no one is victimized, regardless of where they reside.

There has been a history of credit repair companies defrauding consumers. The Federal Trade Commission has set up a web site dedicated solely to warning consumers about the fraud, and the state Legislature passed protections forcing these businesses to register with the Department of Justice and to post a bond whether they have run into trouble or not.

Non-profits are exempt.

"Our primary purpose in the Consumer Protection Unit is to provide a service for consumers where they can turn when they are running up against groups, especially corporations, that are taking advantage of them, so we're happy that in this matter," said Rhoades. "Not only were we able to get restitution for the victims, but we were able to do it relatively quickly and keep (Master Credit) out of California to protect against further injuries."

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Important Public Hearing Notice

Coastal Development Permit Application No.: 5-06-042 (Venice ERUV)

Applicant(s): Pacific Jewish Center

Project Description: Attach 20-foot high 1 5/8" diameter pole extenders to County information signs at 19 locations at street ends on Ocean Front Walk between Catamaran and Via Marina (Venice); stretch 200 lb test monofilament line between existing street lights and pole extenders between Seaside Way, Santa Monica and Marina del Rey entry channel fence; install 1" by 14" streamers on line in vicinity of least tern nesting area to increase visibility for birds; conduct weekly inspections, remove downed line and repair breaks as required.

Project Location: Existing light poles and 19 lifeguard signs at street ends on beach and at Ocean Front Walk between Seaside Way, Santa Monica and Via Marina, Venice, Cities of Santa Monica and Los Angeles, Los Angeles County.

Public Hearing Date: October 12, 2006,
Item No. 12e, Meeting begins at 8:00 a.m.

Hearing Location: Hyatt Regency Long Beach, 200 S. Pine Avenue, Long Beach, CA 90802 (562) 491-1234.

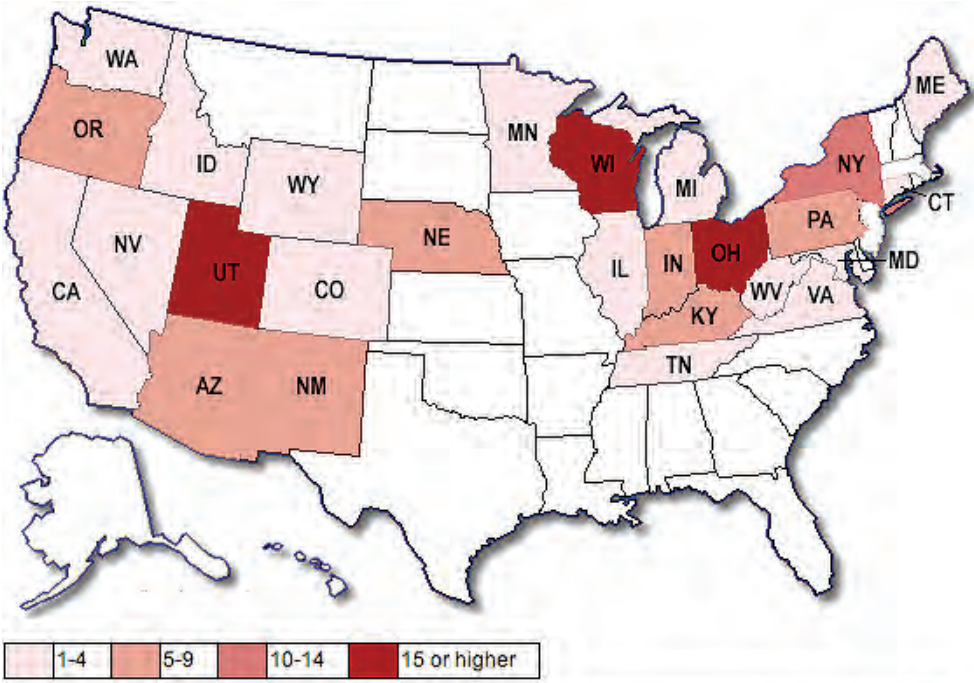
Hearing Procedures: This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. Copies of correspondence will be provided to the Commission if received a minimum of three working days prior to the public hearing. Staff may provide only samples of form letters along with an indication of the number received. Written comments may be of any length; oral testimony may be limited to 5 minutes or less for each speaker, depending on the number wishing to be heard.

The above item may be moved to the Consent Calendar for this area by the Executive Director when, prior to Commission consideration of the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If this item is moved to the Consent Calendar, the Commission will either approve it with the recommended conditions contained in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If the item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. Staff at the appropriate Commission office can give you more information prior to the hearing date. Questions regarding this item and requests for staff reports should be directed to Pam Emerson at the South Coast District Office in Long Beach (562) 590-5071.



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State	Number of Persons With Outbreak Strain
Arizona (AZ)	7
California (CA)	1
Colorado (CO)	1
Connecticut (CT)	3
Idaho (ID)	4
Illinois (IL)	1
Indiana (IN)	9
Kentucky (KY)	8
Maryland (MD)	3
Maine (ME)	3
Michigan (MI)	4
Minnesota (MN)	2
Nebraska (NE)	9

State	Number of Persons With Outbreak Strain
New Mexico (NM)	5
Nevada (NV)	1
New York (NY)	11
Ohio (OH)	24
Oregon (OR)	6
Pennsylvania (PA)	8
Tennessee (TN)	1
Utah (UT)	18
Virginia (VA)	2
Washington (WA)	3
West Virginia (WV)	1
Wisconsin (WI)	47
Wyoming (WY)	1

Courtesy of Center for Disease Control

City: Let them eat spinach

SPINACH, from page 1

customers to not eat any fresh spinach grown in those counties, but has deemed any leafy green grown outside of those areas safe for consumption,

"We do not have any farmers from San Benito, Santa Clara or Monterey counties," said Laura Avery, the Santa Monica Farmers' Market supervisor. "Our spinach was safe all along."

Avery said spinach sold at Santa Monica Farmers' Markets comes from growers in Los Angeles, Ventura, San Luis Obispo, Santa Barbara, Riverside, San Bernardino, Tulare, Orange and Fresno counties.

"There was a lot of confusion ... from getting new press releases every day saying avoid commercially bagged spinach, then bunched or bundled spinach," Avery said. "There were a lot of dueling press releases and people just didn't know what was safe to buy."

Restaurants were canceling orders for spinach because customers were leery of eating what they thought could be contaminated greens, Avery said.

"But with this information out there, I'm sure (today) we'll be back to selling and buying spinach."

Santa Monica's Farmers' Markets are held on Wednesdays, Saturdays and Sundays.

Federal health officials first became aware of the current outbreak on Sept. 13 after receiving several reports of people becoming ill. An investigation by the CDC, the U.S. Food and Drug Administration and the California Department of Health Services determined that illnesses were caused by tainted spinach.

Other produce grown in Monterey, San Benito and Santa Clara counties is not implicated in this outbreak. Processed

spinach — frozen and canned — is also safe to eat, federal health officials said.

Five companies that package and distribute fresh spinach and fresh spinach containing salad blends have announced voluntary recalls, including Natural Selection Foods in northern California, which distributes nationally, as well as to Canada and Mexico. No illnesses had been reported outside of the U.S. as of Tuesday, according to the CDC.

Natural Selection supplies many grocers, including Trader Joe's.

E.coli O157:H7 causes diarrhea, often with bloody stools. Although most healthy adults can recover completely within a week, some people can develop a form of kidney failure called Hemolytic Uremic Syndrome (HUS). HUS is most likely to occur in young children, the elderly and people with compromised immune systems. The condition can lead to serious kidney damage and even death.

Among those who have become ill during the recent outbreak, 52 percent were hospitalized, while 16 percent developed kidney failure. Seventy-two percent were female and 9 percent were children under 5 years old. No deaths have been reported in California, according to the CDC.

A previous outbreak involving fresh spinach occurred in California in October of 2003. Sixteen cases of illness were reported and two people died, federal health officials said.

More than half the nation's annual 500 million-pound spinach crop is grown in California's Monterey County, according to the U.S. Department of Agriculture.

The strand of E.coli responsible for the outbreak can be killed by cooking spinach at 160 degrees for 15 seconds, according to the CDC. Raw spinach, if not handled properly, could contaminate other foods.

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PALM DESERT

Bighorn has a little limp

One of two Peninsular bighorn sheep released into the wilderness to bolster the population of the endangered species has an injured leg.

The bighorn was seen limping on Sunday. Biologists won't intervene, however, saying Monday they will monitor the situation and let nature take its course. There were no gashes, blood or other obvious signs of the injury's cause.

"In most cases, you just watch them and don't interfere," Bighorn Institute senior biologist Aimee Byard said.

The two sheep were released Sept. 21 in the San Jacinto Mountains, where a small herd roams.

GLENDALE

Money for homeless missing

The city and federal auditors are poring over documents in an effort to account for nearly \$100,000 in housing grants and matching funds in connection with the city's homeless assistance program.

The city cannot account for more than \$19,400 in federal housing grants and about \$76,800 in matching funds for its homeless assistance program, federal auditors said.

The money is part of \$752,000 the city received in 2005 from the federal Department of Housing and Urban Development to operate a transitional homeless shelter operated until last year by the El Monte-based Institute for Urban Research Development.

City Manager Jim Starbird believes the city will be cleared after the financial review.

That sinking feeling: Anti-terror funds for state ports decreasing

BY JEREMIAH MARQUEZ

Associated Press Writer

LOS ANGELES — Federal funding to protect California's biggest ports from terrorist attacks is decreasing dramatically this year, the Department of Homeland Security said Monday.

The twin-port complex of Los Angeles and Long Beach will get about \$12 million in 2006, compared to about \$24 million in 2005, though it's not clear yet how that will be divided between them.

Meanwhile, the port of Oakland is getting no grant money. The nation's fourth largest harbor and California's second largest, Oakland got about \$2.9 million in 2005 and requested about \$6 million for 2006.

Some state and federal officials were dis-

mayed by the allocations, noting that California ports handle 47 percent of the country's imported goods but only received 8 percent of port security grant funding.

"This grant award decision is beyond outrageous, it is dangerous," said Sen. Barbara Boxer, D-Calif.

"DHS has constantly said that their intent is to direct valuable homeland security funds to the nation's assets most at risk or where the consequences of an attack would have the most devastating effect," said Matthew Bettenhausen, head of the state's Office of Homeland Security. "Unfortunately, DHS has failed in this attempt."

The new money is meant to help ports guard against attacks by land or sea but is not designed to pay for cargo screening.

In other federal grants announced

Monday, San Diego was awarded just under \$1.25 million to safeguard rail and bus systems. Sacramento received \$477,000 to secure light rail transportation.

The money is part of nearly \$400 million announced by the Bush administration Monday to protect seaports, commuter trains and other transit systems from terrorists, seeking to appease high-risk cities that suffered security funding cuts earlier this year.

The money comes on top of security grants given to high-risk cities earlier this year that created controversy because funding to two of the highest-risk cities — New York and Washington — was cut by 40 percent.

New York was a winner in the new round of funding. Funding for the port of New York and New Jersey is increasing from \$6.6 million to \$25.7 million.

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Suburban homes emerging as newest marijuana fields

BY DON THOMPSON

Associated Press Writer

ELK GROVE, Calif. — Leon Nunn stepped out his front door one recent afternoon only to be waved back by a squadron of drug agents using a battering ram on a neighbor's home.

The half-million-dollar home in the quiet subdivision was found to be stuffed with high-grade marijuana plants, growing in soil-free trays under bright lights.

More than 40 similar busts have been reported over the past two months in neighborhoods in and around Sacramento, exposing what has become a new battleground in California's battle against marijuana cartels.

Pot growers with suspected ties to Asian organized crime in San Francisco have been buying suburban homes to the east because of the anonymity the neighborhoods offer, and because the houses are relatively affordable by California standards. The owners then close the blinds and convert the homes into marijuana hothouses.

"We had no idea. I was shocked," said Nunn, an associate minister at Elk Grove's Progressive Church of God in Christ. "We never saw them or heard from them. It was just a real quiet house on the block."

The Nunns have since installed security lights and cameras and said some of their neighbors are talking about moving away.

"Now we're just suspicious every time we see something around here," said the minister's wife, Patricia. "You pay this much money, you don't expect those things to happen."

Until now, West Coast law enforcement agencies have been more concerned about large-scale outdoor marijuana gardens, which often are planted in public forests or parks by Mexican drug cartels.

The Drug Enforcement Agency saw a 50 percent increase nationwide in indoor operations in 2005 from the year before, said Gordon Taylor, who heads the Drug Enforcement Administration region in central and Northern California.

Growing marijuana indoors has certain advantages: The operations cannot be spotted by an airplane or a hunter, and the plants can be grown year-round.

Police from Sacramento to Stockton, about 40 miles to the south, are bashing in doors at homes virtually every day as they develop new leads or are tipped by suddenly wary neighbors.

"I've been doing this almost 20 years, and I have never seen this many indoor grow operations in such a small area in such a short period of time," Taylor said. "Some people might characterize it as an epidemic."

The home on Elk Grove's Mainline Drive had 1,000-watt lights, as well as high-tech

hydroponic growing systems.

Walls and ceilings were smashed to allow for complex ventilation and filtration systems that vented the telltale odor of pot through the attic. A web of extension cords and makeshift electric panels was used to illegally tap into the outside grid to avoid detection and save thousands of dollars in expenses.

Most of the targeted homes were bought for between \$400,000 and \$600,000. Hundreds of thousands of dollars were spent to convert each of them to grow millions of dollars worth of marijuana.

"They're going into these cookie-cutter communities and making cookie-cutter marijuana factories," Taylor said. All of a sudden, the neighbors "have an organized crime marijuana factory right next to them. It's alarming."

Some neighbors said they were too frightened to be quoted. Others were able to laugh about it.

"I tell the neighbors, 'You weren't even cutting me in on that fortune you had growing down the street,'" said John McAlister, who lives across from the Nunns in the six-year-old subdivision. "They look at me like, 'Don't even say that.' They were shocked, to say the least."

For all the sophistication of the operations, many neighbors said they were suspicious because the owners neglected to mow or water their lawns.

"We suspected it, when you spend \$500,000 on a home and let it go to pot, so to speak," said Marilyn Smith, who lives across from another Elk Grove home that was converted to a marijuana factory. "Nobody was ever there and the blinds were all closed."

The phenomenon was seen earlier in British Columbia, Canada, where Vietnamese organized crime outfits gutted houses to grow potent "B.C. Bud" that can sell for \$5,000 or more a pound in the United States. Growers headed south to avoid increased border enforcement after the 2001 terrorist attacks, according to investigators.

"It's definitely a concerted effort by Asian organized crime groups in Canada to move part of their operation down to the United States," said Rodney Benson, the DEA's agent in charge of Washington, Oregon, Alaska and Idaho.

The homes in California's Central Valley are linked to San Francisco's Chinatown and have "all the markings of Asian organized crime," said the DEA's Taylor.

Five San Francisco residents were charged with federal marijuana crimes last month in connection with some of the busts in Elk Grove. Police in Elk Grove and Stockton have arrested several other people in recent days.





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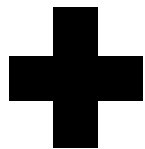
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Herd the news: Judge snuffs out snowmobiles to protect caribou

By The Associated Press

SPOKANE, Wash. — A judge has declared nearly 470 square miles of national forest land in northern Idaho off-limits to snowmobiles in an effort to save the last mountain caribou herd in the contiguous 48 states.

In a 31-page ruling Friday, U.S. District Judge Robert H. Whaley banned snowmobiles throughout a caribou recovery zone in the Idaho Panhandle National Forests until the U.S. Forest Service develops a winter recreation strategy taking into account the impact of the loud, exhaust-spewing devices on the herd.

Estimates of the herd in the Selkirk Mountains, which extend into southeast British Columbia from around Priest Lake, Idaho, northeast of Spokane, run to about three dozen animals, a "precarious finger-hold" on survival, Whaley wrote.

Citing aerial photographs that show snowmobile tracks crisscrossing caribou routes to vital feeding areas, the judge added, "The court chooses to be overprotective rather than underprotective."

The ban does not apply to hundreds of miles of state-owned land east of Priest Lake and offers a slim chance that limited snowmobiling might still be allowed in part of the recovery zone. Whaley gave environmental groups and the Forest Service a week to develop a proposal for a more trail-specific approach.

Many experts believe that not all snowmobile trails within the 300,000-acre recovery area cross key caribou habitat, especially at lower elevations.

The ruling was the second in less than a year by Whaley against snowmobilers who have provided a vital wintertime economic boost in an area many have viewed as a powder

paradise.

In December he banned snowmobile trail grooming, and few were willing to endure the bumpy trails although snowmobiling was still allowed.

Owners of businesses on the west side of Priest Lake said the grooming ban put a severe damper on winter tourism, and the new snowmobile prohibition "will probably be pretty devastating," said Mike Sudnikovich, a lifelong area resident and member of the Priest Lake Trails and Snowmobile Association.

Citing evidence that snowmobiles scare caribou from feeding and calving grounds, environmentalists have sought to ban the machines to protect the endangered animals, which once roamed vast reaches of the forests east of the Cascade Range.

"We're down to the last few animals. We need to do everything we can to protect them," said Mark Sprengel, director of the Selkirk Conservation Alliance in Priest River.

Other plaintiffs in the legal battle include The Lands Council, the Idaho Conservation League, Conservation Northwest, Defenders of Wildlife and the Center for Biological Diversity.

With lighter, more powerful designs, snowmobiles have increasingly been able to roar through remote areas that once provided refuge for the caribou, which can weigh 400 pounds but are able to walk on deep snow with their dinner plate-sized hooves, grazing on lichen that hangs from the branches of subalpine trees.

Lichen provides little nutrition, but deep snow provides safety from predators — except when, according to experts cited by the environmental groups, the predators are able to take advantage of compacted snowmobile trails and tracks.

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Candidate's missteps put him in dogfight

BY STEVEN K. PAULSON

Associated Press Writer

DENVER — First came word that the running mate picked by GOP gubernatorial candidate Bob Beauprez had compared same-sex marriage to bestiality. Then Beauprez apologized for overstating the abortion rate among blacks.

Since late August, it has been one problem after another for Beauprez, a congressman from the Denver suburbs who was once considered the front-runner in the race to succeed outgoing Republican Gov. Bill Owens.

Instead, he is in a dogfight with Democrat Bill Ritter, a former Denver district attorney who has tried to shed his big-city image by visiting every one of Colorado's 64 counties.

Some Republicans are getting jittery about the race, and some worry that the problems dogging Beauprez are indications of a deeper rift in the Republican Party stemming from a battle last year over tax breaks.

Colorado Democrats have not controlled

the Legislature and the governor's office at the same time since 1962, but they are optimistic heading into November.

The latest figures show Beauprez trailing Ritter in fundraising and in the polls. For the period ending Sept. 13, Ritter reported raising \$197,000 to Beauprez's \$99,000.

"I think Republicans are concerned, obviously. Yes, the campaign has made missteps, but those missteps don't have to be terminal. It's not over yet. The fat lady hasn't sung," said GOP political analyst Katy Atkinson of Denver.

Beauprez has been dogged for months about his opposition to Referendum C, a 2005 ballot measure in which voters agreed to give up \$5 billion in tax refunds over the next five years to shore up the state budget. The plan was backed by Owens and many businesses, a key GOP constituency.

Beauprez said he has met with Republicans who backed the plan to air their differences.

"The whole issue of that dustup is behind us," Beauprez said. Still, he admitted his campaign has had its problems.

Beauprez's running mate, Janet Rowland,

quickly apologized after the public learned of her comments during a March broadcast of a public television program. Rowland said homosexuality is an alternative lifestyle, then added: "For some people, the alternative lifestyle is bestiality. Do we allow a man to marry a sheep?"

Ritter's campaign called the remarks insensitive and crude.

Then Beauprez offered his own apology for saying during a radio interview that 70 percent of pregnancies among blacks end in abortion. The Alan Guttmacher Institute, which compiles abortion data, said a 2002 report suggests 43 percent of conceptions among black women ended in abortion, compared with 18 percent for whites.

"I think there are little bumps in the road people go through, but Ritter had some, too," Beauprez told The Associated Press. "He declared himself pro-life, then said he'd make exceptions for anomalies. I asked if that included Down syndrome and he said yes."

Ritter's campaign spokesman, Evan Dreyer, said Tuesday that Ritter does not support abortions in cases where the fetus

has Down syndrome.

Ritter's stance on abortion has worried fellow Democrats. He said he personally opposes abortion but insists he will support abortion rights as long as Roe vs. Wade is the law.

For his part, Beauprez has attacked Ritter for cutting plea bargains with illegal immigrants in drug cases and with drunken drivers when he was DA.

Ritter said he expects the Beauprez camp to harp on specific cases, but is convinced "there are no Willie Horton cases out there," a reference to the ad about a convicted murderer who raped a woman while on furlough from a Massachusetts prison. The ad helped wreck Democrat Michael Dukakis' presidential hopes in 1988.

Independent pollster Floyd Ciruli of Denver said Beauprez has two big problems: a Republican Party divided nationally over the Iraq war and the Bush administration, and a state party that is still split over Referendum C.

"Probably the most important one is that he inherited a very divided party in a poor year for Republicans," Ciruli said. "I don't know that it's over, but it's getting very, very close."

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DAYS ON THE MARKET

BY JODI SUMMERS

Last week, we spoke about preventative maintenance for the rainy season ... so continuing along that line of thinking, we thought we'd go one step further and talk about overall preventative maintenance for investment properties.

The art of preventive maintenance involves noticing small problems and fixing them before major ones develop. Practicing preventive maintenance on your properties is like changing the oil in your car. By changing the oil at the recommended intervals, you will prolong the life of the motor. By inspecting and making basic repairs to your property, you can minimize your maintenance budget.

According to Douglas D. Chasick, Senior

Vice President of Professional Services, CallSource, an effective preventive maintenance program accomplishes two goals:

1. By regularly inspecting and maintaining your buildings and equipment, you can avoid breakdowns. "For example, regular inspections of your air-conditioning units, filter replacements and coil cleanings all prolong the life of your HVAC equipment."

2. Being thorough when making repairs can help avert more serious problems from occurring.

MAKE A LIST

First, identify what items need to be included in your preventive maintenance program, and write down the list and what needs to be done to each item.

Your list may include:

- HVAC: Clean coils, change filters, oil motors.
- Rain Gutters: Inspect for secure fastening and clean.
- Roofs and Flashing: Inspect and repair.
- Water Heaters: Drain to remove

deposits from the bottom of the heater, which will corrode, and rust out the heater prematurely. Also, check the seems for leaks. In large buildings, boiler water should be analyzed by a laboratory to determine the need for chemical treatment, which minimizes the build-up of scale in the boiler that reduces efficiency and shortens equipment life.

■ **Plumbing:** Inspect the underside of the building. Early detection will not only reduce your water bills, but also reduce the damage from dry rot and the possibility of mold.

■ **Rooter the Common Drain Lines:** Avoid big, smelly sewer back-ups by regularly rooting the common lines. When a back-up is reported, attack it immediately.

■ **Elevators:** Service companies offer contracts that range from providing minimal service to full maintenance contracts

■ **Fire Extinguishers:** Inspect and recharge.

■ **Smoke Alarms:** Inspect and test battery.

■ **Photocells:** Inspect, test and clean.

■ **Storm Drains:** Inspect and clean.

■ **Lawn Sprinklers:** Inspect, test, replace heads and reset timers.

■ **Exterior Doors:** Inspect weather stripping, thresholds, hinges, door closers and locks.

■ **Balcony and Stairwell Railings:** Inspect for secure fastening.

■ **Painting:** Different exposure to the elements or patterns of use dictates that some areas need touch-up paint more often than others. Failure to treat wood when needed may result in unnecessary damage.

■ **Check Signage:** Are the signs you posted still in place? Signs can disappear and you can become liable.

■ **Check Parking Areas:** Look for debris, grease/oil spots, and unauthorized storage and/or vehicles. Look for evidence of leaks in the garage ceiling or walls. Inspect for cracks and potholes.

■ **Check Walkways and Driveways:** Look for cracks, uneven surfaces and problem tree roots. Repair to avoid the lawsuits related to tripping and personal injury.

■ **Clean Out Dryer Vents:** If you have residential units, this can turn into a pricey headache if not done, and it can create a fire hazard.

■ **Exterior of Buildings:** Inspect for wood rot, loose or damaged trim, paint deterioration and loose or damaged siding.

■ **Swimming Pool:** Inspect filters and pumps, oil and adjust.

■ **Exterior, Common Area and Signage Lighting:** Consider equipping the outside lights on photocells instead of timers. You will be rewarded with lower utility bills and less maintenance.

Do a complete walk-through of the property, that will help you list everything to be included in your preventative program.

When owners or managers feel that preventive maintenance is beyond their capability, they hire engineers to establish and implement a program.

"We nurse along about 100 buildings — it's a super-handholding operation," said Arthur L. Spaet, president of Arthur L. Spaet and Associates, which handles maintenance programs.

MAKE A SCHEDULE

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Obviously, to keep your property in top order, you will need to inspect various aspects of your property on a regular basis. Ask the manufacturer, read the service book and talk to the subcontractors when figuring out how often you need to inspect each entity on your property that involves maintenance. If you're feeling inspired, add a frequency column to your list.

CHECK INSIDE THE UNITS

Experts suggest that an annual inspection of each leased unit is a good idea from a property maintenance standpoint. Check the smoke detectors for proper operation. Check for plumbing leaks, and areas that might need caulking or repair — running toilets, dripping faucets, walls, windows and ceilings.

COST-EFFECTIVE BEHAVIOR

Save time and money by having your service technician perform a "mini-maintenance" on additional units when they are completing a service request. After completing the service request, the service technician can check all faucets for drips, flush the toilets to see if they run, check all the window screens, graphite the locks, check the HVAC filter, etc. This "mini-maintenance" shouldn't take long and can be noted in the records.

CREATE A BUDGET

Bet you guessed that most preventive maintenance programs fail because of time and money. Your chances of success increase when you have a budget and then you divide that amount by the total number of units at the property to find out your "per-unit" cost. Then, figure out approximately how much time is going to be involved with each expense. To come up with this budget, do similar research that you would do if you purchased the building — get a few years of financial statements and invoices together. Do you have common area maintenance fees? Do your CAM fees cover the preventative expenses?

USE RELIABLE TECHNICIANS

When implementing a maintenance regime, make sure you surround yourself with a reliable team. You don't want your tenant calling you to fix the same problem again and again.

These items may seem costly and time-consuming, but it is less costly and time-consuming than allowing today's crisis to determine your maintenance program. If you still aren't convinced and won't do everything, at least prioritize. Attend to the problems, which occur most frequently at a particular building.

For information on Southern California investment properties, there is a great website at www.SoCallInvestmentRealEstate.com.

Jodi Summers is Director of the Investment Division at Boardwalk Realty. For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219, or visit her website at www.santamonicalandmarks.com.

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THE HOA ADVISOR
BY MICHAEL CHULAK

Homeowners need to stick together

Q In reviewing the Bylaws and CC&Rs (Covenants, Conditions and Restrictions) of our homeowner association, our board has noted several conflicts. Which document takes precedence?

A CC&Rs take precedence over Bylaws when a conflict occurs.

Q Will transferring title to my home to a living trust cause a reassessment under Proposition 13?

A Absolutely not.

Q Will transferring title to my home to a living trust put me in danger of having my lender call the loan due?

A No. Under California law, a lender may not accelerate the maturity of a loan as a result of the owner transferring title to a living trust.

Q May our homeowner association prohibit us from displaying the American Flag on our property?

A No. A homeowner association may not adopt a rule which prevents a person from displaying a flag of the United States on private property unless it is used in conjunction with an advertising display. They may prevent you from attaching the flag to the common area.

Q The board of directors of our townhome association has decided to rent out several guest parking spaces to individual members of our association. Can they legally do this? Their action has created a shortage of visitor parking spaces.

A Absent a highly unusual provision in your CC&Rs (Covenants, Conditions and Restrictions), the answer is no. The common area is owned by all members of the association and may be used by or for the benefit of all members of the association.

In addition, many cities prohibit the conversion of guest parking spaces to non-guest use. You may check with your local city or county building department concerning such restrictions.

Q I live within a large homeowner association that includes a lake which is surrounded by homes. My home is not within view of the lake, nor do we use it. It seems unfair for us to be assessed for the maintenance of the lake when we can't even see it. Do we have any recourse?

A Other than moving, no. If your CC&Rs (Covenants, Conditions and Restrictions) require that you pay a share of the maintenance, you must do so. It is a contractual obligation you agreed to when you purchased your home.

Even if you cannot see the lake or don't use it for recreational purposes, it is a unique amenity that increases the value of your property.

Michael T. Chulak is the founder of Michael T. Chulak & Associates, a Law Corporation, based in Agoura Hills. Questions can be sent to info@MTCLaw.com. Answers are general in nature. An attorney should always be consulted when legal advice is needed. For more information, visit these two web sites: www.MTCLaw.com and www.HOAQandA.com. Chulak also schedules free legal seminars throughout Los Angeles and Ventura counties. See www.LegalSeminars.net.

The quality of the property determines buyer's security



IN YOUR SPACE
BY CHRISTINA S. PORTER

How and by whom a property is managed in addition to its economics are the "nuts and bolts" of any real estate investment. If the goal is to minimize management for income-producing real estate, there are three basic approaches — own a triple net lease property outright (the tenant does the management and pays a fixed monthly amount), invest in a fractional interest Tenant in Common that uses a Property Management Company or invest in a Tenant in Common that uses a Master Lease structure.

For this article, we are going to focus on the Master Lease structure used with Tenant in Common investments. With a Master Lease, the Lessee leases the entire property from the TIC owners, thus relieving the owner of management responsibility and providing a fixed level of income.

Investing in a Master Lease TIC property has both advantages and disadvantages for the investor.

Generally, the benefits of a Master Lease include:
■ Steady income, regardless of market fluctuations. The Master Lessee is obligated to pay the agreed upon lease rate to the Tenant in Common owners, regardless of market fluctuations. This is the same as a triple net lease property, but unlike using a Management Company where income will reflect the market over time.

■ Little to No Ownership Management Required. With a Master Lease, the owners are contracting out the management of their investment. This is the same as using a Management Company or owning a triple net lease property.

■ The Master Lessee typically pays all expenses, including maintenance and repair on the property. Depending on how the master lease is written, the Tenant in Common owners could bear some or all responsibility for any necessary capital expenditures (e.g., new HVAC, roof, etc). It is important for the Tenant in Common owner to fully understand all terms in the master lease before investing.

Disadvantages of a Master Lease can include:
■ Potential Loss of "upside." Master Leased properties pay a flat percentage of cash invested with possible fixed annual increases or annual bonuses as a percentage of increased income. All income above this fixed income is kept by the Master Lessee, thus depriving the owners of potential increases in income they would realize if they were using a Management Company.

■ Risk of Capital Expenditures and Maintenance. Because the Master Lessee keeps everything not paid out in expenses, capital improvements or fixed payments to the investor there is the risk that the property will not be properly maintained or that capital improvements will not be performed in a timely manner.

■ Risk of Loss of Real Income. The fixed income that is produced by Master Leases seldom adequately adjusts for

Sample Properties For Sale

Retail

City	State	Price	Cap Rate	SF
San Jose	CA	\$2,100,000	8.80%	3,300
Charlotte	NC	\$2,390,000	9.70%	42,440
Cedar Park	TX	\$6,000,000	7.80%	30,980
Ft. Collins	CO	\$8,500,000	9.70%	61,831

Tenant In Common/Alternatives (No Management)

Type	State	Minimum Investment	Year1/Year 5 Cash On Cash
Medical Office	NC	\$100,000	7%/8%
Sumitomo Dist Ctr.	KY	\$200,000	7.5%/7.95%
Multy Family	NC	\$250,000	7.29%/8%
Grocery Anchored (	NY	\$350,000	10%/12%

inflation over time. For a 10-year investment paying a flat 6 percent to 7 percent, the loss in buying power can be significant. One of the major benefits to owning real estate is that it historically has adjusted for this loss in value of the dollar.

It is important that the investor identify what they are gaining by giving up important aspects of an investment.

■ Risk of Undercapitalized Master Lessee. Frequently, the Master Lessee is set up in separate LLC by the Tennant in Common Sponsors. This protects the sponsor if something goes wrong with the property, but can leave the investor holding the bag.

Investors should carefully look at how the Master Lessee is capitalized, both in amount and in quality — Is it cash, a letter of credit or simply an IOU from the sponsor that could turn out to be worthless?

Some sponsors provide "guarantees" or "pledge" their balance sheet to assure the investor of even cash flow. These "guarantees" or "pledges" need to be carefully looked at to make sure there is adequate financial strength to cover the investor if more than just their property goes south.

Master Lease or not, an investor needs to evaluate the risk of an investment on the standalone qualities of the property being considered. This would include examining the existing leases, the quality of the tenants and the demographics of the property, among other things.

It is important that the investor understand that their ultimate security or lack thereof comes from the quality of the underlying property they are investing in and not rely solely on who holds the Master Lease.

At the end of the day, if something goes wrong the investor has a deeded interest in a piece of real estate. For this reason, the investor needs to make sure that they understand the risk associated with the real estate they are thinking of investing in and that it is appropriate for their needs.

You can reach **Christina Porter** at christina@tm1031exchange.com to discuss your specific needs. TM 1031 Exchange assists investors in planning and executing successful real estate investment strategies. Visit www.tm1031exchange.com for a complete list of investment properties and to download the TM 1031 Tool Kit.



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Hells Angels brace for trial over fatal brawl

BY KEN RITTER

Associated Press Writer

LAS VEGAS — Videotape images show rival motorcycle gang members wielding guns, knives, wrenches and chairs in a brawl that killed three and injured at least a dozen in a southern Nevada casino in 2002.

The footage is among hundreds of hours of videotape jurors may view during the trial of 11 Hells Angels charged in the deadly casino brawl.

Federal prosecutors are expected on Tuesday to tell jurors that the bikers plotted to attack the rival Mongols gang at the Harrah's Laughlin hotel-casino after years of friction erupted into violence at a crowded motorcycle rally.

They are the first of 42 men — from California, Washington, Arizona, Alaska and Nevada, and ranging in age from 28 to 63 — to stand trial in the brawl. All face the possibility of life in prison if convicted of the most serious charge, racketeering-attempted murder.

Each has pleaded not guilty, and defense lawyers say the men will argue they were attacked first.

"The tapes are going to reveal clearly that the Hells Angels were threatened and were engaged in lawful self-defense," said lawyer David Chesnoff, who represents defendant Calvin Schaefer of Chandler, Ariz.

Chesnoff has argued previously that police knew trouble was brewing and federal agents missed a chance to prevent violence at the 2002 Laughlin rally, an annual event that draws tens of thousands of motorcycle enthusiasts to the Colorado River resort town about 100 miles southeast of Las Vegas.

Two Hells Angels were shot to death and a Mongols member died of stab wounds at the event. Another Hells Angels member was later found shot to death near his wrecked Harley-Davidson motorcycle on Interstate 40 in California, about 100 miles from Laughlin.

Court officials say the trial could take three months or more, with 11 defense lawyers questioning witnesses.

Don't bet the house on a real estate crash



REAL ESTATE 101

BY MIKE HEAYN

The quick and dirty answer is no. Real estate does not crash like the stock or bond market. However, the real estate market can and does correct itself. The one thing to keep in mind about real estate values is that price is relative to the rest of the economy. It is highly unlikely that a \$750,000 house will ever be valued at \$7,500 unless everything else is similarly devalued. This means if your 4,000 square foot house dropped to a value of \$7,500, from \$750,000, than the value of your \$40,000 Hummer would drop to \$400 or less.

Real estate has not historically crashed on a national level. Instead, real estate values adjust or correct locally. This means that, hypothetically, values could drop in Los Angeles, but stay the same in Dallas. Several reasons for value corrections exist. A real estate market could be affected by a natural disaster such as an earthquake, hurricane or tornado. Another possible factor is changing demand based on external market forces. For example, a large corporation, which employees several thousand people could move to a different city or country, thus removing thousands of people from the market. When values do correct themselves, money that once went toward property improvement and new construction begins to flow to other areas such as the stock or bond market.

Just because real estate does not crash on a national level, it does not mean that national factors do not affect the local real estate markets. National news media, political events such as elections, and "consumer confidence" all play a part in driving the local real estate market. Given the variety of forces at play in the market, it is impossible to say for certain what effect an event will have on the market. Values can adjust 30 percent, 40 percent, possibly even 50 percent in an area, but the area would need to be severely over-valued for this to take place. Other events such as interest rates do affect real estate due to their affect on purchasing power available in the market. However, a panic will usually cause a correc-

tion in values much faster than any type of interest rate increase or decrease.

California experienced a large exodus of people in the early 1990's. After the 1994 Northridge earthquake, 100,000 people were leaving California a month. Today, there are close to 100,000 returning to California a month, helping to fuel the strong real estate market of the past few years.

Buying real estate, even in a down market, is not necessarily a bad idea. If you are buying a house it provides shelter which is a basic necessity, regardless of the value. In addition, if purchasing your own residence, you get the tax benefit of writing off the annual loan interest. For homeowners planning on raising a family in their newly purchased house, they will be holding their asset much longer and will probably not notice any short-term decreases in value.

However, the dream of homeownership can be destroyed by brokers who try to place unknowledgeable buyers into exotic loans such as negative amortization loans. These loans are sold as low payment loans, but after a fixed period they adjust by as much as 100 percent of the initial payment. For example, if you had a \$500,000 loan with a 3-percent introductory rate for the first year, your payments would be \$2,108.02. But, after the first year, if your payment consisted of a 3.5 percent margin tied to an index that was at 5 percent, the fully indexed rate would be 8.5 percent, making your payment jump to \$3,757.50 — a whopping \$1,649.48 increase. That can be a payment shock many people are not prepared for and some cannot afford to pay. Do not be misled by exotic loan products that promise the world, many times you are just delaying the inevitable high payment. Eventually, loans do have to be paid down.

The national real estate market will not crash. Locally, real estate markets will notice corrections, some of which will cause a decrease in values. One thing remains, real estate is and will always be a tangible asset, which provides shelter and tax benefits.

(Mike Heayn is a Washington Mutual multi-family loan consultant. He can be reached at (310) 428-1342 or michael.heayn@wamu.net. Visit his web site at www.re101.net.)

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Tough interrogation techniques at the heart of terrorism debate

BY DARLENE SUPERVILLE

Associated Press Writer

WASHINGTON — One prominent feature is missing in debate over President Bush's deal with Senate leaders on the treatment of alleged terrorists in custody: an open and explicit accounting of interrogation techniques that may be used.

The deal, which the House and Senate are expected to vote on before Congress adjourns this week, prohibits consequences more than actions, and leaves much open to interpretation. For example, interrogators would not only be barred from causing captives "prolonged" mental suffering, as they are now, but would be prevented from inflicting "serious and nontransitory" mental harm, whether the technique is prolonged or not.

Exactly what techniques may and may not be used under such strictures is unclear even to those who negotiated the agreement. It gives Bush leeway to interpret the language and to produce regulations that senators say they can challenge if the steps go too far. But it's unlikely Bush will lay out techniques in enough detail for everyone to be sure what's allowed and what's beyond the pale.

Measures used against detainees in secret CIA prisons have not been fully discussed in an open forum for fear of hampering interrogators or helping terrorists train people to deal with such steps. A partial picture has emerged in public reports and conversations with intelligence officials who have discussed interrogation on condition they not be identified.

Among the tens of thousands of people held by U.S. authorities during the war on terrorism, 96 are thought to have been in secret CIA custody.

A look at what's known about some of the more radical techniques and their possible fate under the agreement:

—Sleep deprivation and disorientation:

These tactics are thought to have been used in extraordinary circumstances. Specific methods may involve using loud noise, such as clattering machinery or blasting music, to keep captives awake; interrogating them day and night or moving them from place to place to disorient them.

"People who have gone through this describe this as one of the worst things that a human being can experience because sleep is such a fundamental need," said Tom Malinowski, Washington advocacy director for Human Rights Watch. He was speaking generally about the technique, not with specific knowledge about how U.S. interrogators might have applied it.

• Temperature extremes:

Exposing prisoners to uncomfortable cold or heat for long periods.

• Stress positions:

Prolonged, forced standing is also believed to have been used in some cases. Captives might be threatened with beatings if they sit, or shackled in a way to prevent sitting. Various other forms of discomfort have been allowed.

• Simulated drowning:

Meant to induce panic, the technique is commonly known as waterboarding because it may involve a prisoner being tied to a board, head slanted down, a wet towel placed on his face and water applied to the towel. As many as four prisoners are believed to have been subjected to this.

"It's a technique that we need to let the world know we are no longer engaging in," said Sen. Lindsey Graham, R-S.C., one of those who negotiated the deal.

Republican Sen. John McCain of Arizona, another broker of the agreement, said the deal "could mean" the prohibition of extreme sleep deprivation, hypothermia, waterboarding and other steps that amount to torture or come close to it. Yet he acknowledged he has not been privy to everything that has been done with captives and that the agreement's practical effects remain to be seen.

McCain, who was beaten as a Vietnam prisoner of war, said some forms of induced stress are an important and valid tool for interrogators.

The most extreme steps have been clearly prohibited all along, including closed-hand punching, electric shock, terrorizing suspects with dogs, disfigurement and sexual abuse, although some were used in criminal fashion at Abu Ghraib, the U.S. military-run prison in Iraq. Openhanded slapping has not been similarly banned.

Experts say U.S. needs to beef up protection of nation's food supply

BY MARIA SUDEKUM FISHER

Associated Press Writer

KANSAS CITY, Mo. — The United States needs to continue taking steps to protect its food supply from terrorism just as it would its buildings, airports and other infrastructure, FBI deputy director John S. Pistole said.

"The threat from agroterrorism may not be widely recognized, but the threat is real and the impact could be devastating," Pistole said Monday. "The recent E. coli outbreak in California spinach has captured the public attention even without a terror nexus."

Pistole, keynote speaker at the second International Symposium on Agroterrorism, pointed to a nonterrorism example — a single case of mad cow disease in the United States in 2003 — to illustrate the potential impact.

"Days after the discovery, 53 countries banned U.S. beef imports. The economic loss to the U.S. cattle industry from the loss of beef imports just to Japan was more than \$2 billion a year," Pistole said. "Almost three years later, countries have reopened their borders to U.S. beef, but exports still have not reached 2003 levels."

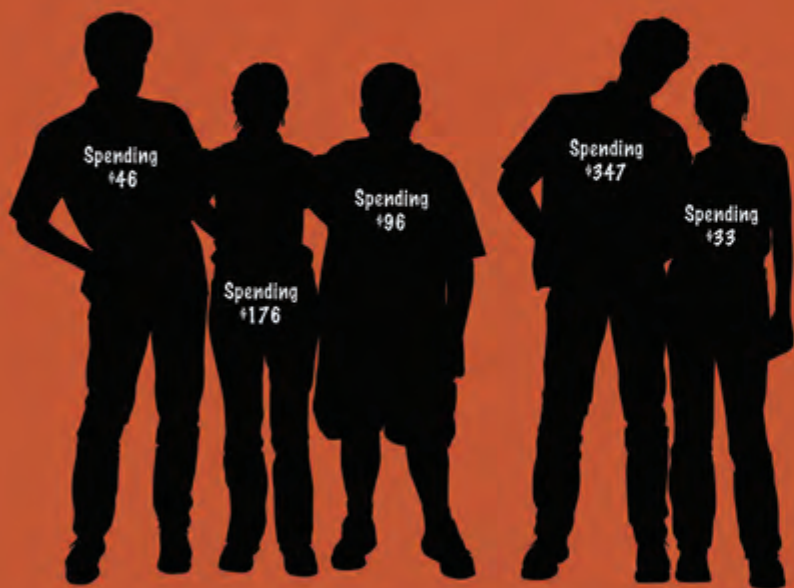
Pistole told about 1,000 delegates from 21 countries attending the four-day symposium that terrorist groups like al Qaeda have shown interest in U.S. agriculture and could threaten the food supply. He said while there was no "specific communicated threat at this time," the "absence of a communicated threat does not prove the absence of a threat."

The U.S. food and agriculture industry employs about one in eight Americans and is important not only to Americans, but because of its massive exports, to much of the world, as well, Pistole said.

"The bottom line is that agriculture, just like buildings, bridges and tunnels, is a critical infrastructure in need of defense," he said.

Barry Erlick, president of BJE Associates, a scientific and technical consulting firm, said the U.S. food supply faces threats from livestock diseases around the world.

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Suicide bombing outside compound kills 18, including pilgrims to Mecca

BY ABDUL KHALEQ

Associated Press Writer

LASHKAR GAH, Afghanistan — A suicide bomber struck outside the compound of a southern Afghan provincial governor on Tuesday, killing 18 people, including several Muslim pilgrims seeking paperwork to travel to Mecca, officials said.

The attacker was stopped by Afghan soldiers at the compound's security gate, where he detonated his explosive vest, said Ghulam Muhiddin, spokesman for the Helmand provincial governor.

The bomber had been walking toward a vehicle of the private military contractors who provide security for the governor, said Squadron Leader Jason Chalk, a NATO spokesman.

Nine Afghan soldiers and nine civilians were killed, said Rahmatullah Mohammadi, director of the hospital in Lashkar Gah. Seventeen people were wounded, he said.

The governor, Mohammed Daoud Safi, was inside the compound and was not injured in the attack.

Among the civilians waiting outside the compound were Afghan pilgrims seeking permission to travel to Mecca in Saudi Arabia, Muhiddin said. The main mosque in Lashkar Gah sits across from the compound.

Tuesday's suicide attack was the deadliest in Afghanistan

since Aug. 28, when 21 civilians were killed in Lashkar Gah by a bomber targeting an ex-police chief.

Meanwhile, a bomb attack Tuesday against a NATO patrol south of the Afghan capital killed an Italian soldier and a child, officials said.

A remote-control bomb planted under a bridge detonated when a three-vehicle military convoy passed by, said Ali Shah Paktiawal, Kabul police criminal director.

Chief Corp. Maj. Giorgio Langella was killed in the blast, and five Italian soldiers were wounded, the Italian Defense Ministry said in Rome.

A child riding in a car behind the NATO convoy was killed, NATO said. Four other civilians in the car were wounded.

Two people were detained for questioning in the blast, which went off about five miles south of Kabul, police said.

The bloodied body of the slain soldier lay on the ground alongside his weapon shortly after the blast, according to an Associated Press reporter at the scene.

Six Italian troops carried the victim's body to a military helicopter that landed near the blast site. Other helicopters hovered overhead as police and Italian troops cordoned off the area.

Italy has some 1,600 troops in the 20,000-strong NATO-led force in Afghanistan.

Eruption of Alaska volcano possible, but not 'imminent'

By The Associated Press

ANCHORAGE, Alaska — Vents on Alaska's Fourpeaked Mountain have been spewing volcanic gases and experts at the Alaska Volcano Observatory say an eruption is possible.

Peter Cervelli, a geophysicist for the U.S. Geological Survey and the observatory, said it is hard to predict if or when an eruption will occur but "nothing is imminent."

According to the observatory's Web page, an explosive eruption could occur in the coming days to weeks. Volcanic activity could be ash plumes exceeding 33,000 feet above sea level, with lava flows, or it could be nothing.

Even a small eruption can cause floods, debris and mud flows, so the area on remote Cape Douglas is considered hazardous, according to the observatory.

Fourpeaked Mountain is about 80 miles northwest of Kodiak and 220 miles southwest of Anchorage across Cook Inlet.

The observatory is installing seismometers around the mountain, a Web camera and instruments that measure how the ground is moving, Cervelli said. The mountain had not been monitored by instruments.

Observatory staff who flew over Fourpeaked over the weekend reported linear vents running north from the summit. Many were emitting steam and vapors. Near the vents, a glacier was slumping and pieces had sloughed into the vents, Cervelli said.

Staff members detected sulfur dioxide, hydrogen sulfide and carbon dioxide coming from the vents. Volcanic gases could be smelled far away from the summit.

Ash emission Sept. 17, the abundant volcanic gases, the presence of new vents at the summit and the disruption and floods occurring at and below glaciers suggest new magma at shallow levels beneath the volcano, according to the observatory.

Fourpeaked Volcano is not known to have erupted in the last 10,000 years. However, geological investigations have been limited and ice covers much of the area, the observatory said.

The Alaska Volcano Observatory is a consortium that includes USGS, the University of Alaska Fairbanks Geophysical Institute and the state Division of Geological and Geophysical Surveys.

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Empire lost

Filmmaker Gibson discusses America's demise at film fest

MEL GIBSON criticized the war in Iraq while recently promoting his new film, "Apocalypto," at a Texas film festival.

Gibson, 50, drew parallels between the collapsing Mayan civilization depicted in the movie and the United States at a screening Friday at the Fantastic Fest in Austin, the

Hollywood Reporter said Monday.

"The precursors to a civilization that's going under are the same, time and time again," the actor-director said after a screening of an unfinished cut of "Apocalypto," his first directorial effort since "The Passion of the Christ."

"What's human sacrifice if not sending guys off to Iraq for no reason?" he said at the festival, which is devoted to new science fiction, horror and fantasy films.

The surprise appearance was one of the first times Gibson has spoken in public since he was arrested for drunk driving in June. At a screening of

"Apocalypto" last week in Oklahoma, Gibson ducked the press and entered wearing a mask and wig so he wouldn't be noticed.

On Aug. 17, Gibson pleaded no contest to a charge of drunken driving in Malibu. He volunteered to do public-service announcements on the hazards

of drinking and driving and to immediately enter rehabilitation.

During the arrest early in the morning of July 28, Gibson made anti-Semitic remarks to the arresting deputy and later apologized.

"Apocalypto" is scheduled to be released Dec. 8

ASSOCIATED PRESS

Michael has faith his career will rebound

A mature and modest **GEORGE MICHAEL** took the stage this weekend in his first solo concert in 15 years, singing his greatest hits to 18,000 fans packed into Barcelona's Palau Sant Jordi arena.

Michael kicked off his "25 Live" European tour, which will travel to 28 cities before Dec. 15, with a concert Saturday night. His performance included favorites such as "Faith," "Father Figure" and "Too Funky."

Fans clapped, cheered, swayed and sang their way

through the two-and-a-half-hour concert of ballads, covers and dance tunes.

"It's coming back, it's coming right back," Michael, 43, called out to the crowd just before launching into the unexpected second sing-through of "Too Funky", a technical glitch Michael handled with ease.

"We'll just go along with this," Michael said as both he and the audience began to sing the familiar lyrics for the second time in a night.

The only envelope-pushing

moment came at the end of the first set, when Michael sang his 2002 controversial anti-Bush song, "Shoot the Dog."

During the song, an enormous balloon depicting a cartoonish President Bush rose out of center stage, drawing whoops and yells from the crowd. But the real surprise came when Michael leaned down to unzip the balloon's trousers, and out popped a British bulldog draped with the U.K. flag. The dog was stuck to the balloon's inflated crotch,

wagging its tail.

Michael skyrocketed to fame in the 1980s as the creative half of the duo Wham! before staking out a solo career.

In 1998, Michael was arrested for lewd conduct in a public toilet in Los Angeles after being spotted by an undercover police officer. Soon after, he said publicly for the first time that he's gay.

He later released a single and video "Outside" that poked fun at his arrest.

AP



This Is No "Bull"

"If you're gonna play the game you're gonna need the energy"

SURELY, HE JESTS

A judge threw out a \$10 million civil assault lawsuit Monday filed against **LIZA MINNELLI** by her estranged husband, David Gest, who claimed she beat him so badly during alcoholic rages he had to be hospitalized.

State Supreme Court Justice Jane Solomon granted Minnelli's motion to dismiss the lawsuit on the grounds that Gest's doctor had failed to rebut the 60-year-old actress-singer's medical expert, who said Gest's headaches were caused by a strain of herpes that causes shingles and not by beatings.

Gest's lawyer, Lorraine Nadel, said she would appeal the ruling. She said that although Minnelli's physician diagnosed Gest's headaches as being caused by herpes zoster, Gest's doctor said he tested negative for the virus.

"He said it was the beatings," Nadel said Gest's doctor reported.

The 53-year-old Gest, who was in Memphis, Tenn., said through Nadel that he was "shocked" and "stunned" by Solomon's ruling.

Solomon said the only issues remaining in her court are those in which Minnelli claims in a \$2 million lawsuit that Gest misappropriated her earnings.

Gest has denied that he wrongfully took money from Minnelli and has said she owes him money because of what he spent trying to revive her career.

Minnelli and Gest were married March 16, 2002, in a star-studded ceremony with Michael Jackson as best man and Elizabeth Taylor as maid of honor. They separated in July 2003 and filed for divorce later that year.

The divorce case is pending before state Supreme Court Judge Harold Beeler. Gest's lawyers have asked Beeler to order a trial to determine the validity of a prenuptial agreement.

AP

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Thursday
Flyboys
7:30

Friday
Louie Bluié & Ghost World
7:30

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The Black Dahlia (R)
2:00, 3:00, 4:45, 7:00, 7:30, 10:15, 10:45
Confetti (R)
2:30, 5:15, 8:00, 10:40
Hollywoodland (R)
2:15, 5:00, 7:45, 10:30

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The Covenant (PG-13)
2:40, 5:00, 7:30, 10:15
Crank (R)
1:10, 3:20, 5:30, 7:40, 10:00
Everyone's Hero (G)
2:20, 4:40, 7:20, 9:30
Gridiron Gang (PG-13)
1:20, 2:30, 4:10, 5:20, 7:00, 9:50
Invincible (PG)
1:50, 4:30, 7:10, 10:10
The Last Kiss (R)
2:10, 4:50, 7:50, 10:20
The Protector (R)
8:00, 10:05

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1314 Wilshire Blvd
(310) 281-8228

The Illusionist (PG-13)
1:00, 4:15, 7:00, 9:50
The Science of Sleep (R)
11:15am, 1:45, 4:30, 7:20, 10:00

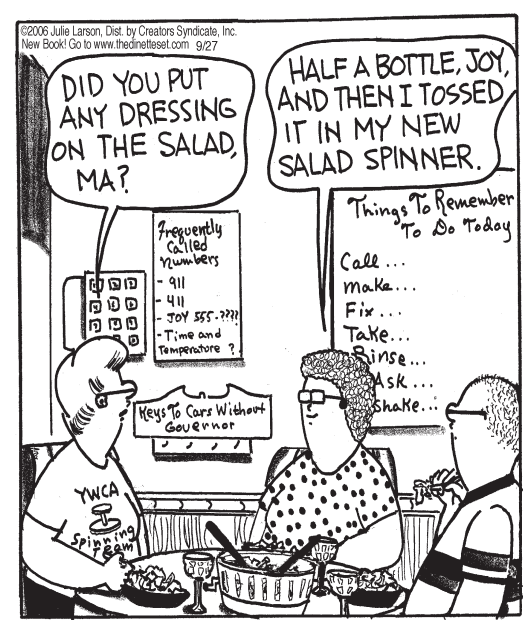
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The Embrace Darshan (L'etreinte) (NR)
1:00, 3:15, 5:30, 7:50, 10:15
Half Nelson (R)
11:30am, 2:05, 4:40, 7:20, 9:55
Little Miss Sunshine (R)
12:00, 2:30, 5:05, 7:40, 10:10
The U.S. vs. John Lennon (PG-13)
11:45am, 2:15, 4:50, 7:30, 10:00

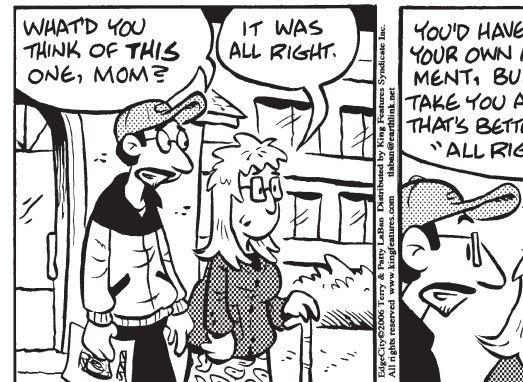
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1313 3rd Street
(310) 395-1599

All the King's Men (PG-13)
1:00, 4:10, 7:20, 10:20
All the King's Men (PG-13)
12:30, 3:30, 6:30, 9:50
Flyboys (PG-13)
12:10, 3:20, 6:50, 10:10
Jackass: Number Two (R)
12:00, 2:20, 4:40, 7:00, 9:30
Jackass: Number Two (R)
12:40, 3:00, 5:30, 8:00, 10:30
Jet Li's Fearless (PG-13)
11:30am, 2:00, 4:30, 7:10, 9:40

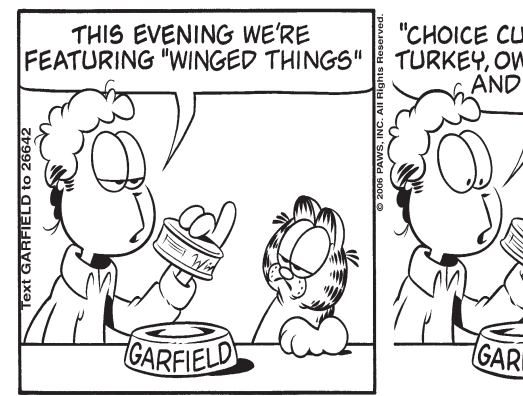
The Dinette Set by Julie Larson



edge city by TERRY & PATTY LABAN



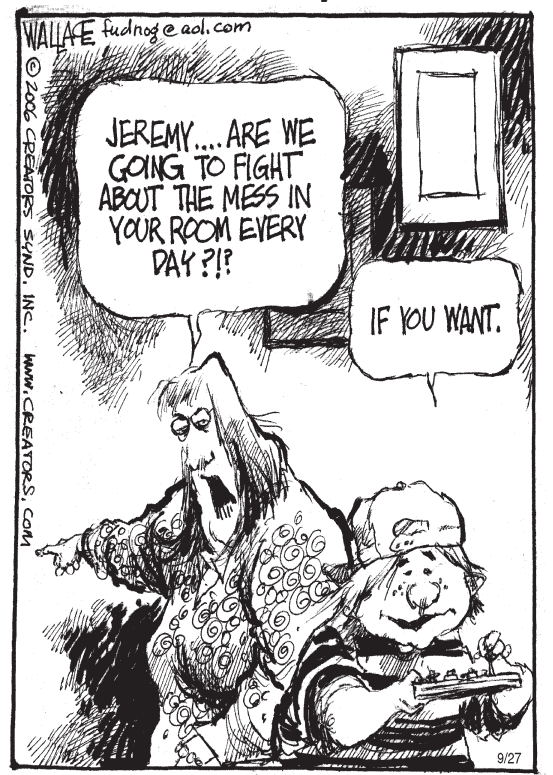
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PARKING CASHIER commercial building Beverly Hills duties include cash handling, customer service, and reports. Must be legal. English speaking. (323)376-8867

PART TIME sales associate wanted for American Cancer Society Discovery Shop in Santa Monica. 10-12 hrs. per week. Must be flexible. Fax Resume to (310)458-6494

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MARINA DEL REY \$2150 2bdm/2bath. Cat OK, BRAND NEW apartment on the marina. An elegant waterfront location, parking, laundry in unit, balcony, F/P, pool, See pictures Tour online We have others. \$10.00 Coupon SMDP2006 www.apartmenthunterz.com 310-276-0881

PALMS \$900/MO studio/1bath No Pets, More Details
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For Rent

MAR VISTA: 12450 Culver Blvd. unit 312, \$995/mo. 1+1 stove, fridge, carpet, blinds, utilities included, intercom entry, laundry, gated parking, no pets. (888) 414-7778

MARINA DEL REY Apartment \$1290 studio/1bath. Pet OK, Distinctive floor plans, parking, laundry, A/C, balcony, fireplace, gas, spa, pool. See pictures,Tour online. We have others. \$10.00 Coupon SMDP2006 www.apartmenthunterz.com 310-276-0881

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PALMS \$875/MO studio/bathroom. Pool, laundry, gated, laundry, stove, A/C, carpets, lg closets,stove,water/trash paid. See pictures,Tour online. We have others. \$10.00 Coupon SMDP2006 www.apartmenthunterz.com 310-276-0881

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SANTA MONICA \$1295.00. 1 bdrm, 1 bath, "Lower Unit". Stove, refrigerator, gas paid, parking, NO PETS. 2535 Kansas Ave., #102. Open Daily for Viewing 9am-7pm, Additional info in unit. Mgr. #101.

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Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF ARTHUR R. EMMONS, III

Case No. BP100551

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of ARTHUR R. EMMONS, III

A PETITION FOR PROBATE has been filed by Nelson R. Emmons in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PROBATE requests that Nelson R. Emmons be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on Nov. 6, 2006 at 8:30 AM in Dept. No. 11 located at 111 N. Hill St., Los Angeles, CA 90012.

IF YOU OBJECT to the grant-ing of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing.

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Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
AVERY M COOPER ESQ
COOPER-GORDON LLP
2530 WILSHIRE BLVD
3RD FLOOR

SANTA MONICA CA 90403-4643
Santa Monica Daily Press
CN761575 EMMONS Sep 20,21,27,
2006

**NOTICE OF PETITION TO ADMINISTER ESTATE OF:
ARAM J. DERYV AKA MAX DERYV**

CASE NO. BP100477

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the WILL or estate, or both of ARAM J. DERYV AKA MAX DERYV.

A PETITION FOR PROBATE has been filed by JERRY AVAKIAN in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PROBATE requests that JERRY AVAKIAN be appointed as Special Administrator with general powers to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act with limited authority. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority. A HEARING on the petition will be held on 10/17/06 at 8:30AM in Dept. 11 located at 111 N. HILL ST., LOS ANGELES, CA 90012

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner
DEIDRA L. STAUFF, ESQ.
LAW OFFICES OF DEIDRA L. STAUFF, PROF. CORP.
2800 28TH ST., #315
SANTA MONICA, CA 90405
9/20, 9/21, 9/27/06
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NOTICE OF TRUSTEE'S SALE Trustee Sale No. 9231-40 Title Order No. 6272791 APN 4270-005-023 TRA No. 0008604 You are in default under a Deed of Trust dated

Notices

08/19/1985. Unless you take action to protect your property, it may be sold at a public sale. If you need an explanation of the nature of the proceedings against you, you should contact a lawyer.

On 10/18/2006 at 10:30AM, Chicago Title Company, a California corporation as the duly appointed Trustee under and pursuant to Deed of Trust recorded on 8/30/85 as Document No. 85-1014904 of official records in the Office of the Recorder of Los Angeles County, California, executed by: William Mark Forrest and Elizabeth Jane Forrest, husband and wife, as Trustor, Wilho Miller and Edith Miller, husband and wife as community property, as Beneficiary, will sell at public auction to the highest bidder for cash (payable at time of sale in lawful money of the United States, by cash, a cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state). At: the west side of the Los Angeles County Courthouse, directly facing Norwalk Blvd., 12720 Norwalk Blvd., Norwalk, CA all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County, California describing the land therein: The Southwest 50 feet of lot 91 of tract 1980, as per map recorded in book 21, page 152 of maps, in the office of the County recorder of said County. Beneficiary Phone: (213) 626-5061 Beneficiary: Elaine J. Diner, successor trustee, c/o Robert P. Khoury, ESQ., 626 Wilshire Blvd., Suite 900, Los Angeles, CA 90017-2922. The property heretofore described is being sold "as is". The street address and other common designation, if any, of the real property described above is purported to be: 2917 Pearl Street, Santa Monica, CA 90405. The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$54,377.89 (Estimated) Accrued interest and additional advances, if any, will increase this figure prior to sale. The Beneficiary may elect to bid less than the full credit bid. The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation. Date: 9/20/06 Sale Line Phone Number: (714) 259-7850 Chicago Title Company, Foreclosure Department, 560 E. Hospitality Lane, San Bernardino, CA 92408 (909) 884-0448 Teresa M. Drake, Asst. Vice President ASAP# 792504 09/27/2006, 10/04/2006, 10/11/2006.

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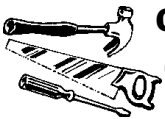
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