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TUESDAY, OCTOBER 9, 2012
Volume 11 Issue 279

Santa Monica Daily Press

ICE RETURNS TO THE SUNSHINE
SEE PAGE 3

We have you covered

THE SPREADING THE WORD ISSUE



Photo courtesy Abe Wischnia/WordPress

JUST RIDE: **A pedicab operator pedals along the San Diego coast. A business wants to set up a similar operation in Santa Monica.**

Pedicab company wants to roll in Santa Monica

BY KEVIN HERRERA
Editor in Chief

DOWNTOWN Those who are familiar with Santa Monica's streets know that at certain times of the day it can be frustrating to get from point A to point B.

Now consider commuting with pedicabs added to the mix of buses, cars, bikes and pedestrians.

City officials are currently studying how best to regulate the pedal-powered taxis after a company in June called Trike Pilots Inc. applied for a business license to operate five to eight pedicabs initially, with the ultimate goal of having 20 ferry locals and tourists from Main Street to Montana Avenue.

There are those who feel pedicabs could add to traffic congestion since they are treated just like bicycles and are required to travel in the roadway and along bike paths. Others believe that if regulated properly, including having drivers pass background and drug tests, purchase insurance and install seat belts, the pedicabs could be a great novelty that would get people out of cars and possibly cut down on the amount of vehicle traffic on the streets.

"Santa Monicans have said that traffic circulation is their number one issue and it's hard to see how pedicabs could help alleviate any of the traffic," said Kathleen Rawson, CEO of Downtown Santa Monica Inc., the public-private management company that oversees Downtown and advises the City Council on issues that impact businesses and residents in the area. "It's a complex issue that has to be studied. We are open minded, but there are some significant safety concerns as well."

Currently 45 major U.S. cities have pedicabs for hire, usually in downtowns, convention and resort areas, said Sam Morrissey, City Hall's traffic engineer. Several of those cities have chosen to regulate them to varying degrees, ranging from the simple adherence to the California Vehicle Code, which requires operators to have a valid driver's license and complete a bicycle safety course, to capping the number of pedicabs and setting fares.

Tighter restrictions bring more oversight, which could include more work by police officers and city officials, Morrissey said. City Attorney Marsha Moutrie told the City Council during a discussion on the issue last week that adding more restrictions could lead to legal battles. She said since pedicabs are considered bicycles under the vehicle code, there could be little that the council could do when it comes to designating certain routes or times of day to operate.

"I don't think state law is where you are," she said to the council. "I think state law needs to catch up with reality. It's not even

SEE PEDICABS PAGE 10

Malibuites want more say over school bond projects

BY KEVIN HERRERA
Editor-in-Chief

MALIBU If voters approve a $385 million bond measure for local public schools this November, residents in Malibu say they want to have more control over how their slice of the pie is spent.

At a school board meeting late last week, a handful of Malibu parents and activists

SEE BOND PAGE 7

Release of 'winter-blend' gas could reduce prices

JASON DEAREN
Associated Press

SAN FRANCISCO State air pollution regulators said Monday that California's air quality is not expected to worsen appreciably after the governor ordered the release of a dirtier blend of gasoline to help slash record-high pump prices.

The California Air Resources Board issued a regulatory advisory a day earlier after Gov. Jerry Brown ordered them to allow so-called "winter-blend" gasoline to be sold in California earlier than usual to increase supply.

AAA said the average price for a gallon of regular hit $4.668 Monday in California — the highest price in the nation and an all-time high for the Golden State. Analysts said

SEE GAS PAGE 8

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Squirm Night | 2012 LOCAL CANDIDATES FORUM

Monday, Oct. 15, 6:00 p.m.

The Santa Monica Public Library's
Martin Luther King Jr. Auditorium

Featuring
Candidates for the Santa Monica City Council,
the Santa Monica–Malibu Unified School District Board of Education.
Answers to the tough questions that face our city posed
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What's Up Westside

OUT AND ABOUT IN SANTA MONICA

Tuesday, Oct. 9, 2012

Beauty one more time
Jeanie Madsen Gallery
1431 Ocean Ave., call for times
Join Elaine Madsen and Laura Shultz as they share poetry on the topic of ageless beauty. The reading coincides with a group art show dubbed "A New Beautiful." For more information, call (310) 393-7436.

The mighty pen
Barnes & Noble
1201 Third Street Promenade, 10:30 a.m.
Mixing enlightened analysis with innovative authorship, join Bill Robertson of Santa Monica Emeritus College and strengthen your poetry dedication, appreciation and creation. Visit www.greenpoets.com for more information.

Small, small world
Santa Monica College
1900 Pico Blvd., 11:15 a.m.
Dr. Paul Weiss, UCLA professor of chemistry and biochemistry and director of the California NanoSystems Institute, will discuss research findings of the multidisciplinary program that brings together a diverse group of specialties to push forward the advancement of nanosystems research. For information, call (310) 434-4303 or go to www.smc.edu/associates.

Serve it up
Annenberg Community Beach House
415 Pacific Coast Highway, 4 p.m. — 5:30 p.m.
Kids and teens ages 7-15 are welcome at this beach volleyball class. All levels can attend this semi-private class. Classes cost $18. This is the last class for the fall. For more information, call (310) 458-4904.

Foodies welcome
California Heritage Museum
2612 Main St., 5:30 p.m. — 9:30 p.m.
Gourmet food trucks gather each week offering foodies plenty to choose from. There's free parking in the museum's lot. For more information, call (310) 392-8537.

Browsing 101
Main Library
601 Santa Monica Blvd., 6 p.m.
Continue to build your web searching skills to help you locate information and evaluate online sources. Intermediate level. Seating is on a first arrival basis. For more information, visit the reference desk or call (310) 434-2608.

Music in the open
Sonoma Wine Garden
395 Santa Monica Place, third floor dining deck, 6:30 p.m.
Join Brett Young and special guests every Tuesday night for a live music set on the garden patio of this popular spot. For more information, call (424) 214-4560.

Wednesday, Oct. 10, 2012

Just for homeschoolers
Fairview Library
2101 Ocean Park Blvd., 1:30 p.m.
Share book selections with fellow homeschoolers. October's topic is mystery and horror. For more information, call (310) 458-8681.

Mystery within those pages
Montana Library
1704 Montana Ave., 7 p.m.
Discussion of Colin Dexter's "The Riddle of the Third Mile." To investigate a body found in the Oxford Canal, Inspector Morse retraces the victim's route through a London netherworld of bordellos and topless bars. For more information, visit smpl.org.

To create your own listing, log on to smdp.com/submitevent

For help, contact Daniel Archuleta at 310-458-7737 or submit to editor@smdp.com

For more information on any of the events listed, log on to smdp.com/communitylistings



COMMUNITY BRIEFS

DOWNTOWN

ICE returns to the sunshine

The unlikely pairing of sunny beach town and ice skating rink returns for another season of ICE at Santa Monica.

The rink will host a grand opening on Nov. 8, slated to begin at 8 p.m. In its sixth year, ICE will kick-off this year's run with a holiday concert, a synchronized skating team and hosts Randy Gardner and Tai Babilonia, both famous for their time as figure skaters.

The rink itself will begin operation on Nov. 2 and stay open through Jan. 21, 2013.

ICE is the centerpiece of Downtown Santa Monica Inc.'s annual Winterlit promotion. There will be a tree lighting on Nov. 17 at Santa Monica Place with other festivities including visits from Santa, pet photos and a Chanukah menorah lighting.

Downtown Santa Monica Inc. is a public/private entity tasked with managing and promoting the downtown area.

For more information and dates, visit downtownsm.com/winterlit.

– DANIEL ARCHULETA

MAIN LIBRARY

Community novel selected

For the 11th installment of the community reading program Santa Monica Reads, the city librarian has selected R.J. Palacio's "Wonder," which follows a 10-year-old boy with a congenital face deformity who attends a public school for the first time and learns how to navigate the challenging terrain of his peers' alternately cruel and kind reactions to his appearance.

"'Wonder' is a universal story that everyone can relate to and is sure to provoke discussion between readers of every age," read a statement released by the library on Monday. "In a world where bullying and ruthless competition are too prevalent, 'Wonder' challenges us to look past the surface and choose kindness in our interactions with others."

Produced by the Santa Monica Public Library since 2003, Santa Monica Reads invites everyone to read and talk about the same novel in discussions and special events held around the city. The program, formerly known as Santa Monica Citywide Reads, has been re-branded this time around.

The 11th season of Santa Monica Reads is planned for February and March of next year. In addition to several free public book discussion groups led by volunteer facilitators and held in libraries, bookstores, coffeehouses, and other Santa Monica venues, the series will include an appearance by the author, film screenings, panel discussions and other complementary special events.

For more information, visit smpl.org/SMReads.aspx or call (310) 458-8600.

– KEVIN HERRERA

Kronovet secures endorsements

In his race to remain on the Santa Monica Rent Control Board, real estate manager Robert Kronovet has secured the endorsements of the unions representing police officers and firefighters, as well as the support of Councilman Bob Holbrook.

Kronovet, the lone rent control commissioner not backed by Santa Monicans for Renters' Rights (SMRR), the city's leading political party, announced the endorsements on Monday.

Kronovet is facing off against incumbent Ilse Rosenstein and attorney Christopher Walton for two seats on the five-member board, which is charged with setting the annual rent increase, guarding against tenant harassment and settling disputes between landlords and tenants.

Both Rosenstein and Walton have been endorsed by SMRR.

"These two hard-earned endorsements are the finest a candidate can earn," Kronovet said in a news release. "As our community grows both in population and complexity, our public safety personnel can be assured that Kronovet will stand with them."

– KH



Brandon Wise *brandonw@smdp.com*

ICE AT SANTA MONICA

Advocates: Cities passing rules targeting the homeless

GILLIAN FLACCUS
Associated Press

COSTA MESA, Calif. Army veteran Don Matyja was getting by alright on the streets of this city tucked in Southern California suburbia until he got ticketed for smoking in the park. Matyja, who has been homeless since he was evicted nearly two years ago, had trouble paying the fine and getting to court — and now a $25 penalty has ballooned to $600.

The ticket is just one of myriad new challenges facing Matyja and others living on the streets in Orange County, where a number of cities have recently passed ordinances that ban everything from smoking in the park to sleeping in cars to leaning bikes against trees in a region better known for its beaches than

SEE **RULES** PAGE 9

Soda vending machines will show calories

CANDICE CHOI
AP Food Industry Writer

NEW YORK As criticism of sugary sodas intensifies, Coke, Pepsi and Dr Pepper are rolling out new vending machines that will put calorie counts right at your fingertips.

The move comes ahead of a regulation that would require restaurant chains and vending machines to post the information as early as next year, although the specifics for complying with the requirement are still being worked out.

"They're seeing the writing on the wall and want to say that it's corporate responsibility," said Mike Jacobson, executive director of the Center for Science in the Public Interest, which advocates for food safety and nutrition.

Still, he noted that it was an important step forward. "Currently, people don't think about calories when they go up to a vending machine," he said. "Having the calories right on the button will help them make choices."

The American Beverage Association, which represents Coca-Cola Co., PepsiCo Inc. and Dr Pepper Snapple Group Inc., said the calorie counts will be on the buttons people press to select a drink. Vending machines will also feature small decals, such as "Calories Count: Check Then Choose."

The vending machines will launch in Chicago and San Antonio municipal buildings in 2013 before appearing nationally.

Without providing specifics, the American Beverage Association said the machines will also boost the availability of lower- and zero-calorie drinks.

"We have market research that says consumers really like this — they like choice, they like the ability to make choices," said Susan Neely, president of the industry group.

A mock-up of a new machine provided by Coca-Cola showed 20-ounce bottles of its flagship drink and Sprite inside vending machines, with labels on the buttons stating "240 calories."

The soda industry has been under fire for fueling rising obesity rates. Last month, New York City approved a first-in-the-nation plan to prohibit the sale of sugary drinks over 16 ounces in the city's restaurants, movie theaters and stadiums.

Notably, the beverage industry fought aggressively to fight the ban and hasn't ruled out taking legal action to stop it from taking effect this spring.

This November, voters in Richmond, Calif. will

SEE **SODA** PAGE 7

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LETTERS TO THE EDITOR

Send comments to editor@smdp.com

Parking prices too high

Editor:

Dear City Council,

I'm writing to you to show you how disgusted and upset I am at your recent price hike at all the parking places in and around the Third Street Promenade (the ones I know of at least — no doubt the price hikes were across the parking lots).

As a council that prides itself on regulating rent control for housing, it seem you are greedy enough to increase parking by up to almost 50 percent.

Before Oct. 1, it was a flat rate of $9 for after 2 hours of free parking, now it is 25 percent less free time and $14 max per day. Why the major increase?

Everyone needs extra cash, what with gas prices going up to $4.45 in some areas, but we all have to manage our purse without inflicting unnecessary hardship because we (Santa Monica council) can increase them.

If I as a landlord raised my rent as you have for renting a parking space, you'd throw the book at me and tell me all sorts of laws preventing me from doing this, yet are you as a council not compassionate enough to see what you are doing is hurting normal, everyday people, and increasing it as you feel? Why the hypocrisy and double standard?

Carlos Korotana
Santa Monica

Oil and politics

Editor:

The story, "California's gas prices hit another record high," Oct. 8, doesn't begin to tell the full story of why prices are so high. Gas is approaching its all-time record of $4.62 a gallon in Southern California, set in the summer of 2008, when oil cost $145 per barrel. Given that the cost of oil accounts for about 75 percent of the price of gas, how can we be nearing that record again, with oil at only $90 a barrel?

The oil industry always has an excuse. This time it's "refinery and pipeline" problems. But here are the real reasons. Oil companies own most of California's 14 refineries. Those refineries now export much more gas than they used to, which creates "shortages" and drives up prices. The same refineries also produce just enough gas so the slightest blip sends oil traders hiking up oil futures and ultimately, what we pay at the pump. It's a complex maze of changing parameters no overworked Department of Energy investigator or Congressional committee will ever unravel.

Bottom line? People know why gas prices are so high. They blame oil companies and oil speculators. And they're right. And how convenient, right before an election. The economy always falters when gas prices rise. You can bet the oil companies would just love to stick it to a Democrat president who wants to strip away $4 billion in oil subsidies. Mitt Romney blames the president for high gas prices, but even Mitt knows who is really to blame. And if America puts another oil-friendly president like Mitt Romney in the White House, we'll all pay the price. We'll also have no one to blame but ourselves.

John Cyrus Smith
Santa Monica





What's the Point?

David Pisarra — **Send comments to editor@smdp.com**

The social thermometer

JERRY RUBIN IS FASTING. AGAIN.

This time it is to save the Paul Conrad sculpture "Chain Reaction," which is outside the Santa Monica Courthouse where I appear for domestic violence and child custody cases. The sculpture is suffering some wear and tear. It needs either repairs or to be removed.

I have always liked that sculpture because I love puns and it is a visual pun. I'd be sorry to see it go, and I believe that we should repair it if we can. Seeing how City Hall has the funds to underwrite those few who cannot afford their own housing, it seems to me that we should at least have a strong program that supports public art.

Art is a very important part of a society, and in fact it is in some ways a measure of the success or failure of a society, and its health. Take for example China about 3,000 years ago. The society was doing well, people had food and shelter and there was enough peace that artists and artisans were flourishing. I say this because of the many sculptures that survive such as the terracotta soldiers in Xi'an, the furnishings of the Imperial Palace that date back that far, and the history that proves a general sense of well-being was felt throughout the land.

Contrast that with 10 years ago in Afghanistan when the Taliban controlled the state. They embarked on a mission to obliterate anything they felt was "un-Islamic" and they destroyed two 15-centuries-old statutes. The destruction of art is an assault on culture, and a way in which dictators rewrite the history of a place and change the prevailing thoughts of the people.

The Soviets did the same thing with artists and writers, squelching their voices so that the proletariat was more easily led.

Art is the provenance of new thought. Sometimes art is awe inspiring and invites us to reach for greater goals, in others it shines a light on hypocrisy and absurdity.

Stetson Kennedy wrote a series of exposes on the Ku Klux Klan that used sarcasm and mockery to illuminate the secret society. From his Wikipedia page: "In 1947, Kennedy provided information — including secret code words and details of Klan rituals — to the writers of the 'Superman' radio program that became the basis for a series of 16 episodes in which Superman took on the Klan. Kennedy intended to strip away the Klan's mystique; and the trivialization of the Klan's rituals and code words likely had a negative impact on Klan recruiting and membership," which helped lead to its marginalization and spurred the civil rights movement forward.

Our society is in trouble. California schools have gutted their music and arts programs as we slash budgets to pay for the building of new prisons. It is a headlong assault on our freedoms and our intelligence that is being driven by power seeking politicians who pander to their corporate overlords and fearful unthinking voters. By being "tough on crime" and "anti-taxes" we have created a society that will gladly pay to lock someone up for 25 to life, but refuses to teach a child to paint.

OUR SOCIETY IS IN TROUBLE. CALIFORNIA SCHOOLS HAVE GUTTED THEIR MUSIC AND ARTS PROGRAMS AS WE SLASH BUDGETS ...

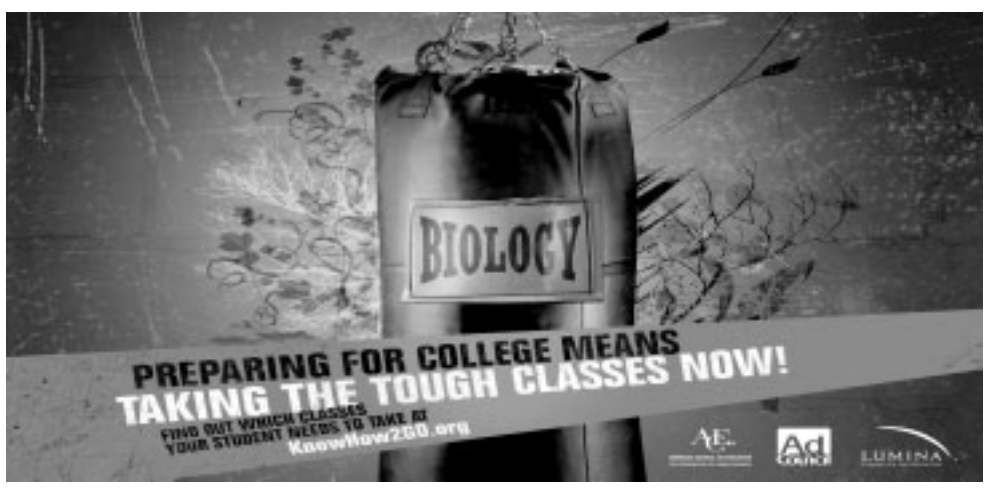
We have created a production line for new criminal behavior because we refuse to teach our children skills that will allow them to flourish, and to let their creativity soar. Instead we build prisons and pay for prison guards who are employed by corporations that require a constant flow of new bodies. Much like the Farmer John slaughterhouse in downtown, they require a daily influx of new meat to prove their necessity so that their budgets will be renewed in the coming years.

It is a shame that we prefer to warehouse our youth, rather than fund programs that will educate and enlighten them. At my Westside Toastmasters group this past Wednesday a speech was given on teaching children south Asian geography and the Arabic alphabet. In nine weeks the class went from being unable to identify any south Asian country to identifying all of them. The children were excited when they learned to write their names in Arabic. That took one teacher, for part of a class, nine weeks.

Those children are excited about learning. Not learning how to commit crimes, but learning useful information.

Art is a social thermometer. It tells us how healthy we are as a society. We need to support it.

DAVID PISARRA is a Los Angeles divorce and child custody lawyer specializing in father's and men's rights with the Santa Monica firm of Pisarra & Grist. He welcomes your questions and comments. He can be reached at dpisarra@pisarra.com or (310) 664-9969. You can follow him on Twitter @davidpisarra.



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STATE BRIEFS

INGLEWOOD

Bicyclist killed in crash with L.A. County deputies

A bicyclist died Monday after colliding with a Los Angeles County sheriff's patrol car as deputies tried to stop him because they thought he had a gun, authorities said.

The crash happened at about 1:25 a.m. The Sheriff's Department didn't immediately say how many deputies were involved or how the crash occurred. No gun was found and no deputies were hurt, authorities said.

The man's name hasn't been released.

The crash happened about a half-mile from the area where Inglewood police shot and wounded a driver a day earlier.

In that incident, officers stopped the driver at about 2:30 a.m. Sunday. They opened fire after the motorist "led officers to believe that he was arming himself," Lt. James Madia said in a statement.

The man was hospitalized in critical condition, and there was no word Monday on his condition.

His name also was not immediately released.

ASSOCIATED PRESS

LOS ANGELES

FBI agent denies paying for sex

An undercover FBI agent has denied accusations that he spent U.S. taxpayer dollars on prostitutes in the Philippines during an international weapons trafficking probe last year.

The agent, whose names wasn't made public, said in court documents filed Monday by federal prosecutors in Los Angeles that he didn't pay for sex for himself and others while on the job.

The allegations were made last month by a defense attorney for Sergio Santiago Syjuco, who along with two other Philippine nationals, have been charged with conspiracy.

AP

BELL

City names new police chief in turnaround effort

The Los Angeles County city of Bell has a new police chief as part of its continuing effort to reform local government after eight former officials were indicted on corruption charges.

The city said in a statement Monday that patrol operations Capt. Tony Miranda will be acting police chief until a permanent replacement is appointed.

Miranda is a 22-year veteran of the department and is noted for his community outreach programs, including a parent patrol group for schools, the county's largest Explorer program and neighborhood watch groups.

Former chief Randy Adams was forced out two years ago after revelations that he was earning nearly $500,000 a year. He is now suing the city for severance pay and draws one of the state's highest public pensions at $22,000 a month.

AP

MONTEBELLO

Students evacuated after bomb threat

Police in Montebello were searching for a caller whose phony bomb threat forced thousands of high school students out of class for about three hours Monday.

Lt. Luis Lopez said a young male caller using a payphone warned authorities shortly before 8 a.m. that there was a bomb in a building at Schurr High School.

Michael Cobarrubias, assistant superintendent for the Montebello Unified School District, said the bomb squad was called after a suspicious package was indeed found. He said it turned out to be harmless.

"It had hairspray and a brush of some sort," he said.

Students were taken to the athletic field and held there while a Los Angeles County sheriff's bomb squad searched the campus. No bomb was found and the all-clear was given after about three hours.

AP

LOS ANGELES

Burglary suspect's GPS bracelet leads to arrest

Los Angeles police have arrested a burglary suspect after tracing his movements from a GPS monitor he wore while allegedly commiting the crime.

A police statement says 48-year-old Wilbert Matheney was arrested last week on suspicion of stealing a laptop computer from a woman in a Sylmar home in August.

AP

The Q Line

Putting out the fire

The City Council recently banned smoking for new tenants of condos and apartments and on the same day approved a moratorium stopping medical marijuana dispensaries from operating within city limits.

So, this week's Q-Line question asks:
Did the smoking ban go far enough or should smoking be disallowed in all condos and apartments? Also, do you think they did the right thing by temporarily stopping pot shops and why?

Contact **qline@smdp.com** before **Friday at 5 p.m.** and we'll print your answers in the weekend edition of the Daily Press. You can also call **310-573-8354**.

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Dymally broke racial barriers in state politics

ASSOCIATED PRESS

LOS ANGELES Mervyn Dymally broke racial barriers during his more than four decades in California politics but also was dogged throughout his career by a variety of corruption allegations.

The Trinidad-born trailblazer who rose to become California's highest-ranking black politician died Sunday at age 86 in Los Angeles after a period of declining health, his wife said.

A self-described civil rights champion, Dymally decorated his Sacramento office with black-and-white pictures of Martin Luther King Jr. and Cesar Chavez. He introduced the bill that lowered the voting age in California to 18 and wrote the resolution by which California ratified the Equal Rights Amendment.

He became California's first foreign-born black assemblyman in 1962, its first black state senator in 1966 and its first and only black lieutenant governor in 1974. He won a congressional seat in 1980, representing Compton and its surrounding area, one of the most solidly Democratic bastions in Los Angeles County.

On Monday, Gov. Jerry Brown praised Dymally as an important leader.

"Mervyn Dymally was an extraordinary man who spent his life breaking new ground and advancing the cause of civil rights and equality," the Democratic governor said in a statement. "He was both a thinker and a doer, bearing deep knowledge but never hesitating to take action where action was warranted."

Despite his political highs, Dymally was never far from the whiff of scandal.

Numerous allegations of fraud, bribery and pay-for-play campaign contributions plagued him throughout his career, including a claim that he received a $10,000 bribe from a religious cult and misused money from a nonprofit institute that he founded.

Dymally maintained that he never acted illegally. In 1976, he wrote an op-ed piece in The Sacramento Bee saying he had been the victim of "sustained harassment and distortion" by the press and suggesting the negative coverage might be due to the color of his skin.

Such allegations, including unsubstantiated claims that he would be indicted by the federal government, eventually led to his defeat in his 1978 bid for re-election as lieutenant governor.

Dymally rebounded in 1980 when he won a seat in Congress, where he served as chairman of the Congressional Black Caucus and championed economic and humanitarian aid for Africa as chairman of the House Foreign Affairs Committee.

In 1990, the Washington Post reported that Dymally, a leading supporter of sanctions against South Africa's racist white regime, had watered down a bill banning U.S. imports of South African diamonds at the urging of New York diamond importer. Two months later, the Post said, the same importer donated $34,200 to a Dymally scholarship program for minority students. Dymally denied any wrongdoing.

In 1992, Dymally announced he was retiring, saying he "didn't get elected to stay in office forever."

But 10 years later, he was running again at age 76 for the Assembly seat he held at the start of his political career, in part to ensure that the seat remained in the hands of a black lawmaker.

Dymally won on the slogan "Experience counts" and served for six years before terming out of the Assembly and losing a Democratic state Senate primary to former Assemblyman Rod Wright, D-Los Angeles.

On Monday, Senate President Pro Tem Darrell Steinberg, D-Sacramento, said in a statement that Dymally "paved the way for the diversity of today's Legislature."

Dymally was born May 12, 1926, in Trinidad and worked as a janitor and union organizer before embarking on a political career in the 1960s that spanned more than 40 years.

He was a reporter for The Vanguard, a weekly newspaper published by a labor union, before coming to the U.S. to attend college. He earned a bachelor's degree in education from Los Angeles State College, now California State University, Los Angeles, and later received a doctorate in human behavior from United States International University, now Alliant International University, in San Diego.

Dymally became involved in Democratic Party politics after graduating with his bachelor's degree. He was vice chairman of the California Youth for Kennedy Committee during John F. Kennedy's campaign for president in 1960.

In his final years, Dymally led a health institute at the Charles Drew University of Medicine and Science in South Los Angeles. The university's nursing school bears his name.



BOND
FROM PAGE 1

called for the creation of a joint-powers authority similar to one created by Santa Monica College to oversee all school construction projects in the city.

Malibu is guaranteed at least 20 percent — or an estimated $77 million — of the bond, identified on the ballot as Measure ES.

The 20 percent guarantee was included to appease those who feel that Malibu is often overlooked and would be better off if allowed to form its own school district. Public school boosters hope the guarantee will entice Malibu voters to support the bond.

The bond, which is intended to fund repairs and upgrades to aging facilities and provide new technology for teachers and students, requires 55 percent of the vote for approval. It would cost the average homeowner $185 per year over the course of 30 years. Renters would pay around $16 annually, according to an analysis completed by County Counsel John Krattli.

The idea of having two Malibu representatives (possibly members of the City Council) and two school board members serving together on a joint-powers authority is in response to complaints that Malibu schools were not given the resources needed during the last allocation of bond money.

Those calling for a stronger legal guarantee for Malibu point to discussions by the board five years ago over Measure BB, the $268 million bond approved by voters in November of 2006. Residents were upset when the Santa Monica-Malibu Board of Education allocated more money for Santa Monica High School than what was recommended by district officials. After complaints, the board ultimately changed course and agreed to spend $14 million on Malibu Middle School.

There are some in Malibu who are still upset.

"What we really want is some assurance," said Craig Foster, one of three Malibu residents running for three seats on the school board and president of Advocates for Malibu Public Schools who believes another layer of oversight and will help create consensus and possibly heal some old wounds.

"The school board kept saying that they have always done the right thing," Foster said. "Well, if that's the case, then what's the harm in putting a fail safe in place. For me this is about healing a fracture in the district."

Superintendent Sandra Lyon advised the board against creating the joint-powers agreement, instead favoring the creation of a "super" oversight committee that could include school and district officials, parents, neighbors, city officials and other community groups.

She raised concerns about handing over decision making powers to another agency when the school district has the ultimate obligation and liability associated with future construction projects.

District officials said that if ES is approved, it would have the same oversight as current bond measures, complete with annual audits available to the public for review. Currently each school in the district has a bond committee to study its needs and make recommendations to the school board, which makes the final decision on which projects are funded and when.

Lyon said she will meet with Malibu representatives to hear more suggestions and will present those findings to the board on Oct. 18.

School board members seemed open to forming the "super" committee, however, did not seem in favor of a joint-powers authority.

"If a super oversight committee will help us make better decisions and improve relationships and a sense of empowerment … in Malibu, I think it's a good thing," said school board President Ben Allen. "However, I continue to believe that the real issue here is more about Malibu representation at large."

Other members of the board said they would never support projects that Malibu parents didn't want and assured those in the audience that their voices were being heard.

Allen said that if a resident of Malibu is not elected to the Board of Education in November, he would strongly consider bringing up for discussion a mechanism that would reserve a seat on the board for Malibu. Whether or not that person would be allowed to vote on issues remains to be seen.

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SODA
FROM PAGE 3

also decide whether to approve a penny-per-ounce tax on sugary drinks.

The decision to post calorie information follows the Supreme Court's decision this summer to uphold President Barack Obama's health care overhaul, which includes a regulation that would require restaurant chains and with more than 20 locations and vending operators with more than 20 machines to post calorie information.

McDonald's Corp. also announced last month that it would begin posting calorie information on its menus nationwide. Like the soda industry, the fast-food giant said it was a voluntary decision and not spurred by the pending requirement.

In addition to public health concerns, soft drink makers are dealing with shifting consumer habits. Soda consumption per person has been declining in the U.S. since 1998, according to the Beverage Digest. The decline is partly the result of the growing number of options such as flavored waters, bottled teas and sports drinks — which Coke, Pepsi and Dr Pepper also make.

As a result, Coke, Pepsi and Dr Pepper are focusing on developing more diet drinks, as well as expanding into other drinks to reduce their reliance on sodas.

There is no timetable for when all vending machines will be converted. Coke, Pepsi and Dr Pepper often work with third-party operators to provide drinks in vending machines; Neely said the companies will work with those outside operators to convert all machines over time.

Vending machines account for about 13 percent of sales volume, a figure that has remained relatively unchanged in recent years, according to Beverage Digest.

Soda consumption is often identified for playing a role in rising obesity rates, although other factors such as a lack of physical activity and overeating also contribute.

Last month, the New England Journal of Medicine published a decades-long study of more than 33,000 Americans that showed sugary beverages interact with genes that affect weight, meaning they are especially harmful to people who are hereditarily predisposed to weight gain.

Bonnie Sashin, who works as a communications director for a nonprofit in Brookline, Mass., says she stays away from sugary drinks, limiting herself to a can of Diet Dr Pepper or Diet Coke about twice a month. But she thought the move to display calorie information on vending machines was a positive development.

"Anything that helps us be more educated about calories is a good thing," Sashin said.



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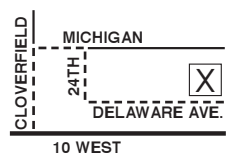


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GAS
FROM PAGE 1

the spike has been driven by refinery disruptions and corrosion issues in an important pipeline.

"This action is necessary to address the extreme and unusual fuel supply circumstance," said the board's advisory allowing the use of the more polluting fuel. "(It) is necessary for the immediate preservation of the public peace, health and safety or general welfare."

California usually converts to the gas on Oct. 31. The fuel evaporates in heat more quickly than summer-blends, so sends more pollutants into the environment, especially in warm weather.

Gil Duran, a spokesman for Brown, said the governor looked at all the options available, particularly scientists' prediction that such a change would not have a significant effect on the environment and "when he learned this could increase the supply by 8 to 10 percent, it just made sense."

Sunday's action was the first time since 2005 — when gas supplies were affected by refinery disruptions in the wake of Hurricane Katrina — that the air board has approved early conversion to winter-gas blends.

Officials said it could take days before prices fall, depending on how quickly refineries can get the winter-blend fuel to market.

"The gasoline market moves on news, and this is clearly good news in terms of supply, because it should be able to increase supply immediately," said Alison apRoberts, a spokeswoman with the California Energy Commission.

The third day of record-setting prices at the pump has also prompted calls for a federal investigation.

Sen. Dianne Feinstein, D-Calif., called on the Federal Trade Commission to investigate, saying residents need to be protected from "malicious trading schemes."

Spokesmen for the FTC in Washington didn't immediately return calls seeking comment.

Feinstein in her letter Sunday asked the FTC to determine if the price spike was caused by illegal manipulation of the market and to start monitoring the market for fraud, manipulation, or other malicious trading practices.

"Publically available data appears to confirm that market fundamentals are not to blame for rising gas prices in California," she wrote.

Despite a pipeline and refinery shut down, she said, state data shows gas production last week was "almost as high as a year ago, and stockpiles of gasoline and blending components combined were equal to this time last year," she said.

In some locations, fuming motorists paid $5 or more per gallon while station owners had to shut down pumps in others.

A station in Long Beach south of Los Angeles had California's priciest gas at $6.65 for a gallon of regular, according to GasBuddy.com. Meanwhile, customers at an outlet in San Pablo north of Oakland paid just $3.49, the lowest.

Winter-blend gas typically isn't sold until after October 31, when cooler temperatures typically allow for its use while maintaining federal and state air quality standards. Few refineries outside the state are currently making summer-blend gas, putting the pressure on already-taxed California manufacturers.

Still, the air board said it believed that changing over a few weeks earlier than normal would not push California's air pollution beyond normal levels for this time of year.

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RULES
FROM PAGE 3

its 30,000 homeless people.

Cities have long struggled with how to deal with the homeless, but the new ordinances here echo what homeless advocates say is a rash of regulations nationwide as municipalities grapple with how to address those living on their streets within the constraints of ever-tightening budgets. The rules may go unnoticed by most, but the homeless say they are a thinly veiled attempt to push them out of one city and into another by criminalizing the daily activities they cannot avoid.

There's been a sharp uptick in the past year in the number of cities passing ordinances against doing things on public property such as sitting, lying down, sleeping, standing in a public street, loitering, public urination, jaywalking and panhandling, said Neil Donovan, the executive director of the National Coalition for the Homeless.

"It definitely is more pervasive and it is more adversarial. I think in the past we found examples of it but it's not simply just growing, but it's growing in its severity and in its targeted approach to America's unhoused," said Donovan, who compared it to a civil rights issue.

"There's the whole notion of driving while black. Well, this is sitting while homeless."

Denver earlier this year voted to make urban camping illegal despite protests from homeless activists. Philadelphia banned feedings in public parks in June but the ordinance was put on hold the following month after homeless groups sued the city. And there's a new curfew for pets that help their owners beg on the Las Vegas Strip.

Matyja, in Costa Mesa, has gotten multiple tickets for smoking in the park where he camps out since the law took effect earlier this year.

"When I was in the military, I'm golden. When I was working, I was golden. When I'm not working and I'm out here, I'm a piece of garbage as far as these people are concerned," said Matyja, 50, as he walked past a row of neatly manicured lawns on a sweltering day. "They figure if they don't see you, then the problem don't exist and then they can say, 'We don't have a homeless problem.'"

The Newport Beach Public Library, nestled in a coastal city better known for its surfing and miles of wide beaches, recently updated a policy that says staff can evict someone for having poor hygiene or a strong aroma. The policy also bans lounging on library furniture and creates strict limits about parking shopping carts, bikes and "other wheeled conveyances" outside the premises.

Library Services Director Cynthia Cowell insists the policy isn't aimed at the homeless, but the action has nonetheless stirred anger among homeless advocates.

"They become very clever about it and try to blanket it because they say "strong aroma" could be perfume also, but in the end it's an attempt to keep people out of where the neighborhood and community folks feel uncomfortable," said Scott Mather, director of Haven, a program for Orange County's chronically homeless.

Some cities have seen a legal backlash as homeless advocacy groups sue. Last week, the homeless in Sacramento got checks ranging from $400 to $750 apiece to settle a class-action lawsuit brought after police destroyed property seized during cleanup operations. In a similar case, a federal appeals court ruled last month that the city of Los Angeles cannot seize property left temporarily unattended on sidewalks by homeless residents.

For cities struggling with large homeless populations, the solution involves walking a tightrope between complaints from the voting public and the possibility of a lawsuit.

In Costa Mesa, a city of about 110,000 tucked between south Orange County's famous beaches and the tourist mecca of Disneyland, officials have been trying to figure out what to do about a homeless population of about 1,200 people, including up to 120 chronically homeless with severe mental illness or substance abuse issues.

Residents routinely complain about the homeless in Lions Park, a large green space in the city's downtown that is home to the library, a recreation center and a community swimming pool. The city has received calls about people masturbating and urinating outside the library's windows, taking baths in the park's fountain and leering at children who attend classes at the rec center, said Rick Francis, the city's assistant chief executive officer.

On a recent day, dozens of homeless individuals lounged in the park on blankets or sat near bikes piled high with plastic bags, bedrolls, sleeping bags and, in one instance, a full-sized suitcase that dangled from the handlebars. A man who appeared to be intoxicated panhandled outside the library, asking passersby for cigarettes.

Another man listening to a portable radio said he'd been released from prison earlier in the week and had nowhere else to go.

"We get a lot of complaints from residents who feel like, 'Hey, here's a municipal resource that we're fearful to even use because we don't want our kids playing in a park where they have to step over homeless people and all their possessions,'" Francis said.

"Look, we're not asking all you guys to leave but we want to be able to come to the park and enjoy it without the blight of stacks and stacks and stacks of property laying around, without the issues of human waste being scattered about, those types of things."

Costa Mesa formed a homeless task force last spring and came up with a "carrot and stick approach," said Muriel Ullman, the city's housing consultant.

The city hopes to build more affordable housing using federal grant money and county resources and has hired a mental health worker to connect with the chronically homeless. It has also partnered with local churches to set up a storage facility where the homeless can keep their belongings to avoid having them confiscated, Ullman said.

But Costa Mesa has also passed a slate of new ordinances, including bans on parking a bike anywhere but on a city bike rack, smoking in the park and sleeping in the park after dark, she said. The city also spent $60,000 to tear down a gazebo that attracted large numbers of homeless people, asked churches to stop soup kitchens there and hired two rangers to patrol the park.

The mayor last week stoked anger by calling soup kitchens nuisances and asking the city to investigate some decades-old charities there.

Critics say that Costa Mesa is "just trying to get rid of our homeless, but what we're trying to do is help those who want help and if somebody doesn't want help — and they have refused help on numerous occasions — we want the courts to deal with them," Ullman said.

Homeless advocates who have watched the ordinances roll out in Costa Mesa and other, neighboring, cities aren't so sure.

The high cost of living in Orange County, coupled with a severe shortage of affordable housing and lack of shelter space, make it impossible for many homeless people to get back on their feet, said Bob Murphy, general manager of the local nonprofit American Family Housing. Most wind up migrating from city to city to avoid trouble, he said.

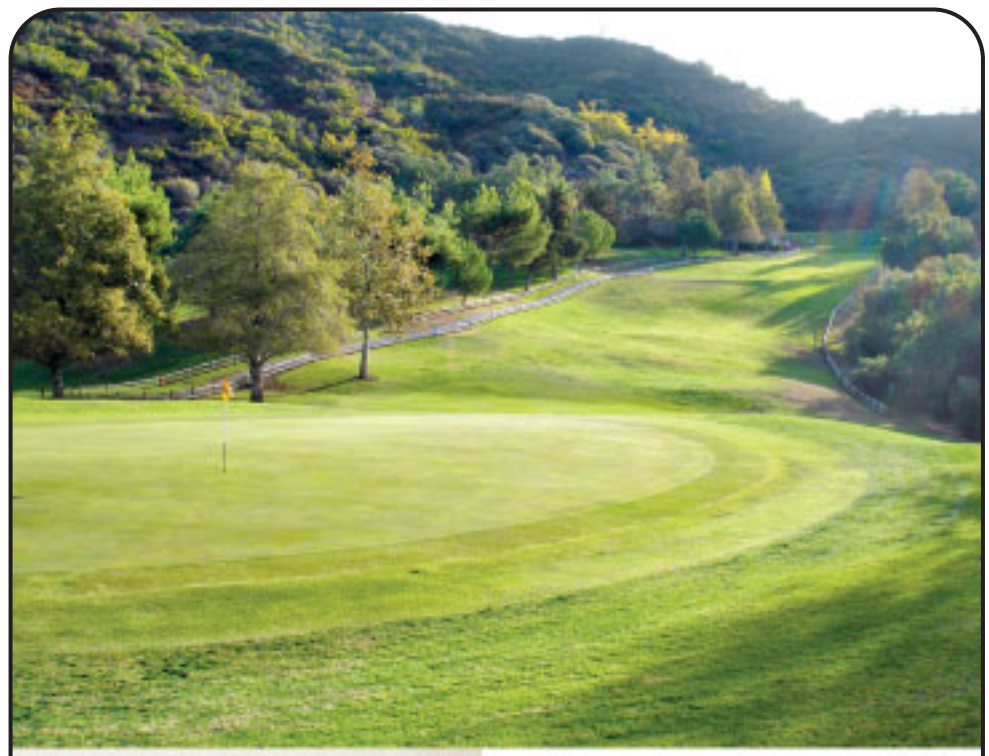
In Costa Mesa, a recent city report found a shortage of more than 1,000 transitional shelter beds for the city's population alone.

"These are people. It's not like you can go out with a dog catcher and scoop them up and put them somewhere else," Murphy said. "They have no place to go."

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PEDICABS

FROM PAGE 1

clear to me that the city has the legal authority to tell a pedicab where it can't go … ."

The council did create a one-year pilot program in 1998, but no company set up shop during that time and the council let the program expire. Los Angeles is currently looking at the best ways to regulate and is considering setting up a pilot program in Hollywood.

Daniel Kerrigan, owner and operator of Texas Trike Pilots, a pedicab company in Austin, Texas, said there are solutions to Santa Monica's concerns, such as using alleys to get pedicabs off congested, narrow streets, like those found in Downtown. He said pedicabs provided a great service to those looking to hop from one restaurant or bar to another and not worry about driving.

"There are 534 pedicabs registered in the city of Austin, and there are no problems," he said.

Santa Monican Jenna Linnekens, vice chair of the Recreation and Parks Commission, told the council that she personally feels that if regulated properly, the cabs could help City Hall in its goal of getting more people out of their cars. However, she's not keen on the idea of having them ride along the heavily-used bike path.

"I want to make sure the bike path down on the beach doesn't become the 405 Freeway," she said, citing concerns about safety.

The National Safety Council, in studying the safety of pedicabs, conducted a review of admission to a level one trauma center in San Diego from 2000 to 2009. The review showed 15 major trauma victims injured in pedicab accidents, 14 of whom had fallen from the pedicab, according to a report by city transportation engineers. Alcohol was detected in 10 of the 14 victims. Eleven of the 15 experienced traumatic brain injury, skull fracture, or loss of consciousness. Two died due to severe traumatic brain injury.

While the study found that injuries were mostly due to falling from the pedicab in the evening hours while drunk, one of the two deaths occurred when the victim, who was not intoxicated, fell from the pedicab as it was making a sharp turn. At the time of the accident, pedicabs in San Diego were required to have seat belts, but the one involved did not, according to the report.

Most council members seemed in favor of allowing the pedicabs, but with restrictions to ensure safety and lessen the impact on traffic.

Councilman Bob Holbrook, who has ridden pedicabs while attending USC football games in Tempe, Ariz., says they are fun, but he just doesn't see them working in Santa Monica in the same way because the streets aren't wide enough for the cabs, some of which are 4 feet or 5 feet wide.

"I think we have to do it because you can't deny people the right to set up this type of business, but we need to regulate it and make sure there are routes to support them."

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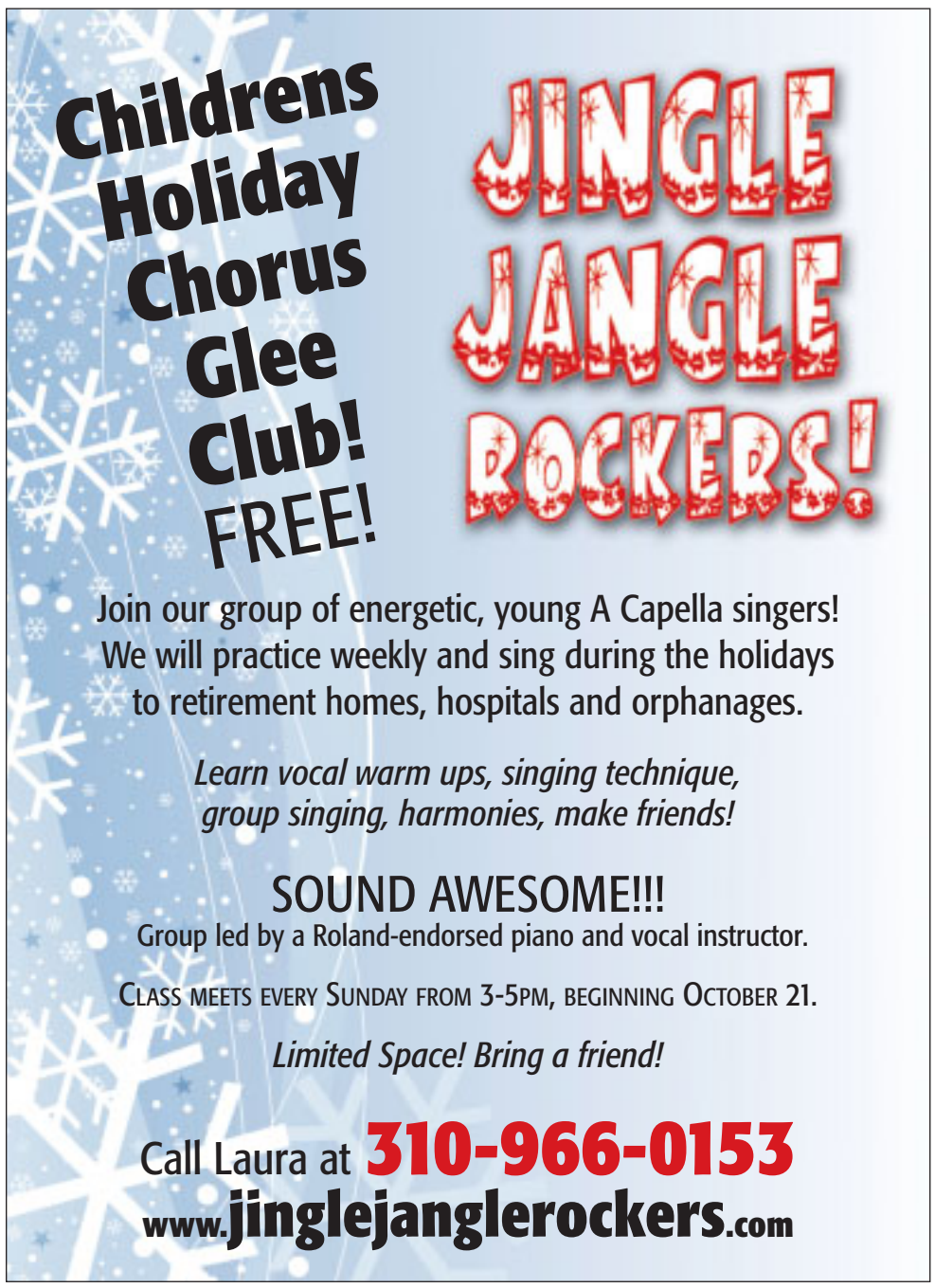
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Freeze and drought take bite out of fall tourism

RICK CALLAHAN
Associated Press

INDIANAPOLIS Devastating spring freezes and a historic drought have stripped some charm from rustic fall destinations, leaving some corn too short to create mazes, orchards virtually devoid of apples and fall colors muted.

Extreme weather has forced agritourism ventures in the heart of the country to scramble to hold onto their share of an industry that generates hundreds of millions of dollars each year.

Pat Schaefers, who runs Schaefers Corn Maze near Lollie, Ark., hopes visitors to the farm's two mazes won't mind that the corn is just 6 to 8 feet this fall — up to 4 feet shorter than the wall of corn families and school groups normally pay to get lost and turned-around in.

"It's just not up to par," she said of the corn in her two mazes. "It's not anything like it's been in past years."

Yet Schaefers was one of the lucky ones. Even though the corn in her 30 acres of mazes is shorter than normal, she was able to open them for a seventh year thanks to a summerlong irrigation effort at the 1,000-acre farm she owns with her husband, Bob.

Sam Brown, who owns A-Maizeing-Farms in Mayfield, Ky., said the summer drought and 100-degree days ruined his farm's 20-acre corn maze, leaving stalks knee- to waist-high — far too short for use as a maze. Instead, he's offering a petting zoo, pedal cart races and hay rides.

"The object of our maze is to find hidden checkpoints, and our checkpoints literally would have been taller than the corn in some of the fields," he said. "It would have pretty much been pointless."

For many farms and orchards, autumn is the peak agritourism season as families seek out a taste of rural life with outings to explore corn mazes, take hay rides and pick their own apples or pumpkins. Tourism generated about $566 million for more than 23,000 U.S. farms in 2007, according to the U.S. Department of Agriculture's most recent agriculture census — a survey conducted every five years.

But just like farming itself, agritourism can be stung by the weather.

Apple orchards across the Midwest and New England suffered huge losses when blossoms lured into early bloom by a warm March were killed in April freezes.

Indiana apple growers have had one of their worst crops in eight decades. Many orchards canceled their U-pick apple seasons and shipped in apples from out of state or traded varieties with other orchards to meet customers' demand.

Tuttle Orchards, a central Indiana farm with 30 acres of trees, lost all but about 10 percent of its apple crop in April. Mike Roney, who co-owns the orchard near Greenfield, Ind., said it might have been the worst freeze damage ever at the farm his family has owned for 84 years.

At Crane Orchards, a 120-acre top U-pick tourist destination in Fenville, Mich., co-owner Rob Crane said just 5 percent of his apple crop survived the icy nights on his family's fifth-generation farm a few miles from Lake Michigan. With so few apples, its normal 60-day U-pick season shrank to a couple of weeks, and the last trees were picked clean before October.

Despite the lack of apples, Crane is hoping people still come to the farm for a hay ride along its lake and rolling hills, to navigate its corn maze or indulge in fruit pies and other homemade treats served at its restaurant.

"The fall is about making memories, family gatherings and outings to see the colors. It's that inner clock that's ticking that wants you to do that before winter," Crane said. "We're hoping people still come and do that."

The colors won't be so bright in some places. Felicia Fairchild, executive director of the Saugatuck/Douglas Convention and Visitors Bureau in southwestern Michigan, said some drought-stressed trees in her area dropped their leaves early.

But despite a less brilliant landscape and lack of apples, she expected bustling fall business in an area often called the "Art Coast of Michigan" because of Saugatuck and Douglas' art galleries, shopping and bed and breakfast inns along Lake Michigan.

"I don't think it's going affect our business at all, but it always adds to it if there's really beautiful foliage," Fairchild said.

Others in the industry took steps to ensure their fall seasons weren't a total loss.

Greg Hochstedler, who owns the 160-acre Boondocks Farms about 30 miles east of Indianapolis, canceled his corn maze this year because the June planting time coincided with sweltering 100-degree days and the worst drought in decades.

"It was too dry, too dusty. It would have been a waste of seed," Hochstedler said.

Instead, he's focused on hosting fall weddings to make up some of the revenue usually generated by about 5,000 people who pay to get turned around in the corn labyrinth.

The farm has held about a dozen weddings this fall at its 4,000-square foot pavilion, which has walls that can be rolled up to reveal views of the surrounding countryside.

"That's why we call it Boondocks Farms — we're out in the boondocks," Hochstedler said.

Roney, the Indiana orchard owner, found a bright spot in his pumpkin patches, which were irrigated and emerged from the drought with a fine crop.

"We actually have one of the best pumpkin crops we've ever had as far size goes and quantity," Roney said. "I don't know why that is — maybe they just liked the heat."



If voters OK hemp, unclear farmers would grow it

GENE JOHNSON
KRISTEN WYATT
Associated Press

SEATTLE Residents of Washington, Oregon and Colorado won't just be considering whether to let adults buy pot at state-sanctioned shops when they vote next month on legalizing and taxing marijuana.

They'll be voting on whether to let farmers grow marijuana's far less potent cousin — hemp — for clothing, food, biofuel and construction materials among other uses.

But don't expect farmers to start growing it, at least not immediately. The passage of the measures would create the familiar clash with federal law, which prohibits growing the plant for industrial, recreational or medicinal purposes.

Farmers who say they have enough to worry about with drought and crop diseases don't want to also be left wondering whether federal drug agents will come knocking.

"Farmers are already engaged in a high-risk endeavor," said Roy Kaufmann, a spokesman for Oregon's pot initiative. "That weariness of potentially facing federal action is just too much of a disincentive."

The three ballot initiatives to regulate pot like alcohol have garnered much attention, in part for the hundreds of millions of dollars they could bring into state coffers and for the showdown it could set up with the federal government.

No state has made recreational pot legal, and these measures would be the first to set up state-sanctioned pot sales. The Justice Department could try to block them in court under the argument they frustrate federal antidrug law enforcement efforts.

Less well known is the effect the measures would have on hemp and the possibilities they create for another fight with the federal government.

Nine states — Hawaii, Kentucky, Maine, Maryland, Montana, North Dakota, Oregon, Vermont and West Virginia — have passed laws allowing hemp cultivation or research, and supporters of the latest measures say they would be another shot across the federal government's bow.

Oregon's earlier law, passed in 2009, allows the state to regulate hemp production; the initiative on the ballot next month, Measure 80, would allow unregulated hemp production.

While medical marijuana patients and those who grow for recreational use have been willing to risk federal prosecution, a viable hemp crop would be much larger than many of those grow operations, putting farmers at risk of severe mandatory minimum sentences in federal court.

Hemp and marijuana are the same species, cannabis sativa, but are genetically distinct. Hemp has a negligible content of THC, the psychoactive compound that gives marijuana users a high. It's also grown differently, in tightly packed plots to maximize stalk height rather than widely spaced to maximize branching and flowering.

Marijuana growers generally don't want their plants anywhere near hemp fields because cross-pollination would create less potent marijuana, so the notion of farmers hiding marijuana plants among their hemp crop isn't much of a concern.

But Steve Freng, prevention treatment manager for the Northwest High Intensity Drug Trafficking Area, a federally funded antidrug effort, said having legalized hemp would nevertheless make marijuana enforcement trickier.

"What comes to mind immediately is how difficult it would be to regulate and oversee an industry like that," he said. "At this point in states that have medical marijuana, a good amount of marijuana is overproduced. It's not unusual for growers to sell out of state."

Freng questioned whether there's a serious market for hemp in the U.S.

A Colorado corn farmer who serves in the state Legislature, Republican state Sen. Greg Brophy, suggested hemp's commercial potential could be hampered by high prices for corn, wheat and soybeans. Growing corn right now is "like owning your own ATM," he said.

For most of U.S. history, hemp was an important agricultural product used for rope, fabric and even the paper Thomas Jefferson used to draft the Declaration of Independence.

But competition arose, first from the cotton gin, which made cotton easier to process, and then from synthetic fibers in the early 20th century. Americans became more concerned about the availability of marijuana, and the federal government imposed severe restrictions on hemp.

There was a brief resurgence during World War II, when the U.S. Department of Agriculture launched a "Hemp for Victory" campaign to replace Southeast Asian fiber sources cut off by the Japanese, but there has been no commercial hemp production in the U.S. since the 1950s, according to a January report from the Congressional Research Service. Technically, the DEA is authorized to grant farmers special permits to grow hemp. It just never does.

At least 30 countries produce hemp commercially, and most of the hemp imported into the U.S. is grown in China, Canada and Europe.

Rough industry estimates suggest that a few hundred million dollars' worth of hemp products, such as soaps, body lotions and hemp granola, are sold in the U.S. every year.

All of it is imported, which maddens David Bronner, chief executive of Dr. Bronner's Magic Soap based in Escondido, Calif. His company uses 20 tons of hempseed oil in soaps every year and has contributed $50,000 to Washington's campaign and $50,000 to Colorado's.

"The Canadian farmers are laughing at us all the way to the bank," Bronner said. "We give $100,000 a year to the Canadians. If American farmers could grow industrial hemp here, we'd recognize 25 percent savings, for sure."

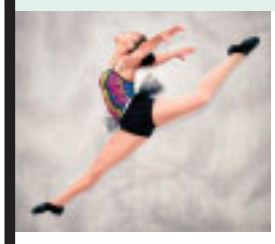
That kind of talk intrigues farmers like Ted Durfey, who has a seed press at his Sunnyside, Wash., farm to help turn the canola and flax he grows into biofuel.

"If it's sanctioned, it would lend itself pretty well to enhancing our local economy," Durfey said. "But I'm definitely not going to grow a commodity that's illegal under federal law."

Another central Washington farmer, Tom Stahl, said that if the initiative passes, he'd likely grow it until federal authorities caught on and warned him not to.

But even some farmers interested in experimenting with hemp aren't necessarily planning to vote for the ballot measures. They include Rob Jones, a southern Colorado potato farmer who has unsuccessfully lobbied the Legislature to permit industrial hemp.

Told the marijuana measure on ballots this fall would do the same thing, Jones scoffed. "It's going to be legal to smoke it in this state before we can grow it for legitimate purposes," Jones said.

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In these tough economic times many people are finding themselves out of work, sometimes for the first time in their lives. More than three million Americans are fired each year. After the initial shock of being fired has worn off, the practicalities of having to navigate the unemployment insurance system come into sharp focus.

Generally, you are entitled to unemployment benefits if you are unemployed through no fault of your own, for example, if you were laid off, fired for a reason other than misconduct, or quit your job for good reason. Once the Employment Development Department (EDD) has received your application for benefits, it usually conducts a telephone interview with you, and also with your employer, to find out why you were fired.

Unfortunately, some unscrupulous employers challenge their former employee's application for benefits even when that employee was fired through no fault of his or her own. In this case, the employer usually claims that the employee was fired for misconduct.

If your application for benefits is denied, you have 20 days to file an appeal. If you believe that your benefits were unfairly denied, it is very important that you file a timely appeal. You will receive a hearing date about 4-6 weeks later. Sometimes, the employer does not even bother to show up to the appeal hearing; they were counting on the fact that you wouldn't fight the denial of your benefits.

The hearing is your chance to explain your side of the story to an Administrative Law Judge. It is natural to feel nervous before the hearing, but you will feel better if you are properly prepared to present your case. You should ask to review the EDD's file on your case, which will include the interview notes with your employer. This means you will get a chance to see what your employer said about why you were fired. You can also send a written request to your employer asking to inspect your personnel file pursuant to Labor Code Section 1198.5. You can ask witnesses who can corroborate your version of events to come with you to the hearing. If they can't come, you can ask them to give you a written statement to take along with you. You can also ask the EDD to subpoena witnesses for you. Finally, you should familiarize yourself with the law that applies to your case. A good starting place is the "Benefit Determination Guide" on the EDD website: http://www.edd.ca.gov/UIBDG/default.htm.

You don't have to bring an attorney with you to the hearing, although you may feel more confident with the support of an attorney experienced in this area. The Legal Grind can put you in touch with an attorney who can help you through the process, from advice on preparation to representation at your appeal hearing.

Depending on the circumstances of your termination, you may also wish to seek legal advice to determine whether you have any legal claims arising out of your discharge. Although most workers in California are "at will" employees, which means they can be fired for any reason or for no reason at all, even "at will" employees cannot be fired in certain circumstances. For example, an employer cannot fire its employee for a discriminatory reason; or because s/he made a health and safety complaint; or because she took time off to perform jury duty. This is a complex area of the law, and an attorney can advise you on whether you may have grounds for a wrongful discharge suit.

Upon investigation of the circumstances of your termination, an attorney may also identify violations which took place during your employment. For example, you may have an overtime claim if your employer did not pay overtime pay (time and a half) for all hours over eight in a day, and forty in a week, or a claim for meal period premium pay if you were unable to take an uninterrupted 30 minute meal break per five hours worked. Exploring potential claims with an attorney may help to give you some peace of mind in this difficult time.

NINA BAUMLER IS AN ATTORNEY WHO PRACTICES EXCLUSIVELY IN EMPLOYMENT LAW. MS. BAUMLER CAN BE REACHED THROUGH THE LEGAL GRIND AT 310-452-8160 OR BY VISITING WWW.LEGALGRIND.COM.

Disclaimer: this article does not constitute legal advice and does not create an attorney client relationship.

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MONDAY
4:00-5:00 pm (1st & 3rd Monday/Month) Criminal Law, DMV & Traffic Law: Felony and Misdemeanor Crimes, with former deputy D.A. Jacob Glucksman

TUESDAY
9:00am-12:00pm Patent, Trademark and Copyright Law with Attorney Marcus Risso. (By appointment only)

4:00pm-5:00pm (1st and 3rd Tuesday of the Month). Civil and Criminal Law with former Deputy District Attorney Hart Levin. Hart has expertise in all criminal and traffic issues, and he also has extensive knowledge in many areas of civil law including business disputes, personal injury, medical malpractice, and wrongful death. (By appointment only)

5:00 - 7:00 pm Wrongful termination, harassment; discrimination; wage and hour ;denial of unemployment benefits; and general counseling on issues in the workplace w/ attorney Nina Baumler. (Call for Appointment) at the 2901 Ocean Park location of the Novel Café.

WEDNESDAY
11:00am-3:00pm Special Education Law (By appointment only. Also available by appointment on Mondays or Fridays from 11:30 am to 3:00 pm) Attorney Alison Arkin has extensive experience working with parfents of special needs children with a wide range of disabilities, and can help them obtain appropriate services from both school districts and regional centers. She has experience with every level of the process including obtaining appropriate assessements, representation at IEP meeting, mediations, settlement negotiations and hearings.

5:00-6:30pm Divorce and Legal Separation; Domestic Partnerships; Child Custody, Support and Visitation; Spousal Support; Prenuptial Agreements & Mediation with Family Law Specialist Attorney Elizabeth Fields at the 2901 Ocean Park location of the Novel Café.

THURSDAY
12:00-2:00pm Immigration and Family Law with Attorney Galorah Keshavarz (By appointment only)
4:00-5:00pm (By appointment only) Chapter 7 and 13 Bankruptcy, Debt Negotiation and Personal Injuries cases with Attorney and Legal Grind founder Jeffrey J. Hughes

FRIDAY
4:00-5:00pm (2nd & 4th Friday/Month) Criminal, DMV & Traffic Law: Felony and Misdemeanor Crimes with Attorney & former Deputy D.A. Jacob Glucksman. By Appointment only

4:00-5:00pm (1st & 3rd Friday/Month) Small business start-ups, Corporations, Contracts, Non-Profit Organizations, Green Law, Employment Law, Green and Sustainable Business Practices with Attorney Becki Kammerling.

SATURDAY
10am-11:30am (1st, 3rd & 5th Saturday/month) Real Estate, Estate Planning, Wills & Living Trusts, Will Contests, Probate, Elder Law Business Litigation, Formation & Dissolution, Contracts, Construction Contracts Family Law including Divorce, Child/Spousal Support, Prenuptial Agreements, Personal Injury, Accidents, Premises and Product Liability, & Legal Malpractice with Attorney Richard Ruman. (By appointment only)

12PM TO 2PM Personal Injury free consultation; Regular consultation on all areas of Estate Planning, Landlord/Tenant rights, Mortgage Litigation, Premises Liability, Construction Accidents, and Products Liability with attorney SandeepAgarwal.

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High court looks at race in college admission policies

MARK SHERMAN
Associated Press

WASHINGTON Nine years after the Supreme Court said colleges and universities can use race in their quest for diverse student bodies, the justices have put this divisive social issue back on their agenda in the middle of a presidential election campaign.

Nine years is a blink of the eye on a court where justices can look back two centuries for legal precedents. But with an ascendant conservative majority, the high court in arguments Wednesday will weigh whether to limit or even rule out taking race into account in college admissions.

The justices will be looking at the University of Texas program that is used to help fill the last quarter or so of its incoming freshman classes. Race is one of many factors considered by admissions officers. The rest of the roughly 7,100 freshman spots automatically go to Texans who graduated in the top 8 percent of their high school classes.

A white Texan, Abigail Fisher, sued the university after she was denied a spot in 2008.

The simplest explanation for why affirmative action is back on the court's calendar so soon after its 2003 decision in Grutter v. Bollinger is that the author of that opinion, Sandra Day O'Connor, has retired. Her successor, Justice Samuel Alito, has been highly skeptical of any use of racial preference.

Justice Anthony Kennedy, a dissenter in the 2003 decision, probably holds the deciding vote, and he, too, has never voted in favor of racial preference.

As a result, said Supreme Court lawyer Thomas Goldstein, "No matter what the court does, it is quite likely that the UT program is going to be in big trouble."

The challenge to the Texas plan has gained traction in part because the university has produced significant diversity by automatically offering about three-quarters of its spots to graduates in the top 10 percent of their Texas high schools, under a 1990s state law signed by then-Gov. George W. Bush. The admissions program has been changed so that now only the top 8 percent gain automatic admission.

More than eight in ten African-American and Latino students who enrolled at the flagship campus in Austin last year were automatically admitted, according to university statistics. Even among the rest, both sides acknowledge that the use of race is modest.

In all, black and Hispanic students made up more than a quarter of the incoming freshmen class. White students constituted less than half the entering class when students with Asian backgrounds and other minorites were added in.

"For decades, the defense of racial preferences was, 'We'd love to find a way to get diversity without using race, but it's just not possible. There's just no other way.' And Texas found another way," said Richard Kahlenburg, a senior fellow at the Century Foundation and prominent advocate of class-based affirmative action.

The university says the extra measure of diversity it gets from the slots outside automatic admission is crucial because too many of its classrooms have only token minority representation, at best. At the same time, Texas argues that race is one of many factors considered and that it "is impossible to tell whether an applicant's race was a tipping factor."

The Obama administration, 57 of the Fortune 100 companies and large numbers of public and private colleges that could be affected by the outcome are backing the Texas program. Among the benefits of affirmative action, the administration argues, is that it creates a pipeline for a diverse officer corps that it called "essential to the military's operational readiness." In 2003, the court cited the importance of a similar message from military leaders.

But lawyers for Fisher, of Sugar Land, Texas, said the race-blind method under which the university automatically admits most of its students has been successful. They say Fisher, who has since graduated from Louisiana State University, was excluded because of her race, and they point to a handful of African-American and Latino students who were admitted with lower scores than hers.

"If any state action should respect racial equality, it is university admission," Fisher's lawyers said in their written submission to the court.

The university says that a fuller picture of the process shows that white students with lower scores also were admitted, while many more minority students with higher scores than Fisher also were not offered admission.

The case also raises several contentious side issues, including whether affirmative-action programs hurt the very people they are supposed to be helping. A new book by law professor Richard Sander and journalist Stuart Taylor argues that "large preferences often place students in environments where they can neither learn nor compete effectively, even though these same students would thrive had they gone to less competitive but still quite good schools."

Their book, "Mismatch," says these students are set up to fail, getting lower grades and dropping out more often than white students with similar backgrounds.

Taylor and Sander, a law professor at the University of California at Los Angeles, point to statistics in California to support their argument. After voters changed the state constitution to outlaw racial preferences, UCLA saw significant declines in enrollment by black and Hispanic students.

But the number of African-American and Latino graduates was unchanged for the five classes after the ban when compared to the five years before the change in state law, they said.

The dozens of legal briefs in the Texas case also highlight a debate over whether racial preference programs actually limit the number of students from Asian backgrounds, who are disproportionately represented in student bodies relative to their share of the population.

The university says Asian-American enrollment has increased under the policy that is being challenged. The numbers would be even higher if Texas stopped factoring in race, Fisher and others say.

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Alzheimer drug shows some promise in mild disease

MARILYNN MARCHIONE
AP Chief Medical Writer

BOSTON Combined results from two studies of an experimental Alzheimer's drug suggest it might modestly slow mental decline, especially in patients with mild disease.

Taken separately, the studies on the drug — Eli Lilly & Co.'s solanezumab — missed their main goals of significantly slowing the mind-robbing disease or improving activities of daily living. But pooled results found 34 percent less mental decline in mild Alzheimer's patients compared to those on a fake treatment for 18 months.

Doctors called the results encouraging although probably not good enough to win approval of the drug now, without another study to confirm there is a benefit. Investors were more enthused, driving Lilly's stock up about 5 percent on Monday and about 19 percent since August, when the company described the results in general terms.

Detailed results were revealed for the first time Monday at an American Neurological Association conference in Boston.

"It's certainly not the home run we all wanted, but we're very encouraged by these results," said Maria Carillo, chief science officer for the Alzheimer's Association, which had no role in the research.

Dr. Stephen Salloway, an Alzheimer's expert at Brown University, agreed.

"It's exciting to see that there may be clinical benefit," he said, but it is modest and may not make a difference in how well patients live — what matters most to them and their families, he said.

About 35 million people worldwide have dementia, and Alzheimer's is the most common type. In the U.S., about 5 million have Alzheimer's. Current medicines such as Aricept and Namenda just temporarily ease symptoms. There is no known cure.

Solanezumab (sol-ah-NAYZ-uh-mab) is one of three drugs in late-stage testing that seek to alter the course of the disease. Results on one drug were disappointing, and results of the other won't be ready until early next year.

Solanezumab aims to bind to and help clear the sticky deposits that clog patients' brains. The two studies each had about 1,000 patients, about two-thirds with mild disease and one-third with moderately severe Alzheimer's, in 16 countries. Their average age was 75.

The main measures were two tests — one reflecting language, memory and thinking and the other, ability to perform daily activities such as eating and grooming. The combined results on the mild disease patients showed a nearly 2-point difference in the roughly 90-point score on thinking abilities. Previous studies suggest that a change of 3 to 4 on the score is needed to show a clinical benefit, like an improvement in how well patients can take care of themselves.

"It's a small difference," Dr. Rachelle Doody of Baylor College of Medicine said of the drug's effect. She heads a nationwide research network funded by the National Institute on Aging that did an independent analysis of Lilly's results on the studies and presented them Monday at the conference.

Still, "you slow the decline" with the drug, she said.

Independent experts cautioned that the improvement was small, and needs to be verified in another study.

"I hate to get too enthusiastic ... there's a flicker of a signal" of benefit, but less than what some other once-promising treatments showed, said Dr. Sam Gandy, head of Alzheimer's disease research at Mount Sinai School of Medicine in New York.

Dr. Ronald Petersen, director of Alzheimer's research at the Mayo Clinic, called the drug's effect "subtle" and said it may mean just that "somebody remembers one extra word out of a 15-word list" without any real improvement in how well they live.

The drug, if ever approved, is likely to be expensive, and that means "we need more evidence" of its benefit to justify its use, Petersen said.

Encouragingly, solanezumab had few side effects. About 1 percent of people on the drug had some chest pain from reduced blood flow to the heart. There were few cases of worrisome brain swelling and small bleeding in the brain, an effect that caused concern with another experimental Alzheimer's drug, bapineuzumab by Pfizer Inc. and Johnson & Johnson's Janssen Alzheimer Immunotherapy unit.

That drug failed to help patients in two late-stage studies announced last month, but did show signs of hitting its target and clearing deposits from the brain.

The Lilly drug seems to be safer, and that is an advantage, said Dr. Norman Relkin, head of a memory disorders program at New York-Presbyterian Hospital/Weill Cornell Medical Center.

"There is some cause for encouragement here. It's not the magnitude we'd like to see" but certainly warrants further studies on the drug, he said.

Relkin heads testing of the third drug in late-stage development — Gammagard, by Baxter International Inc. Results are expected early next year.

Meanwhile, Dr. Eric Siemers, senior medical director for Lilly, said the company will discuss its results and next steps with the Food and Drug Administration.

Lilly shares closed up $2.55, or 5.3 percent, to $50.78. During the day they peaked at $50.94, their highest price since April 2008. (This is also their highest closing price since that month.) The shares are up 19.8 percent since August 24.



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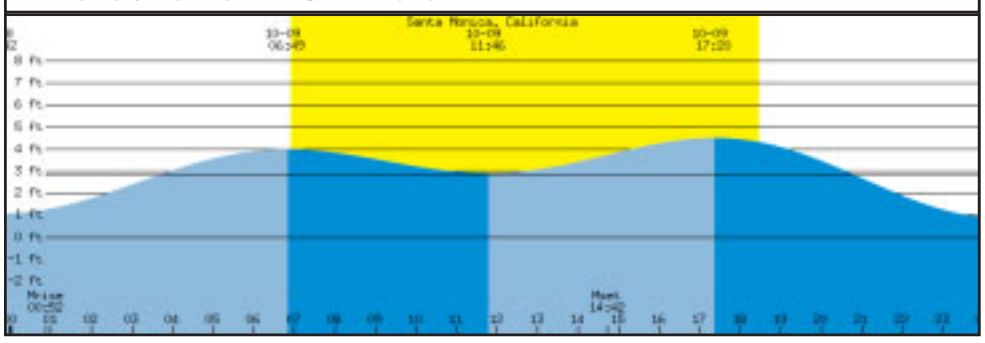
Swell Forecast

Waist high at south facing breaks, knee to waist at west facing spots.

Long Range Synopsis

Looking to run knee to waist most everywhere.

Tide Forecast for Today in Santa Monica



BEACH REPORT CARD

NORTH LOS ANGELES COUNTY

Grades for this report are based on monitoring data from the previous 30 days up to the ending date of **October 3, 2012**

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QUICK STATS (for the last 30 days)

- Number of sewage spills -- 1
- Number of beach closures due to a sewage spill -- 0
- Number of wet days -- 8
- Number of A grades for dry/wet weather -- 38 / 16
- Number of (C,D,F) grades for dry/wet weather -- 0 / 10

The Beach Report Card is made possible by: The Diller – von Furstenberg Family Foundation, Goodbrook Family Foundation, simplehuman, LazerGUY, SBBA

Heal the Bay reminds you not to swim or surf within 100 yards of any flowing storm drain or for 3 days after a rainstorm. After a rain, indicator bacteria counts at beaches throughout California usually far exceed health criteria in the state's Beach Closure and Health Warning Protocol.

LOCATION	DRY	WET
Leo Carrillo Beach, at Arroyo Sequit Creek mouth.	A+	ns
Nicholas Beach at San Nicholas Canyon Creek mouth.	A+	ns
El Pescador State Beach, between Lechusa and Los Alisos creeks.	ns	ns
Encinal Canyon at El Matador State Beach.	A+	ns
Broad Beach at Trancas Creek mouth.	A+	ns
Zuma Beach at Zuma Creek mouth.	A+	ns
Walnut Creek, projection of Wildlife Rd. (private).	A	ns
Paradise Cove Pier at Ramirez Canyon Creek mouth.	A+	ns
Escondido Creek, just east of Escondido State Beach.	A	ns
Latigo Canyon Creek mouth.	A+	ns
Solstice Canyon at Ben Blocker County Beach.	A+	ns
Pearce State Beach at creek mouth.	A	ns
Marie Canyon storm drain at Pearce Beach, at 21672 Malibu Rd.	B	ns
Surfrider Beach at Malibu Colony fence.	A+	ns
Surfrider Beach (breach location)- daily.	A+	ns
Malibu Pier - 50 yards east.	F	ns
Carbon Beach at Sweetwater Canyon.	A+	ns
Las Flores State Beach at Las Flores Creek (point zero).	A+	ns
Big Rock Beach at 19648 PCH stairs.	A	ns
Pena Creek at Los Tunas County Beach.	A+	ns
Tuna Canyon.	ns	ns
Topanga State Beach at creek mouth.	A+	ns
Castlerock Storm Drain at Castle Rock Beach.	A	ns
Santa Ynez Storm Drain at Castle Rock Beach.	A+	ns
Will Rogers State Beach at 17208 PCH (1/4 mile east of Sunset drain).	A+	ns

LOCATION	DRY	WET
Will Rogers State Beach at Bel Air Bay Club drain near fence.	F	ns
Will Rogers State Beach at Pulga Canyon storm drain.	A+	ns
Will Rogers State Beach at Temescal Canyon drain.	B	ns
Will Rogers State Beach at Santa Monica Canyon drain (Chautauqua).	A	ns
Santa Monica Beach at Montana Ave. drain.	A+	ns
Santa Monica Beach at Wilshire Blvd. drain.	A+	ns
Santa Monica Municipal Pier.	A	ns
Santa Monica Beach at Pico/Kenter storm drain.	A	ns
Santa Monica Beach at Strand St. (in front of the restrooms).	A+	ns
Ocean Park Beach at Ashland Ave. drain.	A+	ns
Venice City Beach, at the Rose Ave. storm drain.	A+	ns
Venice Beach at Brooks Ave. drain.	A+	ns
Venice Beach at Windward Ave. drain.	A+	ns
Venice Fishing Pier - 50 yards south.	A+	ns
Venice Beach- projection of Topsail St.	A+	ns
Marina del Rey, Mothers' Beach- lifeguard tower.	B	ns
Dockweiler State Beach at Ballona Creek mouth.	A	ns
Dockweiler State Beach at Culver Blvd. drain.	A+	ns
North Westchester Storm Drain at Dockweiler State Beach.	A	ns
Dockweiler State Beach at World Way (south of CBW jetty).	A+	ns
Dockweiler State Beach at Imperial Hwy drain.	A+	ns
Dockweiler Beach- opposite Hyperion Treatment Plant.	A+	ns
Dockweiler State Beach at Grand Ave. drain.	C	ns

LEGEND

DRY -- each location is graded on an A – F scale based on bacterial pollution levels present in the surf zone

WET -- grades for days of recorded rainfall and the following 3 days

ns -- no sample taken

Heal the Bay is a non-profit environmental organization dedicated to making Santa Monica Bay and Southern California coastal waters safe and healthy for people and marine life.

Heal the Bay

Heal the Bay's Beach Report Card™ is based on weekly water quality monitoring data provided by the City of Los Angeles' Environmental Monitoring Division and the Los Angeles County Department of Health Services. Data is analyzed as soon as it is made available to us by the public agencies. Beaches are graded on an A–F scale based on the risk of ocean users becoming ill. Samples are analyzed for bacteria—enterococcus, total and fecal coliforms—that indicate biological pollution. A fact sheet detailing the exact methodology used in determining grades for each location is available from the office or on our web site. The report is not designed to measure the amount of trash or toxins found at local beaches.

The Beach Report Card is an indication of past water quality and is not a warranty of the current safety of those areas surveyed. Our lawyers are happy.

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LEGAL NEWS

Sandusky runs risk of sexual assault in prison

MICHAEL RUBINKAM
Associated Press

Because of who he is and what he's done, Jerry Sandusky could be in particular danger of sexual assault when he is sent off to prison this week.

With thousands of inmates raped behind bars in the U.S. each year, statistics compiled by the federal government show that sex offenders are roughly two to four times more likely than other inmates to fall victim.

Sandusky, the 68-year-old former Penn State assistant football coach, will be sentenced Tuesday for sexually abusing 10 boys in a scandal that rocked the university and brought down coach Joe Paterno. Sandusky is likely to spend the rest of his life in prison.

It's entirely possible that he will serve his time without incident. His lawyer, Joe Amendola, said he expects Sandusky will be housed with nonviolent offenders at a minimum-security prison, and the Pennsylvania Corrections Department said it is committed to the safety of all inmates, though it would not comment on what it plans to do to protect Sandusky.

But it's also true that child molesters are reviled inside prison walls just as they are on the outside, and are often subjected to physical and verbal abuse, including sexual assault. Given the horrific nature of Sandusky's crimes, will the public care what happens to him in prison?

"The Sandusky case is one of those moments when our core beliefs are really tested," said Lovisa Stannow, executive director of Just Detention International, a group that fights prison rape. "This is a moment when it's especially crucial to recognize that nobody ever deserves to be raped. No matter who you are, sexual violence and rape is wrong, it's a crime, and it is something we have to fight."

The U.S. corrections industry has long struggled with sexual violence.

In 2008, more than 200,000 inmates in American prisons, jails and juvenile detention centers were victims of sexual abuse, according to the Justice Department. Male sex offenders were among those at highest risk: Nearly 14 percent reported having been sexually assaulted at least once while incarcerated.

Yet experts say rape isn't an unavoidable consequence of prison life. Justice Department statistics show wide variability in rates of sexual abuse across prisons and jails. Wardens who are committed to ending sexual violence, establishing clear policies against abuse and holding their staffs accountable are likely to see fewer problems.

"It's all about management tone and style and leadership at the top. If you hear about abuse and sort of roll your eyes and look the other way, that sends a signal. If you tell the staff, 'I want to get to the bottom of this,' that sends a signal," said Jamie Fellner, a prisons expert at Human Rights Watch.

In some ways, Sandusky, who has been held in isolation in a county jail since he was found guilty in June, is not a prime target for assault. Inmates who are young and small in stature are more likely to be sexually victimized; Sandusky is a senior citizen with an imposing frame. Other inmates at high risk include gay men, those who have been previously victimized and those seen as timid or feminine.

A convicted sex offender who spent 10 years in prison and now works with other released sex offenders through the Pennsylvania Prison Society said he believes Sandusky's chances of assault are low.

"Are people going to bother him? Yeah, but a lot of it's going to be verbal harassment — it's not going to be physical," said the 52-year-old man from the Philadelphia suburbs, who spoke on condition of anonymity because of the stigma attached to sex offenses. "Because again, he's an old guy; people aren't into that. The verbal abuse is probably going to be significant. He's going to have to have a thick skin."

Lockups in Pennsylvania and across the nation are under a federal mandate to curb sexual abuse.

The rules, which took effect in August under the Prison Rape Elimination Act of 2003, require screening to identify inmates at greater risk of sexual assault — and those more likely to sexually offend — with an eye toward keeping them apart in housing and work assignments.

Prisons must also offer at least two means of reporting abuse, preserve evidence, ban retaliation against whistle-blowers, keep juvenile offenders away from adult inmates, and devise plans for adequate staffing and video monitoring. The presumptive punishment for any staffer found to have sexually abused an inmate is firing.

"You had corrections officials saying it's not so bad, it's not so bad, it's not so bad, and then you had the data saying it IS so bad, it is a problem, it is prevalent," said Fellner, who sat on the National Prison Rape Elimination Commission, the panel charged by Congress with devising the new standards. "I think at this point, everybody understands this is serious."

Pennsylvania's policy for preventing sexual abuse dates to 2004. New inmates must be screened, and anyone determined to be at greater risk of sexual victimization is supposed to get his or her own cell, or be placed in protective custody or in a special unit for inmates in danger. Pennsylvania prisons hold about 6,800 sex offenders.

"Inmates and their families should know that we do our utmost to provide for inmate safety," said Corrections Department spokeswoman Susan McNaughton.

But a scandal unfolding at the state prison in Pittsburgh shows that any policy is only as good as the people enforcing it. And prisons have a long way to go in that regard. The national Justice Department survey found that nearly as many inmates were victimized by prison staff as by fellow inmates.

In the Pennsylvania case, prosecutors and lawsuits allege systematic abuse of inmates serving time for sex crimes against children. The suspected ringleader, veteran guard Harry Nicoletti, faces 89 criminal counts after a grand jury concluded he raped and beat inmates, directed other prisoners to soil the food and bedding of his targets, and committed other abuses while working in the prison's F Block, for new inmates.

Nicoletti, 60, and three other guards charged in the case assert they did nothing wrong and accuse the inmates of lying. The defendants are awaiting trial.

The Corrections Department is compiling data on sexual assault in its prisons and has hired a contractor to study conditions behind bars.

Amendola, Sandusky's attorney, said he hopes his client won't become a statistic.

"I suspect they're going to take precautions against that," he said.

MOVIE TIMES

Aero Theatre
1328 Montana Ave.
(310) 260-1528

Call theater for more information.

AMC Loews Broadway 4
1441 Third Street Promenade
(888) 262-4386

Butter (R) 1hr 31min
1:55pm, 4:35pm, 7:30pm, 9:45pm

House at the End of the Street (PG-13) 1hr 41min
1:45pm, 4:25pm, 7:15pm, 9:50pm

Won't Back Down (PG) 2hrs 01min
1:00pm, 4:05pm, 7:00pm, 10:00pm

Escape Fire: The Fight to Rescue American Healthcare (PG-13) 1hr 35min
1:30pm, 4:15pm, 7:00pm, 9:30pm

AMC 7 Santa Monica
1310 Third St.
(310) 451-9440

Hotel Transylvania 3D (PG) 1hr 31min
11:55am, 2:30pm, 5:20pm, 7:50pm, 10:15pm

Frankenweenie in Disney Digital 3D (PG) 1hr 27min
11:45am, 2:30pm, 5:10pm, 7:45pm, 10:15pm

Taken 2 (PG-13) 1hr 31min
11:55am, 2:45pm, 5:25pm, 8:00pm, 10:30pm

Perks of Being a Wallflower (PG-13) 1hr 42min
11:30am, 2:20pm, 4:50pm, 7:25pm, 10:20pm

Trouble with the Curve (PG-13) 1hr 51min
11:20am, 1:55pm, 4:35pm, 7:15pm, 10:00pm

End of Watch (R) 1hr 49min
11:35am, 2:25pm, 5:10pm, 7:55pm, 10:30pm

Hotel Transylvania (PG) 1hr 31min
11:25am, 1:45pm, 4:20pm, 7:00pm, 9:30pm

Laemmle's Monica Fourplex
1332 Second St.
(310) 478-3836

Ballet in Cinema: La Sylphide from the Bolshoi Ballet (NR) 2hrs 10min
7:30pm

Arbitrage (R) 1hr 40min
1:50pm, 4:20pm, 7:00pm, 9:40pm

Decoding Deepak (NR) 1hr 23min
1:00pm, 3:00pm, 5:10pm, 7:20pm, 9:55pm

Just 45 Minutes from Broadway (R) 1hr 48min
1:40pm, 4:20pm, 7:10pm, 9:50pm

Master (R) 2hrs 30min
1:00pm, 4:05pm, 10:15pm

AMC Criterion 6
1313 Third St.
(310) 395-1599

Frankenweenie (PG) 1hr 27min
11:15am, 1:40pm, 4:05pm, 4:45pm, 6:40pm, 9:15pm

Looper (R) 1hr 58min
11:25am, 12:35pm, 2:15pm, 3:40pm, 5:10pm, 6:45pm, 8:00pm, 9:45pm

Dredd (R) 1hr 36min
11:30am, 2:10pm

Taken 2 (PG-13) 1hr 31min
11:15am, 1:50pm, 4:30pm, 7:00pm, 7:30pm, 9:45pm

Pitch Perfect (PG-13) 1hr 52min
11:40am, 2:30pm, 5:30pm, 8:10pm, 10:00pm

For more information, e-mail news@smdp.com

Take some private time, Virgo

ARIES (March 21-April 19)
★★★★★ Your fiery ways might ignite others into action if you are not careful. You also could provoke a great deal of brainstorming and unexpected ideas. Tonight: A little fun never hurts.

TAURUS (April 20-May 20)
★★★★ Your sense of humor allows others to relax around you. As people start to open up, you'll gain helpful insights. Avoid a misunderstanding by clarifying facts and information. Tonight: Hang in there.

GEMINI (May 21-June 20)
★★★★★ Initiate a conversation by helping the other party feel more comfortable. You might regret some of your prior judgments. Don't live in the past; instead, update your thoughts for the present. A friend surprises you, and you will respond instinctively. Tonight: Chat away.

CANCER (June 21-July 22)
★★★ Sometimes you might overwhelm people with everything that you do and seem capable of handling. Give someone the space to grow, as he or she needs to deal with a personal issue. Tonight: Head home, but buy a little something for a friend on the way.

LEO (July 23-Aug. 22)
★★★★ Get past a bad mood. A child or a lively conversation will help you to do just that. The unexpected has become routine, and yet somehow it still manages to surprise you. Look at today's events, for example. Tonight: Zero in on what you want.

VIRGO (Aug. 23-Sept. 22)
★★★★ Defer to a more upbeat person. You might feel sluggish when dealing with an issue that you want to keep hush-hush. You could become irritated as well. Someone could act in a surprising way, just to get your attention. A friendship helps clear the air. Tonight: Take some private time.

LIBRA (Sept. 23-Oct. 22)
★★★★ Listen to news carefully. You can be quite intellectual and detached at times. When you get into this mode, you tend to gather a lot of information and discuss your feelings more easily. You'll finally see how a misunderstanding occurred. Tonight: Where the crowds are.

SCORPIO (Oct. 23-Nov. 21)
★★★ You don't mind being complimented and admired, but the other side of the coin is that you must perform at 110 percent on a regular basis. Pull yourself out of a semi-tired state, and choose to be present. You could be surprised by what you hear. Tonight: Burn the candle at both ends.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ What you come up with in your mind could be the best-case scenario. Distance yourself and see if the potential exists to have this idea happen. If so, take the necessary steps. An intervention could occur through an unexpected twist. Tonight: Help your mind relax.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ The unexpected occurs, and you could act on your frustration. Perhaps you feel as if there is no other way. Convinced that you have the answer, you might decide to take action. Tonight: A cozy dinner and a chat.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ You feel a strong sense of dedication to your friends, and they to you. Your ability to identify with others falls short with one person. Your words could have an unexpected effect. Tonight: Sort through invitations.

PISCES (Feb. 19-March 20)
★★★ Maintain a steady pace. News could be slow to arrive, if it comes at all. If you need some information, seek it out. Do not stand on ceremony. Your instincts will kick in; learn to follow them. Tonight: Get some extra R and R.

Happy birthday

This year opportunities come out of left field. Matters involving someone at a distance, travel or education appear to be very fortunate. You might want to schedule a trip or two this year. If you are single, you could meet someone very intense who draws you in. The compulsive quality of this relationship might scare many an easygoing Libra, yet most of you will explore the possibilities. If you are attached, you will experience a lot of positive moments despite the fact that your relationship has weathered some hard times in the past. You are like two magnets when you're together. Stay open with each other, and you will stay out of trouble! LEO makes a great friend.

JACQUELINE BIGAR'S STARS
The stars show the kind of day you'll have:
★★★★★Dynamic ★★ So-So
★★★★ Positive ★ Difficult
★★★ Average

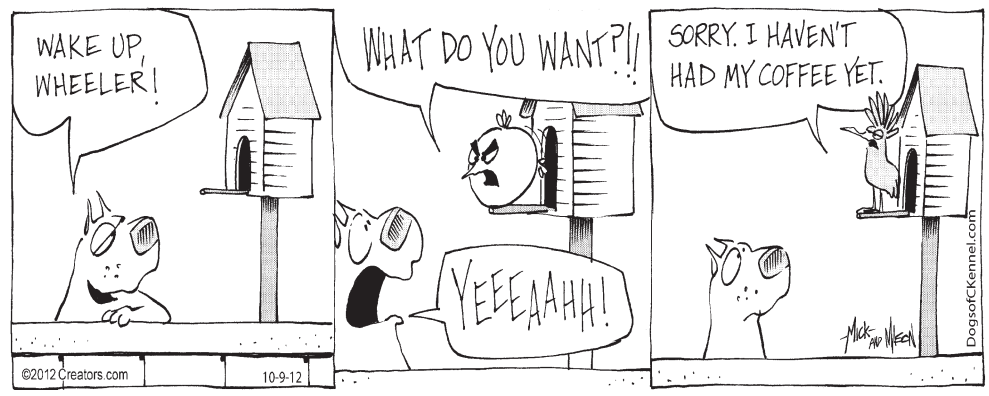
Speed Bump
By Dave Coverly



Strange Brew
By John Deering



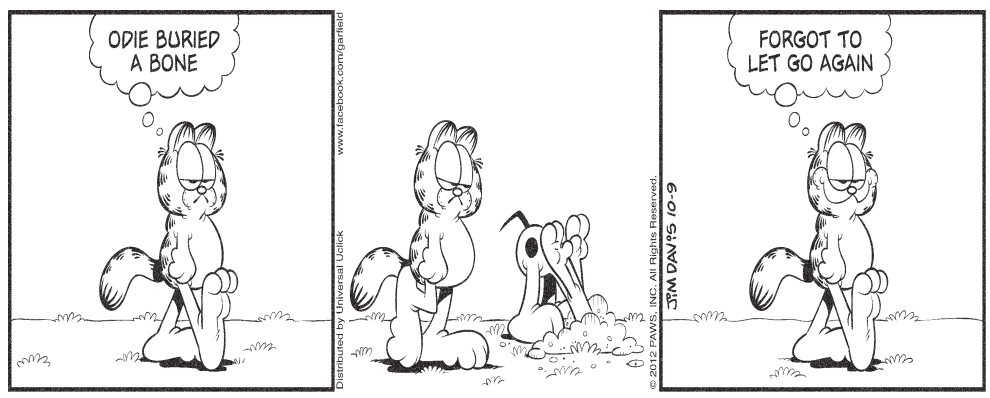
Dogs of C-Kennel
By Mick and Mason Mastroianni



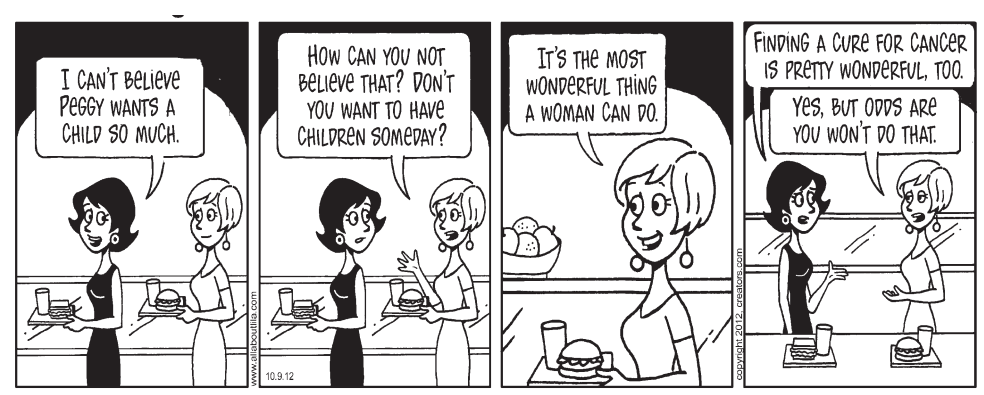
Edge City
By Terry & Patty LaBan



Garfield
By Jim Davis



The Meaning of Lila
By John Forgetta & L.A. Rose



Sudoku

Fill in the blank cells using numbers 1 to 9. Each number can appear only once in each row, column, and 3x3 block. Use logic and process of elimination to solve the puzzle. The difficulty level ranges from ★ (easiest) to ★★★★★ (hardest).

Difficulty Level ★★

				2	7		9	8
		7				2		5
	6		4				3	
	4						7	
8				3				2
	2						1	
	9				5		4	
1		5				6		
2	3		9	7				

King Features Syndicate

GETTING STARTED

There are many strategies to solving Sudoku. One way to begin is to examine each 3x3 grid and figure out which numbers are missing. Then, based on the other numbers in the row and column of each blank cell, find which of the missing numbers will work. Eliminating numbers will eventually lead you to the answer.

SOLUTIONS TO YESTERDAY'S PUZZLE

2	4	1	9	5	3	6	8	7
5	6	7	2	8	1	9	4	3
8	9	3	6	7	4	5	1	2
4	2	8	3	9	7	1	5	6
9	3	6	5	1	2	8	7	4
1	7	5	8	4	6	2	3	9
6	1	2	4	3	5	7	9	8
3	5	9	7	2	8	4	6	1
7	8	4	1	6	9	3	2	5

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MYSTERY PHOTO

Daniel Archuleta *daniela@smdp.com*

The first person who can correctly identify where this image was captured wins a prize from the Santa Monica Daily Press. Send answers to *editor@smdp.com*. Send your mystery photos to *editor@smdp.com*. Hint: It's not the mural at Lincoln and Ocean Park boulevards.

CROSSWORD

By THOMAS JOSEPH

ACROSS

1 HMO fee
6 Rome's river
11 Antilles resort
12 Eat away
13 Susan Sarandon movie
15 North Pole worker
16 Peach center
17 Game official
18 Floppy cap
20 Renowned
23 Creator of D'Artagnan
27 Cart pullers
28 Tug-of-war need
29 Get hitched anew
31 Trap-shooting
32 Kilmer poem
34 — Jima
37 "You" verb
38 Despondent
41 1947 Humphrey Bogart movie
44 Cow of commercials
45 Handyman's collection
46 Casino machines
47 Beginning

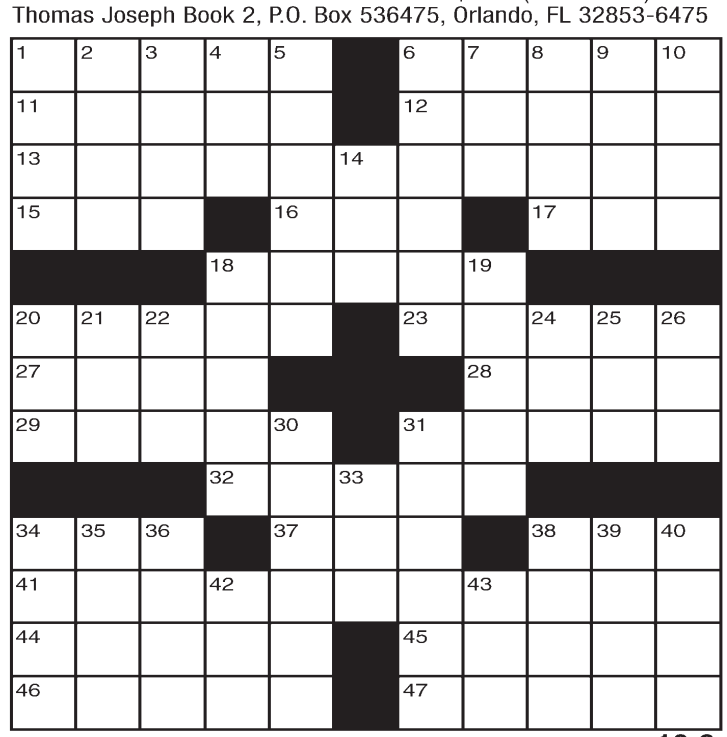
DOWN

1 Job for Poirot
2 Uttered
3 Dragon of song
4 Playwright Burrows
5 Barked
6 Checked out
7 Tax grp.
8 Sow's mate
9 Border
10 Sailing hazard
14 Vacuum lack
18 "John Brown's Body" poet
19 Ankara natives
20 Gift-tag word
21 Log chopper
22 Kitten call
24 "The Simpsons" bartender
25 Gorilla or gibbon
26 Filming site
30 Curtains
31 Looks after
33 Memorable period
34 Midmonth day
35 Mural's place
36 Words of approximation
38 Vietnam neighbor
39 Eyeball
40 Sunset site
42 Model buy
43 Icarus, to Daedalus

	N	I	N	A		R	A	M	P	
L	I	N	E	N		I	S	A	A	C
A	C	A	S	T		P	I	N	T	A
C	O	P	T	I	C			G	E	N
E	L	I	S		A	N	Y	O	N	E
S	E	E		P	R	I	E	S	T	
			L	O	A	N	S			
	G	R	O	O	V	E		B	A	G
B	E	A	G	L	E		S	E	L	L
A	L	I			L	O	C	A	L	E
S	A	N	T	A		M	A	R	I	A
S	T	E	E	D		A	R	D	E	N
	O	D	D	S		N	E	S	S	

Yesterday's answer

NEW CROSSWORD BOOK! Send $4.75 (check/m.o.) to Thomas Joseph Book 2, P.O. Box 536475, Orlando, FL 32853-6475



10-9

DAILY LOTTERY

MEGA MILLIONS
Draw Date: 10/5
8 9 16 32 39
Meganumber: 15
Jackpot: $45M

SUPER LOTTO PLUS
Draw Date: 10/6
3 9 15 17 31
Meganumber: 25
Jackpot: $8M

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.calottery.com



NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ For years, U.S. senators Ron Wyden and Mark Udall (of the Select Committee on Intelligence) have been asking the director of National Intelligence to disclose how often the government might be "overcollecting" information on U.S. citizens by too enthusiastically applying the Patriot Act, but the director's office has maintained that such information, whether or not it reveals wrongdoing, is classified. In July, the office finally declassified one fact that it said the senators were free to use: that the government had "on at least one occasion" overcollected information in violation of constitutional protections -- but that's all. The number of times, and all other details, remain classified.

■ In August, a Michigan government watchdog group learned, in a Freedom of Information Act request, that the Detroit Water and Sewerage Department still to this day retains one job classification for a horseshoer. (The department owns no horses.) Over the years, the position has become a patronage slot paying about $57,000 a year in salary and benefits, sometimes requiring the "horseshoer" to do "blacksmith" work such as metal repair. (Because of severe budget cuts, the city employees' union fights to retain every job, no matter its title.)

TODAY IN HISTORY

1986 - The musical The Phantom of the Opera has its first performance at Her Majesty's Theatre in London.

1989 - An official news agency in the Soviet Union reports the landing of a UFO in Voronezh.

1992 - A 13 kilogram (est.) fragment of the Peekskill meteorite lands in the driveway of the Knapp residence in Peekskill, New York, destroying the family's 1980 Chevrolet Malibu.

WORD UP!

apophasis \ uh-POF-uh-sis \ , **noun**; 1. Denial of one's intention to speak of a subject that is at the same time named or insinuated, as "I shall not mention Caesar's avarice, nor his cunning, nor his morality."

Santa Monica Daily Press

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Moving is the best medicine. Keeping active and losing weight are just two of the ways that you can fight osteoarthritis pain. In fact, for every pound you lose, that's four pounds less pressure on each knee. For information on managing pain, go to fightarthritispain.org.

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225 Montana Ave. #301. 3Bd + 3Bth. $3295 per mont. 2.5 blocks to Ocean. Balcony. Side by side parking. No pets.

11937 Foxboro Dr. 3Bd + 3Bth house in Brentwood. $4590 per month. No pets. Double garage. Hdwd floors. 2 fireplaces.

633 Indiana Ave. Venice
3 Bdr. + 1 Bath, $2550

1405 Barry Ave. #1
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FICTITIOUS BUSINESS NAME STATEMENT FILE NUMBER: 2012136448 ORIGINAL FILING This statement was filed with the County Clerk of LOS ANGELES on 08/27/2012 The following person(s) is (are) doing business as FOKUS WEAR. The full name of registrant(s) is/are: JENNIFER GRANT 824 10TH STREET #6 SANTA MONICA CA 90403. This Business is being conducted by: an Individual. The registrant commenced to transact business under the fictitious business name or names listed on (Date)05/25/2012. /s/: JENNIFER GRANT. This statement was filed with the County Clerk of LOS ANGELES County on 08/27/2012. NOTICE: THIS FICTITIOUS BUSINESS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name statement in violation of the rights of another under federal, state, or common law (see Section 14411et seq.,Business and Professions Code). SANTA MONICA DAILY PRESS to publish 09/25/2012, 10/02/2012, 10/09/2012, 10/16/2012.

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FICTITIOUS BUSINESS NAME STATEMENT FILE NUMBER: 2012167183 ORIGINAL FILING This statement was filed with the County Clerk of LOS ANGELES on 08/20/2012 The following person(s) is (are) doing business as FATTYS, FATTYS PUBLIC HOUSE. The full name of registrant(s) is/are: TJBC LLC 13816 BORA BORA WAY A202 MARINA DEL REY, CA 90292. This Business is being conducted by: a Limited Liability Company. The registrant has not yet commenced to transact business under the fictitious business name or names listed above. /s/:JUSTIN SAFIER. This statement was filed with the County Clerk of LOS ANGELES County on 08/20/2012. NOTICE: THIS FICTITIOUS BUSINESS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name statement in violation of the rights of another under federal, state, or common law (see Section 14411et seq.,Business and Professions Code). SANTA MONICA DAILY PRESS to publish 10/02/2012, 10/09/2012, 10/16/2012, 10/23/2012.



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3.8% Tax on Some Real Estate Transactions
Beginning January 1, 2013

Beginning January 1, 2013, the Patient Protection Affordable Care Act (PPACA) imposes a new 3.8 percent tax on some investment income.

It's a complicated tax, so we Realtors won't be able to predict how it will affect every buyer or seller.
Your Tax Consultant/CPA should advise you on this.

This tax will not be imposed on all real estate transactions, a common misconception.

Rather, when the legislation becomes effective in 2013, it may impose a 3.8% tax on some income from interest, dividends, rents (less expenses) and capital gains (less capital losses).

The tax will fall only on individuals with an adjusted gross income (AGI) above $200,000 and couples filing a joint return with more than $250,000 AGI (adjusted gross income).

Applies to:
- Individuals with adjusted gross income (AGI) above $200,000
- Couples filing a joint return with more than $250,000 AGI

Types of Income:
- Interest, dividends, rents (less expenses), capital gains (less capital losses)

Formula: The new tax applies to the LESSER of
- Investment income amount
- Excess of Adjusted Gross Income over the $200,000 or $250,000 amount

If you are considering selling a property in the near future,
I highly recommend talking to your Tax Consultant well-before January, 2013

Average Price of ALL Santa Monica Single Family Homes From ALL agents in ALL companies Listed for Sale As of Late September 2012		
Santa Monica Canyon	=	$1,709,500
North of Montana	=	$3,523,875
Between Wilshire & Montana	=	$2,916,375
South of Wilshire	=	$839,600
Sunset Park	=	$1,497,889
Ocean Park	=	$1,557,667
Statistics updated every week		

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This is not intended as a solicitation if you currently have a broker. The information has been retrieved from the Multiple Listing Service. Some of these properties have been sold or listed with other Real Estate Agents.