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Santa Monica Daily Press
WEDNESDAY, OCTOBER 10, 2012
Volume 11 Issue 280



Santa Monica Daily Press

We have you covered

COSTUMES GONE WILD
SEE PAGE 4

THE LOCAL HISTORY ISSUE

High gas, diesel prices hurt farm industry

GOSIA WOZNIACKA
Associated Press

FRESNO, Calif. Farmers in California's agricultural heartland say record-high gas and diesel prices are putting pressure on their bottom lines, but economists say it's unlikely that will translate into significantly higher food prices across the U.S.

Keith Nilmeier, a fourth-generation farmer in Fresno County, has cut down on using his farm equipment to compensate for climbing fuel costs.

Among other changes, Nilmeier — who grows fruit on 300 acres near Sanger — makes only one pass, instead of three, through the orchards and vineyards with his disking machine linked to a furrower. And he keeps farm supervisors driving smaller, fuel-efficient cars around his fields.

"I'm trying to figure out how to get more efficient about using the equipment and saving more fuel," Nilmeier said. "But we're get-

SEE GAS PAGE 10

Local publishing company buys Variety

THE ASSOCIATED PRESS

LOS ANGELES Santa Monica-based Penske Media Corp., the owner of the snarky entertainment website Deadline, has purchased venerable show business publication Variety for $25 million.

Reed Elsevier Group PLC announced its sale of the publication on Tuesday.

Variety has covered show business since 1905 and is still considered a prominent entertainment news source. But the publication has struggled to compete with websites such as Deadline and The Wrap while continuing its longtime rivalry with The Hollywood Reporter, which was revamped in 2010 under new ownership.

Faced with the onslaught of Web-based news outlets, Variety put its online content behind a "pay wall" in early 2010, ending an experiment with free online content that it began in late 2006. It has about 17,000 sub-

SEE DEAL PAGE 7

Lawsuit filed to restore nativity scenes

Council violated 1st Amendment when it ended the tradition, lawyer says

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

CITY HALL An attorney representing 13 local churches has filed suit against City Hall in an attempt to overturn a decision by the City Council in June that ended a long-standing tradition of nativity displays in Palisades Park.

According to the complaint, the City Council erred in banning "unattended winter displays" in Palisades Park because the seven-member board did so specifically to avoid controversy, effectively quashing the free speech rights of churches who had celebrated the season with displays for nearly six decades.

Their action put an end to a fight between local Christian groups and athe-

SEE SUIT PAGE 11



Photo courtesy Fiondella family

BLAST FROM THE PAST: **When local celebrity Jay Fiondella opened his iconic restaurant Chez Jay in 1959, he not only hired vivacious show girls. He also rented a circus elephant. The Landmarks Commission has named the historic eatery a landmark, which comes with certain protections.**

Commission names Chez Jay a landmark

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

CITY HALL The Landmarks Commission voted 6-0 Monday evening to give landmark protections to Chez Jay, a restaurant whose future is as uncertain as its past is lively.

The hearing was packed as 43 people spoke at the meeting with a nearly unanimous voice asking the commission to designate the restaurant a landmark.

The restaurant is as historic for the people that frequented it as the physical aspects that could be preserved as part of the designation, according to a report from city officials.

The report relies on a 2009 unpublished

SEE LANDMARK PAGE 9

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What's Up Westside

OUT AND ABOUT IN SANTA MONICA

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.

Thursday, Oct. 11, 2012

Meet your ballot
Olympic High School
721 Ocean Park Blvd., 7 p.m.
The League of Women Voters Santa Monica and Los Angeles Universal Preschool (LAUP) are hosting Meet Your Ballot 2012. This event will give residents of Santa Monica the opportunity to better understand the candidates and propositions on the November ballot. Local measures GA and ES will be discussed. GA amends the City Charter in order to change the way that the Rent Control Board establishes the annual general adjustment to rent ceilings on rent controlled units. ES is a bond measure to raise money to modernize campuses and repair schools so all meet current earthquake and fire safety standards.

So scary
Santa Monica Place
Broadway and Third Street,
7 p.m. — 1 a.m.
During the month of October, the third floor of Santa Monica Place will be transformed into a hair-raising haunted attraction where the un-dead will possess three mazes: "The Infirmary," "Insomniac Clown Playhouse" and "Granny's Manor of Mayhem." Spectators can also enjoy food and merchandise vendors throughout the night to compliment the main attraction, which will consume 50,000 square feet of what's billed as deathly horrifying space. Cost: $24; $19 for students. For more information, visit paranoiahalloween.com.

Eyes on America
The Broad Stage
1310 11th St., 7:30 p.m.
The extraordinary events and people that shaped our nation have been captured by America's greatest photographers and brought vividly to life in an evocative mix of music and words in First Person: Seeing America. Works by iconic photographers such as Walker Evans, Edward Curtis and Alfred Stieglitz are infused with new meaning when paired with the text of Langston Hughes, Abraham Lincoln, Carson McCullers, Frederick Douglass and Studs Terkel, to name a few. These historical works are interpreted by actors Bill Pullman and Lily Knight and accompanied by the evocative music of Ensemble Galilei.

Friday, Oct. 12, 2012

Pods of laughter
Sheraton Delfina Hotel
530 Pico Blvd., 10 a.m. — 11 p.m.
The Los Angeles Podcast Festival gathered some of the biggest names in comedy podcasting for a three-day extravaganza. In addition to live podcasts and a huge standup show, there will be a lounge to hang out in and meet your favorite podcaster, enjoy a party or two and listen to panels about podcasting hosted by experts from both sides of the curtain. For more information, visit lapodfest.com.

Dig the pier's porch
Santa Monica Pier
6 p.m.
Unwind on the front porch of Santa Monica for music and a free movie. Each Friday night through Oct. 19 the pier will host free flicks and a DJ spinning records. This week's movie is the documentary "Exit Through the Gift Shop." For more information, visit santamonicapier.org/frontporchcinema.

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

SMMUSD

Teachers' union backs incumbents

The union representing teachers and other certified employees in the Santa Monica-Malibu Unified School District announced Tuesday its support for three incumbents in the November school board election.

Santa Monica-Malibu Classroom Teachers Association is backing the re-election of Jose Escarce, Ben Allen and Maria Leon Vazquez, citing the need for experienced leadership and collaborative working relationships as schools face unprecedented challenges.

"Escarce, Allen, and Vazquez have shown their ability to lead effectively during these uncertain economic times," said union President Harry Keiley. "We're proud that during the past five years when K-12 funding has been cut by billions, we've been able to work with the Board of Education to protect vital services to students. When most California districts have eliminated programs, we have protected services for students, including elementary music, school nurses, and counselor-to-student ratios."

The incumbents are facing off against three well-funded challengers — Craig Foster, Seth Jacobson and Karen Farrer — a group from Malibu who have called themselves the "reform slate." They want to cut administration costs and break up the school district, with Malibu managing its own schools.

There are three seats at stake on the school board.

The Santa Monica-Malibu teachers' union is affiliated with the 325,000 member California Teachers Association and the 3.2 million-member National Education Association.

The election is Nov. 6.

To learn more about the school board candidates, make sure to attend the Santa Monica Daily Press candidates forum, dubbed "Squirm Night," which will be held Oct. 15 at the Martin Luther King Jr. Auditorium at the Main Library. School board candidates will be asked the tough questions.

The forum kicks off at 6 p.m. with a debate between Mayor Richard Bloom and Assemblywoman Betsy Butler, who are running to represent Santa Monica in the new 50th Assembly District.

– KEVIN HERRERA

CITYWIDE

Groups unite in campaign fight

United by concerns about overdevelopment in Santa Monica, leaders from three community groups on Tuesday announced plans to work together to elect Planning Commissioners Ted Winterer and Richard McKinnon to the City Council.

Representatives from Santa Monicans for Responsible Growth, the Sierra Club and Concerned Residents Against Airport Pollution said they would pool their resources together to help Winterer and McKinnon reach voters and raise funds. The candidates have been endorsed

That includes having volunteers call voters and knock on doors, and creating political literature to be mailed to voters.

The representatives said they are alarmed by the number of development projects approved by the City Council over the past few years, which have contributed to increased traffic and parking problems and have "created enormous impacts on the aesthetics and character of the community."

"The rapid rate of development in Santa Monica has a tremendous impact on our quality of life, and we want our City Council to slow down and take a serious look at these impacts. We believe that Ted Winterer and Richard McKinnon will do that," said Ivan Perkins, chair of Santa Monicans for Responsible Growth.

There are four open seats on the City Council. The election is scheduled for Nov. 6.

– KH

Presidential campaigns target new citizen voters

GARANCE BURKE
Associated Press

SAN FRANCISCO From Florida to Virginia, Massachusetts to California, candidates and political parties seeking to squeeze every vote from a divided electorate are targeting America's newest citizens. It's a relatively small bloc but one that can be substantial enough to make a difference in razor-close presidential swing states and competitive congressional races.

In Florida, which President Barack Obama won by less than 5 percentage points four years ago, a new analysis of U.S. Census data shows people who naturalized as Americans since 2000 make up 6 percent of the population of voting-age citizens. For months, the Obama campaign has been sending volunteers to cit-

SEE **VOTERS** PAGE 8



STANDING STRONG

Brandon Wise *brandonw@smdp.com*

Sen. Barbara Boxer (right) honors president of Planned Parenthood Cecile Richards (left) and Sandra Fluke (center) as she talks about the importance of strong women during the Women Making History event on Tuesday.

HIGH SCHOOL SPORTS ROUNDUP

St. Monica, Samohi ranked in football

BY DANIEL ARCHULETA
Managing Editor

CITYWIDE Both St. Monica and Santa Monica are ranked No. 9 in their respective divisions in football, it was announced this week.

Fresh off a 33-21 win over Santa Fe League rival St. Genevieve, St. Monica retained its No. 9 ranking in the CIF-Southern Section Northeast Division.

Same goes for Samohi, which was ranked No. 9 last week as well. Samohi was ranked as high as No. 4 in the Western Division, but three straight losses have sent them down the poll.

Mission Prep sits at No. 1 in the Northeast Division and Lompoc holds the top spot in the Western.

St. Monica (5-2 overall) faces St. Anthony Friday at Clark Field in Long Beach. Samohi (3-3) hosts Beverly Hills, also on Friday. Both games begin at 7 p.m.

PACIFICA CHRISTIAN V-BALL TOPS POLL

Pacifica Christian's girls' volleyball team retained its No. 1 spot in the most recent CIF-SS Division 4-A poll, which was released on Monday.

The Seawolves are 16-1 overall and 3-0 in the Liberty League.

Pacifica took on Glendale Adventist on Tuesday, but results from the match were not available at press time.

daniela@smdp.com

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LETTERS TO THE EDITOR

Send comments to editor@smdp.com

Outside in

Editor:

Columbus Day, for me a day to discover the sounds of silence on Second Street. A reprieve from the construction and mayhem due to our must-have, $43 million new-and-improved parking structure at 1431 Second St. I was on my way to 24 Hour Fitness knowing that parking would be plentiful.

Oh wait, my bad. The construction was in full effect. Why? The men at work don't work for the city of Santa Monica. They don't live in the city of Santa Monica. Our tax dollars have been outsourced. And it's not just Second Street, it's happening all over the city. Locals are not being employed, they are being annoyed, driven insane by the constant noise and the interlopers and their new toys. Don't bother writing your council person.

The $43 million was allocated in a unanimous 7-0 vote by the City Council for the demolition and rebuilding of Parking Structure 6.

"I think we have made the right decision to concentrate parking on this site," Councilmember Kevin McKeown said.

Oh how I wish I could attend the "Hometown Forum," this Wednesday, dressed as Nancy Kerrigan and wailing at the dais "Why, why, why?"

Before I was escorted out of the Martin Luther King Jr. Auditorium, I would yell, "Am I to believe you could not find a qualified hometown native to help run the city? You had to go outside of the city to hire again?"

Our new city clerk is Sarah Gorman, former city clerk of Santa Clarita. Mayor Richard Bloom announced the appointment welcoming Sarah to the community and noting that Gorman was considered uniquely qualified for the post by the City Council.

As Santa Monica city clerk, Gorman will receive a base salary of $159,912, relocation assistance of up to $10,000. The appointment follows a nationwide recruitment that attracted more than 80 candidates and council interviews with two finalists.

Santa Monica has been invaded by BMWs, Louboutins, Vuittons, Dancer, Prancer and Vixens. They are rude, ruled by a sense of entitlement and don't talk to you, but at you. They believe they can fly right past you, over you and crush you.

Back to the nightmare on Second Street where you'll discover newly zoned tour bus and taxi parking. You cannot park in front of the 24 Hour Fitness. You can hop on a tour bus to Universal City, Hollywood or Beverly Hills. You know the ones with those lovely advertisements on wheels rolling down Fourth Street and Montana Avenue.

Did I mention the increase in parking fees throughout the city? We need a new lot all right, a new lot of council members who care about us.

See you at the polls or on the poll depending on who wins.

Valerie Scott
Santa Monica

Smokers hurting us all

Editor:

Stacy Westly says discriminating against smokers is like discriminating against other activities ("Clearing the air," Letters to the Editor, Oct. 7). Not quite. If you chug down a bottle of booze, I don't get drunk. If you eat a dozen Big Macs, it doesn't make me fat. Smoking is another thing entirely. Smoking stinks up everywhere, it is poisonous, and while legal, is not needed to live. The rights of people to breathe outweigh the right to smoke. If smokers don't like it, tough.

Mike Kirwan
Venice, Calif.

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Meredith Pro Tem

Meredith C. Carroll — **Send comments to editor@smdp.com**

Halloween costumes have gone to hell

BACK IN THE DAY, THE MOST FRIGHTFUL offense on Halloween was either a teacher who banned costumes in the classroom, a torrential downpour starting at roughly 4:45 p.m. or being on the receiving end of a house doling out pennies for UNICEF and small packs of raisins instead of a pumpkin bucket or glass bowl full of miniature Snickers bars and M&M snack packs.

That was the era when local toy stores sold plastic superhero masks that wrapped around the back of your head with elastic, accompanied by some kind of a vinyl bodysuit and cape that fit awkwardly over the warm clothes that lame parents forced their children to wear underneath.

Determined kids vowed not to come home until they achieved an entire pillowcase stuffed full and overflowing with candy.

At the end of the night, dads rifled through the bounty, sampling the loot for any loose razor blades or sprinkles of cyanide — you know, just to be on the safe side.

It was a much simpler time.

The costumes these days make, say, the hobo costumes of yore seem downright politically correct. After all, weren't the kids dressed like a kind of Charlie Chaplin tramp really just raising awareness for and eliciting sympathy on behalf of the beleaguered homeless population?

It's not so much the Halloween getup available online today called "Road Kill Child Costume" — which "includes a gray jumpsuit with printed tread marks and three-dimensional 'guts' and a funny headpiece with a face opening" — that signal times have changed, and for the much, much worse.

Nor is it necessarily the "Child Mac Daddy Pimp" ensemble, which is tween-sized and comes with a jacket, pants and "pimp hat" (although the description says it's up to you to get the "bling bling") that is a sure sign we're all going to hell on Oct. 31.

Part of the problem lies with the classic costumes that have gone wild. As in, totally slutty — and not Julia Roberts-"Pretty Woman"-high-class-hooker-with-a-heart-of-gold-and-even-better-hair kind of slutty. More like HBO "Real Sex" in the back of a cab with an STD-riddled stranger, or some kind of a Bunny Ranch type of whore-y.

It's not enough to dress like a cute little kitten anymore. Now girls are compelled to dress as cats in heat, desperate to attract a mate with skin-tight bodysuits and sky-high heels. Or as a cupcake ready to show exactly the flavor of frosting that's lurking inside, with vagina-length skirts and tops that dip down in an apparent effort to objectify the poor sternum.

Pretend-cop uniforms for small girls seem less appropriate for Halloween and more apt to be worn by someone at a bachelor party who would likely say something such as, "I hear somebody's been a bad boy," while smacking a baton in her palm.

No longer is a skeleton costume for girls just a frightening mess of bones. Now it's a psychologically terrifying spandex bodysuit that calls attention to the parts of the body most normally on display in gentlemen's clubs and skin magazines.

BUT IT'S NOT JUST SEX THAT'S FOUND ITS WAY FULL-FORCE INTO HALLOWEEN FOR THE YOUNGER SET. IT'S ALSO OTHER GENERAL INAPPROPRIATENESS.

Even Hello Kitty is in on the action, with a namesake costume available for kindergartners that would make them appear as if they've joined the world's oldest profession by donning something that's only notable for how little there actually is of it.

But it's not just sex that's found its way full-force into Halloween for the younger set. It's also other general inappropriateness.

Spend a couple of minutes on Google and find a kid with dynamite strapped to his chest in an effort to disguise himself as a suicide bomber while trick-or-treating. There are baby girls dressed as Hooters waitresses and pole dancers, but those costumes are probably better — emotionally, anyway — than the one showing a very little girl dressing up as a dead version of Dora the Explorer.

There's a viral photo of a baby in a marijuana-leaf costume. Another shows a small boy dressed as Hitler. Yet another tot has a pint-sized Ping-Pong table over his head, with a game of beer pong happening on either end.

It's hard to say which is more disturbing: a photo of a toddler dressed for Halloween in a life-size condom wrapper or another of a small child wearing a pack of cigarettes as a costume as he asks strangers for candy with his dad, who is dressed as a bottle of Jack Daniel's.

Without wishing a bad Halloween on today's generation of eager trick-or-treaters, maybe rain or snow, and therefore nowhere to display costumes that would make poor Vincent Price spin in his grave, wouldn't be the worst thing to befall Oct. 31.

More at www.meredithcarroll.com.

INTERESTED IN YOUR DAILY FORECAST?
Check out the HOROSCOPES on PAGE 13!
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Your column here

Paula M. Mitchell
Send comments to editor@smdp.com

Power to the people

THIS NOVEMBER, PROPOSITION 34 — the SAFE California Act initiative — will ask California voters to stop funding the state's broken death penalty system and try another approach to improving public safety.

Whether you are for or against the death penalty, Prop. 34 is an excellent example of how direct democracy is supposed to work. For decades, the legislature has failed to act to make needed reforms to California's death penalty system. This has resulted in the wasteful spending of billions of dollars on a system that has carried out a grand total of 13 executions. Taxpayers have been forced — through the legislature's inaction — to continue funding this wholly ineffective system. Until now.

Finally, a proponent has come forward with a direct initiative that gives voters a chance to reform the law. Former San Quentin Warden Jeanne Woodford, who has had a long and successful career within the California Department of Corrections and who oversaw four executions, says that the system is not working. Gathering 800,000 signatures to place Prop. 34 on the ballot, Woodford is taking the case directly to the voters of California and asking them to take action to eliminate the death penalty. This is direct democracy at its best.

It is no longer disputed that the annual cost of implementing California's death penalty is at least $100 million more than what we would spend if the state's most severe penalty were life in prison without the possibility of parole. The independent Legislative Analyst's Office says as much in its fiscal impact statement on the ballot summary for Prop. 34. We know how much the system is costing taxpayers because technology now permits us to collect and analyze criminal justice cost data. The data also permit us to propose evidence-based reforms that are strategically tailored to remedy specific problems and lead to specific outcomes. Prop. 34 is just such a data-driven, evidence-based, proposed reform. For example, the data shows that 46 percent of homicide cases in California are never closed. That means that every year roughly 1,000 murderers in California escape justice. Similarly, 56 percent of reported rapes go unsolved annually. Instead of wasting millions of dollars on a broken system, Prop. 34 would direct taxpayer money to solving more murders and reported rape cases.

There is no credible evidence that having the death penalty reduces violent crime. None. There is evidence, however, that California now ranks second in the nation (tied with Texas) as the state with the most wrongful convictions. Our system makes grave mistakes — and some cannot be undone. The evidence also shows that nearly 1,000 death sentences that have been handed down in California since 1978, but the state has carried out only 13 executions. During that time, over 80 inmates have died on death row of other causes before being executed by the state.

By 2050, if nothing changes in California's capital conviction and execution rates, the state will spend an additional $5 billion to $7 billion for a system that will produce only another 14 executions, while 500 more inmates will die of old age and other causes on death row before they are executed. These are the facts. And these facts have been presented to the state legislature time and again. The California legislature has refused to act. It is now up to the voters.

The 1978 Briggs Initiative, another direct voter initiative which led to the enactment of the state's current scheme, promised to "give every Californian the protection of the nation's toughest, most effective death penalty law." A system that has cost taxpayers $4 billion and executed no more than 13 people is neither "tough" nor "effective." Technology in the 21st century is not what it was in 1978. We now have analytical tools that allow us to approach criminal justice policy reforms with more precision and sophistication. It is now possible to examine the costs and benefits of various criminal justice programs, including the administration of the death penalty, and determine whether our programs are working, and whether we are making efficient use of our scarce public resources. After three decades of wasteful spending on a broken system, California voters — now equipped with actual evidence of how costly and ineffective the state's death penalty system has become — will have an opportunity to weigh in at the ballot box and decide whether continuing the current broken system makes sense, or whether California can do better. Regardless of the outcome, that is direct democracy at its best.

PAULA M. MITCHELL is an adjunct professor of law at Loyola Law School Los Angeles, where she teaches habeas corpus and civil rights litigation. She co-wrote with Senior Ninth Circuit Judge Arthur L. Alarcón "Costs of Capital Punishment in California" (2012) and "Executing the Will of the Voters?" (2011).

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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Activists say feds conducting sham review of nuke plant

MICHAEL R. BLOOD
Associated Press

LOS ANGELES Environmentalists accused federal regulators Tuesday of conducting a bogus review of a proposal to restart the damaged San Onofre nuclear power plant on the California coast.

Just days after Southern California Edison asked the Nuclear Regulatory Commission for permission to repair and start the Unit 2 reactor, then run it at reduced power, the agency is facing pressure from groups critical of the nuclear power industry to initiate a review that could take months or even years to complete.

The NRC is "denying the public any meaningful voice" in the review to restart the plant, which has been shuttered since January, Friends of the Earth, the Natural Resources Defense Council and the Committee to Bridge the Gap said in a joint statement.

The NRC has promised a transparent, thorough review of the proposal, which focuses on how the utility will fix faulty steam generators installed during a $670 million overhaul.

"We don't experiment with safety," NRC Regional Administrator Elmo Collins told reporters Monday.

The environmental groups are pushing the federal agency to require Edison to seek an amendment to its operating license to restart the plant, a process that could take up to two years.

In a March letter, federal regulators outlined a series of benchmarks Edison must reach to restart the plant, including determining the cause of vibration and friction that damaged scores of steam generator tubes, how it would be fixed and then monitored during operation.

Those requirements, however, did not involve amending the plant's operating license.

"This significant change rises to the level of a license amendment proceeding in which, by law, the public is entitled to participate," the groups said.

Collins said Monday it's an "open question" if the agency will require a license amendment.

Anti-nuclear activists have argued for months that restarting the plant, located between San Diego and Los Angeles, would invite catastrophe. About 7.4 million Californians live within 50 miles of San Onofre's twin domes.

Tests found some tubes were so badly corroded that they could fail and possibly release radiation, a stunning finding inside the nearly new equipment.

Edison's proposal calls for operating Unit 2 at up to 70 percent power for five months then shutting it down for inspections.

The future of the heavily damaged Unit 3 reactor is not clear.

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Richmond soda tax measure opponents spend millions

ASSOCIATED PRESS

RICHMOND, Calif. A group backed by the beverage industry is spending millions of dollars to defeat a soda tax measure on the Nov. 6 ballot in this San Francisco Bay Area city.

Campaign finance statements released Friday show the "No on N" campaign has spent $2.2 million compared to just $25,000 by supporters of the tax, the Contra Costa Times reported (http://bit.ly/VWwDMZ) Sunday.

The opposition group is led by the beverage industry lobbying organization, the American Beverage Association.

Richmond's measure would levy a penny-per-ounce tax on businesses that sell soft drinks and other sugar-sweetened beverages.

Supporters say the drinks are linked to childhood obesity, and the tax would reduce their consumption. A companion measure encourages city officials to spend the $2 million to $4 million that would be raised by the tax to fight childhood obesity.

Opponents say it would cost businesses millions of dollars in lost sales and raise prices for consumers. They are unabashed about all the spending.

"We're going to spend what is necessary to inform voters about a misleading and misguided tax that will cost Richmond residents and businesses millions of dollars a year in higher grocery bills and lost sales and revenue," Chuck Finnie told the Contra Costa Times.

Finnie is with a San Francisco-based public relations firm hired by the beverage association to coordinate the "No on N" campaign.

Signs against the tax have popped up around the city, and staffers at a campaign office funded by the beverage industry make calls and coordinate the placement of signs, the Contra Costa Times reported.

"They're spending more and more because they're not confident, and they know that Richmond can pave the way for more cities to protect children's health from their products," said City Councilman Jeff Ritterman, the tax's leading supporter.

The Los Angeles County city of El Monte is pursuing a similar soda tax although officials there say their main goal is to raise revenue for city coffers. The tax would raise between $3.5 and $7 million a year.

The city is awaiting amended campaign finance filings for the measure, according to the city clerk's office.

But Mayor Andre Quintero says the beverage industry is fighting hard against the measure in his city as well.

"Billboards, cable television ads, events, mailers, canvassing teams, phone banks, legal maneuvers, constant polling ... we are under siege," he said.

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DEAL
FROM PAGE 1

scribers, according to Reed spokesman Paul Abrahams.

Visitors to Variety's website are allowed to read only a few free stories per month. The restrictions have cut its online presence. In 2009, it had about 2.5 million visitors a month. In September, Variety had just 397,000 unique visitors online. That compared to 5.1 million for HollywoodReporter.com, and 1.9 million at Deadline.com, according to market tracker comScore Inc. Even so, those entertainment business websites fall short of celebrity news sites such as Yahoo's OMG with 28 million and TMZ with 22.9 million unique visitors.

In recent years, Variety has ramped up the number of industry-focused conferences it hosts, and tried last year to compete with Amazon.com Inc.'s movie information site, IMDb.com, by selling a data tool called FlixTracker. Despite the innovations, most of Variety's revenue still comes from advertising.

Reed Elsevier put Variety up for sale in March as part of an effort to move away from ad-dependent businesses.

Variety was the last of Reed's U.S. print publications. Reed sold book trade magazine Publisher's Weekly in 2010 and pay TV industry magazine Multichannel News in 2009. Other titles it sold included Interior Design, Furniture Today, and Broadcast & Cable.

Reed is increasingly focused on providing data services for a variety of industries including airlines and banks.

Penske Media said it plans to expand Variety's presence on the Web, on mobile devices, over broadcast and in international markets.

Aside from Deadline, the digital media and publishing company owns a number of news brands, including entertainment sites HollywoodLife, Movieline, and technology website BGR.

Penske Media was founded in 2004 by its CEO, Jay Penske, the son of auto racing team owner Roger Penske. Debt and equity financing for the transaction was provided by Third Point LLC, a hedge fund run by Daniel Loeb. Loeb gained notoriety earlier this year as an activist investor who lobbied for a management change at Yahoo Inc.

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VOTERS
FROM PAGE 3

izenship ceremonies to register people and canvassing Miami-area neighborhoods where immigrant families live.

In California, where new citizens comprise nearly 9 percent of potential voters, Republicans hope House candidates Ricky Gill and Abel Maldonado can reach that group by highlighting their families' journeys from India and Mexico, respectively, in search of the American Dream.

Georgina Castaneda, a home-care worker who grew up in Veracruz, Mexico, and now lives in Los Angeles, is the type of person the campaigns are targeting. After years of waiting for her citizenship application to go through the bureaucracy, she passed the U.S. civics test and swore her allegiance to the flag along with thousands of others at a ceremony in March at Los Angeles' Staples Center.

Castaneda said Democratic Party workers walked down the aisles handing out brochures to the crowd. She filled one out while still seated.

"My idea was that one more vote could do something, so I registered at the ceremony," she said.

Political parties have tried to engage new arrivals since at least the 1790s, when New York City's fabled Tammany Hall political machine organized immigrants, especially the Irish. In this final stretch of contemporary campaigns, the influence of new voters is magnified in several battleground states, where small shifts can produce large impacts on the electoral vote count.

"The trick with politics is to get to people early, so what you want to do is make sure that your party gets in on the ground floor of any new citizen's thinking," said Stephen Farnsworth, a professor of political science at the University of Mary Washington in Fredericksburg, Va. "So instead of meeting people at the docks like the political machines of a century ago, political parties and campaigns are meeting potential voters right after they take the oath."

Overall, first-generation citizens historically have leaned Democratic and registered at lower rates than U.S.-born voters. But during the past decade that gap in registration has narrowed, partly because the newest Americans have been motivated by the immigration debate, said Manuel Pastor, director of the Center for the Study of Immigrant Integration at the University of Southern California. The center released the data last week, after performing a first-of-its kind analysis made possible because the Census Bureau in 2008 started asking people more detailed questions about when they became citizens.

Nationwide, there are an estimated 7.8 million people of voting age who naturalized since 2000, or 3.6 percent of all potential voters, according to the study. Two swing states — Florida, at 6 percent, and Nevada, at 5.1 percent — have higher concentrations than the national average. Virginia is at 3.5 percent, and Colorado at 2.1 percent.

States like California, Massachusetts and Illinois that are considered likely to go for Obama also have significant populations of new citizens who could make the difference in congressional races.

In Massachusetts, where the newest Americans make up 5 percent of all potential voters, GOP Sen. Scott Brown often emphasizes his support for legal immigrants who have "played by the rules" as he competes with Democratic challenger Elizabeth Warren for the swath of undecided voters.

In downtown Oakland, Calif., the Alameda County Republican Party has been erecting folding tables bedecked with American flags and voter registration forms in Spanish, Chinese, Tagalog and English outside naturalization ceremonies at the Paramount Theater.

"We want to be in places where we are reaching the minorities or ethnic blocs," said Sue Caro, the local GOP chairwoman.

The success rate for Republicans in this traditionally Democratic stronghold is unclear — Caro noted sometimes new citizens pose with the party's cardboard cutouts of Mitt Romney and Ronald Reagan, then walk down the sidewalk to the Democratic Party's table and take family photos with likenesses of Michelle and Barack Obama.

In Florida, the Obama campaign for months has sent volunteers to the conference halls where the federal government holds its citizenship ceremonies, and has been seeking out new citizens willing to host house parties.

"Our campaign is about inclusiveness and to that end we encourage all citizens, including our newest citizens, to get involved in the democratic process," Obama campaign spokesman Adam Fetcher said.

To be sure, campaigns and parties say courting undecided new citizens is just one element of the numbers game, which ultimately will turn on how many people show up to vote. Republican National Committee spokeswoman Kirsten Kukowski said new Americans represent a piece of the GOP's registration program, but their turnout efforts are focused on registered voters because they more reliably go to the polls.

California is considered a sure bet for Obama, but there are an unusually large number of competitive U.S. House seats. Republican and Democratic Party officials say new citizens could boost their turnout, and both sides are targeting them.

Maldonado, a former lieutenant governor whose father came to the U.S. from Mexico, is locked in a fierce campaign against longtime Democratic Rep. Lois Capps in a new Santa Barbara-San Luis Obispo district that has a voter registration edge for Democrats of just 3 percentage points.

Maldonado, a wealthy farmer, said he has been talking to new citizens at house meetings in the agricultural region of his district.

"I think they're very proud to see that someone can come here to this country of ours poor, and work hard, save, plan, pay taxes and see their son eventually become lieutenant governor," he said.

Eight-term incumbent Capps said her voting record reflected her strong alliance with Hispanics and said as a former school nurse she understands immigrant families' challenges.

In Virginia, immigrants from India make up a substantial portion of the newest citizens.

South Carolina Gov. Nikki Haley, who is Indian-American, has campaigned for Romney multiple times in northern Virginia, where a sizable Indian population has settled. Obama made a campaign stop at a high school in Leesburg in August, and on Friday went to Sterling, the same town Haley addressed.

"That part of Virginia that is home to a lot of striving recent arrivals," said Farnsworth. "And for the parties it represents time and money very well spent to approach new voters, because as close as the polls tell us this race will be, that last 3 percent may be the percent that makes the difference."

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LANDMARK

FROM PAGE 1

biography of the restaurateur Jay Fiondella and his establishment by Jon Stebbins called "It Happened at Chez Jay's."

It describes celebrities like actor Peter Sellers displaying their talents for the delight of the masses, and back-room deals taking place at the legendary "Table 10" where rumor has it that Daniel Ellsberg passed the Pentagon Papers to eager reporters and Henry Kissinger dined.

The atmosphere was made possible by Jay Fiondella, a vibrant man who pursued law, bartending, acting and made hobbies out of ballooning and treasure hunting.

The success of his business rested on the comfortable climate he created which attracted celebrities and others dodging attention by prohibiting tourists and paparazzi, according to the staff report.

The designation will protect certain physical characteristics of the restaurant, although exactly what will be fleshed out by staff and brought back to the commission for approval.

According to the staff report, most of the historic significance of the site comes from the interior, where the restaurant's "noteworthy social interactions took place."

That includes the arrangement of the banquettes, tables, bar, sawdust covered floor, nautical decorations and "Table 10" amongst others.

"As such, the loss of some or a majority of its contents, decorations and ephemera as well as a change in the design and/or use of 'Table 10' would eradicate key elements of the property's significance such that it would no longer meet Santa Monica landmark criteria related to historic personages and associations," according to the staff report.

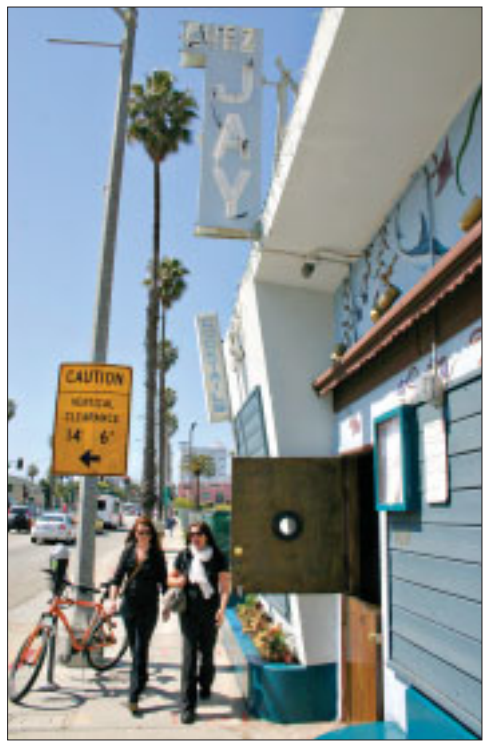
The decision thrilled Anita Fiondella-Eck, Jay Fiondella's daughter and now co-owner of the restaurant who has fond memories of sitting in the booths listening to the varied clientele.

"It was a wonderful evening," Fiondella-Eck said. "It warmed my heart to hear what everybody had to say about Chez Jay as part of the cultural landscape and the history of Santa Monica."

Exactly what the designation means to the structure is unclear.

The land on which Chez Jay stands was once owned by the Santa Monica Redevelopment Agency, an entity that was killed by state lawmakers and the courts in February 2012.

The property is now in the hands of a "Successor Agency," which may or may not have to sell the property to satisfy obligations to the state Department of Finance.



Daniel Archuleta *daniela@smdp.com*

THE SPOT: **A pair of women walk by Chez Jay, which is a newly-minted landmark.**

Even if the land remains with City Hall, the Chez Jay business may not.

Fiondella-Eck and co-owner Michael Anderson have a month-to-month lease controlled by City Hall. City officials declared their intention to allow other businesses to bid for the spot in April, although the process was put on pause when the future of the land itself became a question mark.

The idea was to create a restaurant space that would complement the $47 million park being built immediately east of the Chez Jay site, preferably with a walk-up sales location and a family-friendly atmosphere.

It could be done with the existing business, despite the landmark designation, Fresco said.

"The ideal circumstance would be to leave Chez Jay alone and encourage the Chez Jay people to open an auxiliary window in the back that services the park," Fresco said. "It would not change the Chez Jay vibe at all."

Chez Jay and its ownership are committed to working with City Hall to make a business that fulfills the needs of parkgoers, Fiondella-Eck said.

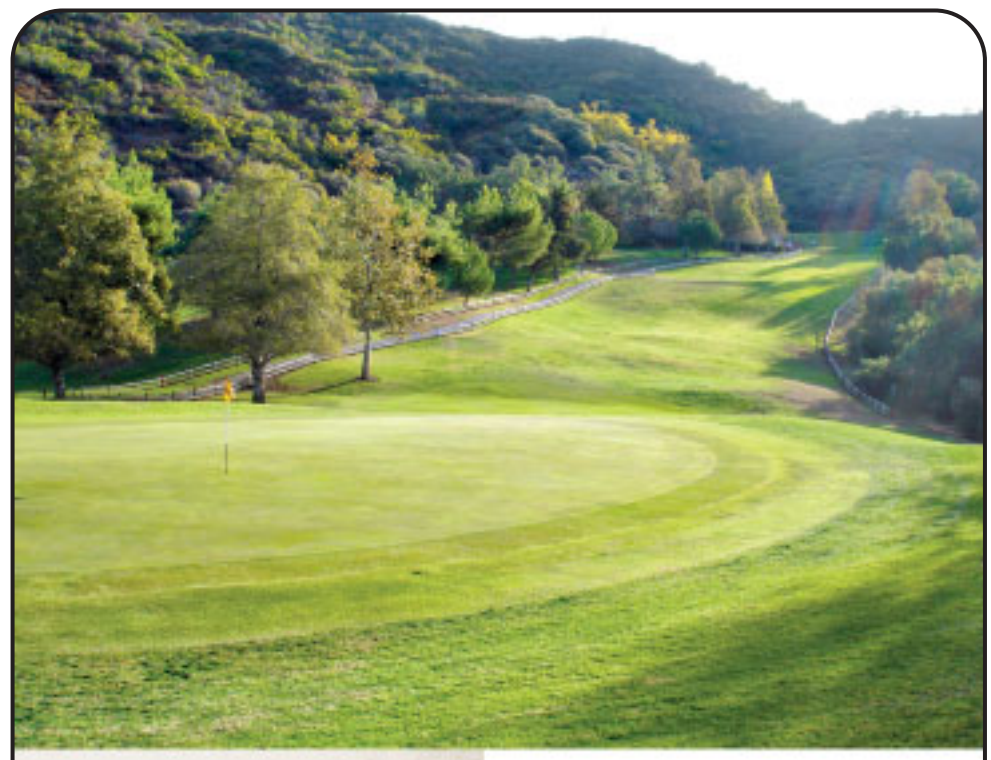
"We're excited to play a role in the park," she said. "Dad always wanted to be a 'tavern on the green,' he always talked about that. We would be excited to make that happen as well as be a historic landmark, which would preserve part of Chez Jay."

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GAS
FROM PAGE 1

ting down to the point where I keep looking at what else can I cut out, and I'm running out of options."

When it comes to rising fuel costs, farmers get hit with a double whammy: They're spending more to refuel farm equipment such as harvesters and tractors, and they're having to pay fuel surcharges to people mechanically harvesting or transporting their produce. Yet they are loath to impose surcharges on anyone, because they're afraid of being less competitive when they sell their products.

The Fresno County Farm Bureau says farmers are hoping that, as economists predicted, gas prices will stabilize in the coming days. Gov. Jerry Brown on Sunday ordered state smog regulators to allow winter-blend gasoline to be sold in California earlier than usual to bring down prices.

The rise in gas prices has slowed, but the price on Tuesday was still a state record and the highest in the nation. The average price for regular gas in the state was a little over $4.67 a gallon, according to the AAA's Daily Fuel Gauge Report. The cost increased only a fraction of a cent overnight, however — compared with nearly 50 cents in the past week.

The price for diesel in California averaged $4.38 per gallon as of the first week of October, according to the U.S. Energy Information Administration. California and U.S. diesel prices have climbed steadily from about $2 per gallon in 2009.

The recent surge in gas prices came after a power outage at a California refinery that reduced supply, and corrosion issues in an important pipeline, analysts said. The refinery came back online Friday.

California's Central Valley produces much of the nation's fruit, vegetables, nuts and dairy products, with Fresno County as the No. 1 agricultural producing county in the U.S.

But customers nationwide should not expect food prices to rise significantly due to higher gas and diesel costs, said Daniel Sumner, an agricultural economist at the University of California, Davis.

That's because fuel is only a small percentage of the cost of farming and getting a product to store shelves. Food prices will go up only by a few pennies on the dollar at most, Sumner said.

Still, higher gas and diesel prices may make California food less competitive with overseas imports, he said. Produce that's shipped via the ocean to a supermarket near the port would not reflect higher gas costs that U.S. produce shipped on trucks via highways would.

While food prices may see a small increase, the money won't trickle down to the growers.

"We farmers don't have any way to recoup the higher gas costs or pass them on to consumers, so we have to swallow them," said Nilmeier, who grows apricots, peaches, nectarines, grapes and oranges.

To harvest grapes with a mechanical harvester, for example, Nilmeier must refuel two tractors pulling gondolas. They use 100 gallons of diesel per night, while the machine picks 140-150 tons of grapes.

That means an extra $45 per night in fuel costs, he said. And it takes many days to pick the grapes. That's not even counting the higher cost of gas for driving workers from field to field.

But once products leave the farm gate, packers, refrigeration facilities, shippers, freight companies and processors all add a fuel surcharge to their customers' bills, Nilmeier said.

Many trucking companies that haul agricultural products to storage and to market impose fuel surcharges on farmers and other customers to protect themselves against fuel price fluctuations, said Michael Shaw, spokesman for the California Trucking Association, whose members move 80 percent of the cargo on California's roads each year.

But the truckers who don't add fuel surcharges — especially small independent truckers — may find themselves in financial troubles, and may even stop driving, Shaw said.

"For now, we're trying to ride it out. But if diesel goes over $5, I'm going to have to stop," said Joel Vargas, an independent trucker from Porterville who hauls produce from fields to packing houses. "With that kind of price, I won't be able to support myself and my family."

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A STAND: **A lawyer has filed a lawsuit against City Hall calling for the return of the nativity scenes.**

SUIT
FROM PAGE 1

ists, mostly from outside Santa Monica, who turned in applications for 21 available spots through a lottery system that debuted in 2011 when, for the first time, City Hall received more applications for displays than it had room to put them.

Atheist organizations won 18 of those spots, leaving two for the Christians and one for a Menorah put up by the Chabad House. The atheists installed only a handful of displays, which angered others who felt cheated out of the spots.

Four months later, William Becker, representing the Santa Monica Nativity Scenes Committee, has filed a lawsuit accusing City Hall's blanket ban of winter displays unconstitutional, hopefully in time for the tradition to resume in 2012.

It took that long to put the suit together because Becker, who's taking on the case pro bono, had to go through the transcript of the meeting in which the City Council decided to adopt the ban, as well as research into the full history of the displays, Becker said.

He holds that testimony given by several council members shows that they stopped the tradition in order to end controversy rather than out of a belief that the displays were unconstitutional or that they were adopting a general policy.

"The reason this lawsuit has been made possible is that they tried to justify amending the ordinance on the reasoning that they feared religious conflict would occur and wanted to avoid controversy," Becker said.

In doing so, City Hall took the religious content of the displays into consideration, thereby violating the First Amendment rights of the Christian groups, Becker said.

Mayor Pro Tem Gleam Davis described the lawsuit as "unfortunate."

"I think that the council gave a lot of consideration to the issue and felt that while it's a cherished and beloved tradition in Santa Monica, First Amendment law prohibited us from giving any preferences to the nativity scenes," Davis said.

The lottery system was just as unpopular, she noted.

"We could continue the lottery — which did not satisfy anyone — or ban unattended winter displays which seemed the best way to protect the First Amendment rights and at the same time avoid the conflicts that can arise when you start to restrict speech in a public place," Davis said.

That was the rationale proffered by City Attorney Marsha Moutrie who, over the course of multiple hearings on the issue, told council members and the community that the council could not choose to preserve the nativity displays alone.

Furthermore, the council was well within its rights to eliminate the displays as they were an exception worked into a ban on unattended displays on public property, Moutrie said in June.

Becker plans to file an injunction in federal court on Wednesday that, if approved, would possibly allow the 14 nativity scenes to go up in the park in time for the 2012 winter season.

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OCTOBER 21, 2012
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SURF REPORT



RIPCURL LIVE THE SEARCH

1451 THIRD STREET PROMENADE • SANTA MONICA, CA • 310-656-2875

Surf Conditions **Water Temp:** 67.6°

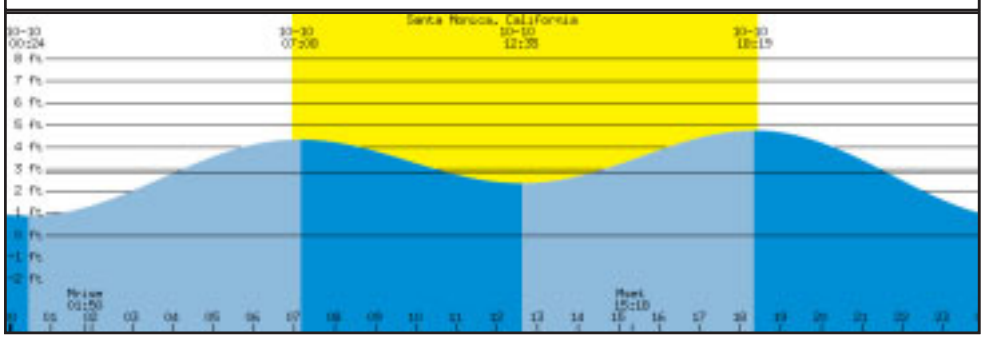
Swell Forecast

Looking to run knee to waist most everywhere.

Long Range Synopsis

Chest high waves at west facing breaks, knee to waist at west facing spots. Conditions are questionable with rain likely.

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**

HEAL THE BAY - 1444 9th Street, Santa Monica, CA 90401 - www.healthebay.org - brc@healthebay.org - 800 HEAL BAY

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 / 46
- Number of (C,D,F) grades for dry/wet weather -- 0 / 46

The Beach Report Card is made possible by: The Diller – von Furstenberg Family Foundation, Goodstock Family Foundation, simplehuman, LAcarGUY, SBMA

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 Las Alles 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 Don Blocker County Beach.	A+	ns
Pearco State Beach at creek mouth.	A	ns
Marie Canyon storm drain at Pearco Beach, at 21672 Malibu Rd.	B	ns
Surfrider Beach at Malibu Colony fence.	A+	ns
Surfrider Beach (beach location)- daily.	A+	ns
Malibu Pier - 50 yards east.	F	ns
Cohen 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 Las 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 17200 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 CIWW 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'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.

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

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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.

12/13 SEASON

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SUN / OCT 14
11 AM
Ages 3+
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WHAT IS JAZZ?
SAT / NOV 3
11 AM
Ages 5+
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SUN / NOV 18
11 AM
Ages 3+
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(310) 260-1528

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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

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, 7:10pm, 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

Hang out with friends tonight, Gem

ARIES (March 21-April 19)
★★★★ You might want to let a difficult situation alone and instead watch how others work through it. Listen to your inner voice. Do not avoid incoming calls, especially as it is likely that you will hear good news. Tonight: Paint the town red.

TAURUS (April 20-May 20)
★★★ Your home life always is important, and you go out of your way to maintain a steady domestic life. Having priorities is important, but handling the other areas of your life is equally imperative. Tonight: Mosey on home.

GEMINI (May 21-June 20)
★★★★ You make that extra effort, and others respond accordingly. Use positive thinking in order to manifest a wish. Your thoughts and words have an effect. Tonight: Hang out with friends.

CANCER (June 21-July 22)
★★★ Curb a need to go overboard. You might feel quite touched by someone's thoughtfulness. You also feel unusually secure when dealing with this person. Don't worry so much about tension between you and a child or new friend. Tonight: Use some self-discipline.

LEO (July 23-Aug. 22)
★★★★★ Thoughts that come to you in your sleep might be unusually significant right now. A close friend might be the perfect person to share this information with, as he or she could give you feedback. You very well might be able to manifest this idea, but on your schedule. Tonight: All smiles.

VIRGO (Aug. 23-Sept. 22)
★★★ You might not want to be an active participant in what goes on today, as you could be thinking about a proposal. A boss or higher-up has a lot to share. This person has been observing you, and feels as if you are giving 100 percent of yourself. Your presence encourages others to break past boundaries. Tonight: Not to be found.

LIBRA (Sept. 23-Oct. 22)
★★★★ Zero in on priorities. You cannot get past a problem without first having a discussion with a key resource. You might be making judgments that could prevent you from accomplishing an important goal. Tonight: First, find your friends. The rest will happen naturally.

SCORPIO (Oct. 23-Nov. 21)
★★★★ You understand your role in a project, and you don't hesitate to do what is needed to accomplish the end results. A partner teams up with you and helps you accomplish more. Tonight: Up late!

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Let your mind expand as you play around with a certain situation. You might start to see a situation far differently, or in many different ways, as a result. Someone you like and who is lucky for you suddenly appears. Tonight: Reach out for someone at a distance.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Deal with individuals directly. The conversations that ensue will demonstrate their caring. Team up with someone who has the same goals as you, but offers something different. Tonight: Brainstorm over dinner.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ You'll discover much more of what is happening with others. You could get feedback from loved ones when trying to make plans. You suddenly might realize how much fun you could have with a certain person. Tonight: Spontaneity works well.

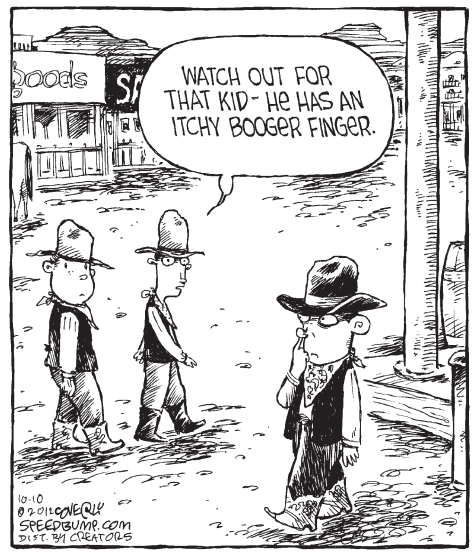
PISCES (Feb. 19-March 20)
★★★★ You have a lot to do, and you will get it done -- as long as you do not allow someone to distract you. Your imagination could lead you down some interesting paths today, even literal ones. Understand why a partner might be negative about one of your suggestions. Tonight: Get to the gym.

Happy birthday

If ever you were to have a proclivity for intensity and drama, it would be this year. You easily could be mistaken for a drama queen or king. Communication, especially with those close to you, forces your mind's eye to see beyond its current vista. Good luck comes through openness and detachment. Travel and/or education also will play a significant role in your life this year. Be careful not to overspend in your grandiose mood, or else you could end up being unhappy when you return to your normal self. If you are single, a friendship could be vital to a special relationship. Once you meet this person, you could have difficulty landing on the ground for a while. If you are attached, do more as a couple. Work on your friendship, too. A party is always better with a LEO!

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

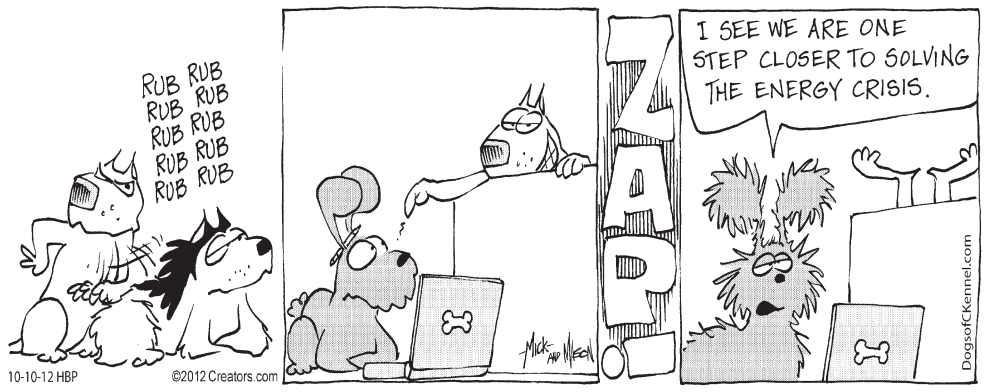
Speed Bump
By Dave Coverly



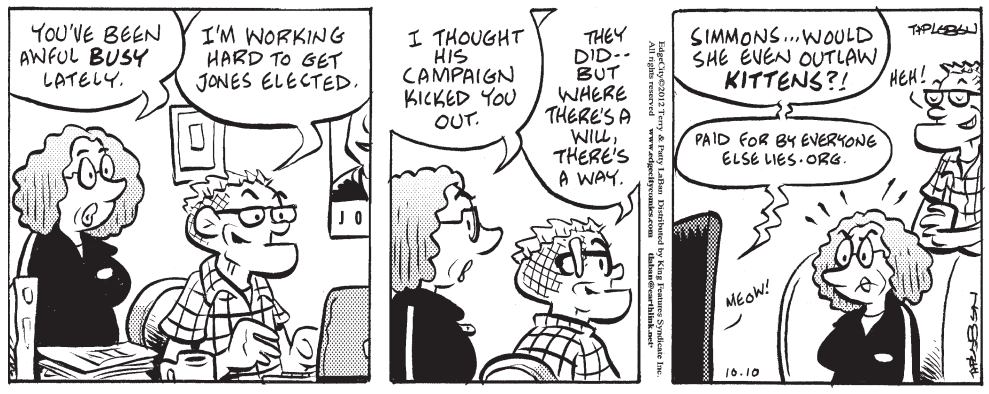
Strange Brew
By John Deering



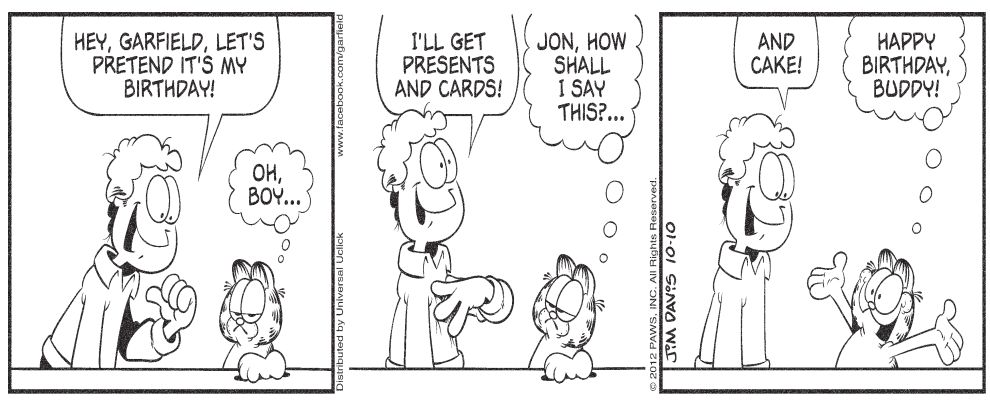
Dogs of C-Kennel
By Mick and Mason Mastroianni



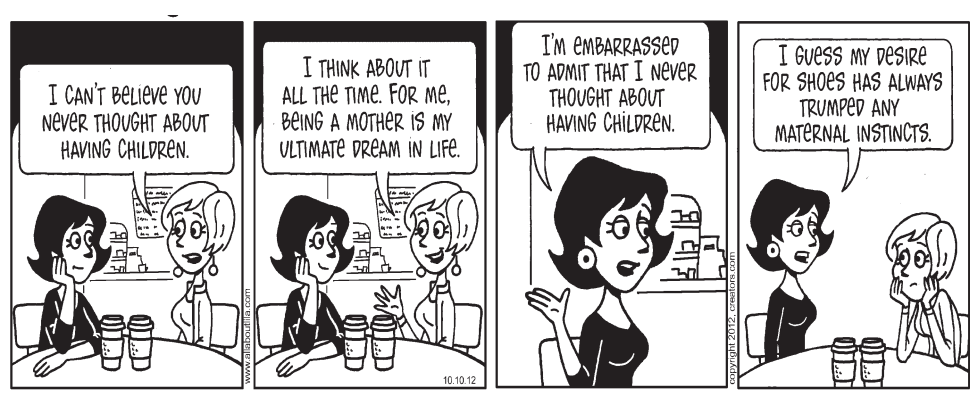
Edge City
By Terry & Patty LaBan



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 ★★★

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

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

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

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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 Sing like a bird
7 Swear
11 Driven out
12 — avis
13 "Scram!"
14 Neutral color
15 Mexican resort
17 Harbor boats
20 Bank job
23 "Rose — rose ..."
24 Entertains at bedtime
26 Chestnut case
27 Fitting
28 Greedy fellow
29 Woody Allen movie
31 Pitching number
32 David's weapon
33 Is inquisitive
34 Visit briefly
37 Laugh sound
39 Whodunit awards
43 Kitchen appliance
44 Lassie, for one
45 Effortless
46 Shirt part

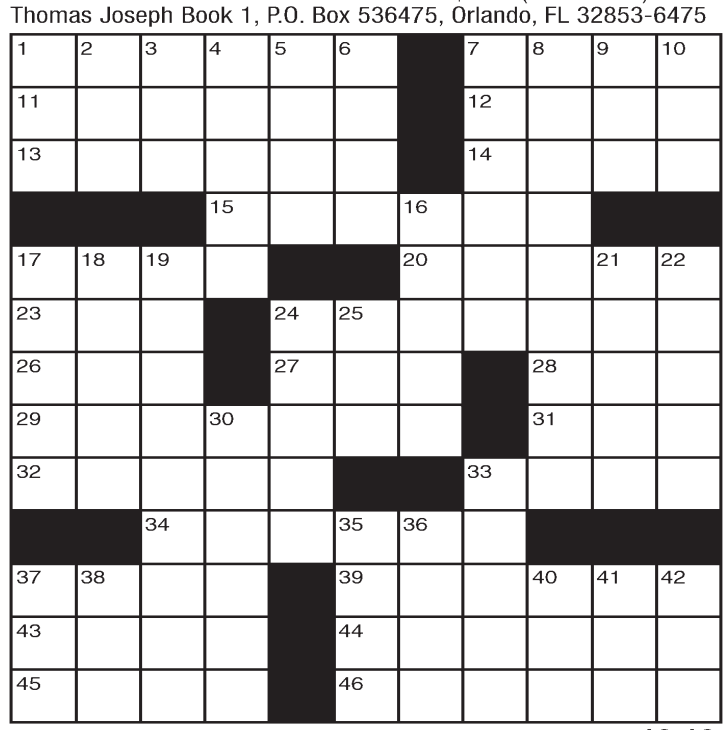
DOWN

1 Spider's home
2 Reduce drastically
3 Equip
4 Voting groups
5 Singer Horne
6 Genesis site
7 Debated
8 Wood treatments
9 Vein yield
10 Method
16 Casual talks
17 "In the Heat of the Night" role
18 Customary
19 Plate decorations
21 Long-legged bird
22 Forum garb
24 Oscar-winning 2011 animated film
25 Clean Water Act org.
30 Cleopatra's love
33 Trig topic
35 Chest muscles
36 Pop star
37 Weed whacker
38 Future embryos
40 Pub pint
41 "6 Rms — Vu"
42 Take in

C	O	P	A	Y	■	T	I	B	E	R
A	R	U	B	A	■	E	R	O	D	E
S	A	F	E	P	A	S	S	A	G	E
E	L	F	■	P	I	T	■	R	E	F
■	■	■	B	E	R	E	T	■	■	■
F	A	M	E	D	■	D	U	M	A	S
O	X	E	N	■	■	■	R	O	P	E
R	E	W	E	D	■	S	K	E	E	T
■	■	■	T	R	E	E	S	■	■	■
I	W	O	■	A	R	E	■	L	O	W
D	A	R	K	P	A	S	S	A	G	E
E	L	S	I	E	■	T	O	O	L	S
S	L	O	T	S	■	O	N	S	E	T

Yesterday's answer

NEW CROSSWORD BOOK! Send $4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475



10-10

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

Fantasy 5
Draw Date: 10/9
2 7 21 23 31

DAILY 3
Draw Date: 10/9
MIDDAY: 9 8 8
EVENING: 3 5 7

SANTA ANITA
Draw Date: 10/9
1st: 07 Eureka
2nd: 03 Hot Shot
3rd: 01 Gold Rush
RACE TIME: 1:45.77

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

■ **Are We Safe?** In August, the former director of Homeland Security's office in charge of shoring up the nation's chemical plants against terrorist attacks told CBS News that, five years after Homeland Security started the chemical program, "90 percent" of the 5,000 most vulnerable plants have still not even been inspected. The official, Todd Keil, said that when he left the job in February, $480 million had been spent, but that no plant had a "site security plan" and that management of the program was "a catastrophic failure." (A July Government Accountability Office report confirmed that 4,400 chemical plants had not been properly inspected.)

■ (1) KETV (Omaha, Neb.) reported in September that local mother Andrea Kirby had decided to give away her stored-up breast milk to a family in greater need. She had amassed a freezer-full of 44 gallons for her now-8-month-old child. (2) How Hard Could Medical School Be? Tokyo police arrested Miyabi Kuroki, 43, in September, and charged him with forging a medical license in 2009 and subsequently treating patients at a Tokyo hospital, providing, among other things, examinations and electrocardiogram counseling. Hospital officials estimate he "treated" 2,300 patients before being caught.

TODAY IN HISTORY

1911 - The Wuchang Uprising leads to the demise of Qing Dynasty, the last Imperial court in China, and the founding of the Republic of China.

1911 - The Kowloon-Canton Railway (split into MTR East Rail Line and Guangshen Railway now) commences service between Kowloon and Canton.

1913 - President Woodrow Wilson triggers the explosion of the Gamboa Dike thus ending construction on the Panama Canal.

WORD UP!

catachresis \ kat-uh-KREE-sis \ , noun; 1. Misuse or strained use of words, as in a mixed metaphor, occurring either in error or for rhetorical effect.

Santa Monica Daily Press

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DRE # 01218699

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.