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THURSDAY, OCTOBER 11, 2012
Volume 11 Issue 281

Santa Monica Daily Press

We have you covered
THE LOTS OF HEADLINES ISSUE

SEARCH ON FOR JEWEL THIEVES
SEE PAGE 3

Suspect in Merman murder to stand trial

BY KEVIN HERRERA
Editor-in-Chief


BECERRIL

PUBLIC SAFETY FACILITY A financial advisor from Huntington Beach will stand trial for the 2008 murder of Alexander Merman, the Russian-born artist who was found stabbed to death

SEE TRIAL PAGE 11

Cops: Jogger sexually assaulted on beach

BY KEVIN HERRERA
Editor-in-Chief

SM BEACH A woman who was jogging along the beach just south of Montana Avenue was physically and sexually assaulted Wednesday morning before fighting off her attacker, Santa Monica police said.

Officers were in search of the suspect, described as a white male, approximately 30 years old, 5 feet, 6 inches with a thin, muscular build, short dark-brown hair, a full beard,

SEE COPS PAGE 10

Santa Monica among cities facing possible credit downgrade

ASSOCIATED PRESS

SACRAMENTO, Calif. One of the nation's top credit rating agencies announced Tuesday that it will review dozens of California cities for possible downgrades amid mounting concern over municipal bankruptcies and bond defaults.

Moody's Investors Service will scrutinize

SEE CREDIT PAGE 13



Brandon Wise *brandonw@smdp.com*

MAKING PICKS: **Voters cast ballots at City Hall during a recent election. This year's council race has drawn big money into the fray.**

Money pours into council race

New developer-led group backs responsible-growth candidate

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

CITY HALL Recent campaign filings for the Santa Monica City Council race show leading candidates taking on thousands in personal debt and the entrance of a new group into the fray backed by one of Santa Monica's biggest developers.

Only 10 of the 15 candidates running for the four open seats on the City Council turned in campaign finance documents on Friday, the most recent filing deadline.

Those documents showed Frank Gruber, a former columnist on Santa Monica politics, leading the fundraising pack with over $58,000 in his ledger. He's already spent $35,800 of that — largely on consultants, inclusion in voter guides,

SEE ELECTION PAGE 10

No AIDS Walk Los Angeles ads on BBB in 2012

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

CITY HALL A United States District Court Judge sided with City Hall Wednesday and refused to grant a motion that would have allowed noncommercial advertisements to run on the sides of the Big Blue Bus as a lawsuit on the matter continues.

Judge R. Gary Klausner denied a temporary restraining order that would have put a long-standing — but poorly enforced — city policy on ice and allowed AIDS Walk Los Angeles to run ads prior to its Oct. 14 event, according to a news release put out by city officials.

In his denial, Klausner said that the Ninth Circuit Court of Appeal "has held that a non-commercial ban on advertising on municipal buses is constitutional provided the restriction is reasonable and view-point neutral."

"The city is pleased. The court reaffirmed cities' authority to place reasonable limits on bus advertising, which is exactly

SEE ADS PAGE 10

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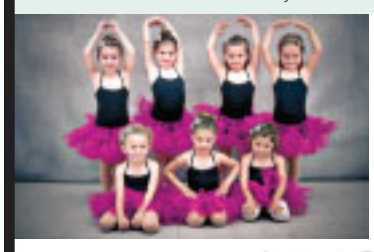
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What's Up Westside

OUT AND ABOUT IN SANTA MONICA

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. The festival ends on Sunday. 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.

Saturday, Oct. 13, 2012

Digging for treasures
Barker Hangar
3021 Airport Ave. #203, 11 a.m. — 7 p.m.
The 17th annual Los Angeles Antiques, Art + Design Show features its most influential host committee to date, which includes leaders from the worlds of entertainment, culture, the arts and design, as well as the premier list of more than 60 international vendors exhibiting at the show. The show also takes place on Sunday from 11 a.m. — 5 p.m. For more information, visit losangelesantiqueshow.com.

Wild, wild night
The Broad Stage
1310 11th St., 8 p.m.
Wild Up is a contemporary classical music collective — a group of Los Angeles-based musicians committed to creating visceral, thought-provoking concerts. For this special evening, Wild Up has created a program of politically-inspired music by American composers. Works range from Bernstein and Sousa to Merle Haggard and John Lennon. They will also premiere a new composition inspired by the famous Jimi Hendrix performances of the national anthem. Cost: $25. For more information, call (310) 434-3200.

The king and his men
Morgan-Wixson Theatre
2627 Pico Blvd., 8 p.m.
"All the King's Men" is the story of the rise and fall of a political titan in the South during the 1930s. It won the Pulitzer Prize in 1947, and in 1949, the film adaptation became Best Picture. More recently in 2006, it became a hit film starring Jude Law and Sean Penn. The production runs through Sunday. For more information, visit morgan-wixson.org.

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310-458-7737 or submit to editor@smdp.com

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Gas prices drop by half a penny

SUE MANNING
Associated Press

LOS ANGELES California gas prices dipped half a penny Wednesday, leaving experts split on where they will go next.

The average price of regular unleaded was just under $4.67 a gallon on Wednesday, down a half-cent from Tuesday but still the highest price in the nation, according to AAA's Daily Fuel Gauge Report.

Gas prices went up 50 cents a gallon between Oct. 1 and Oct. 8, from $4.168 to $4.668, the largest one-week price spike in California history, said AAA spokesman Avery Ash. The previous record was 26.2 cents a gallon in February.

The largest increase nationally was recorded following Hurricane Ike, when gas went up 56 cents a gallon.

Chevron announced Tuesday that the crude unit shut down by fire at its Northern California refinery would remain closed through the end of the year.

SEE **GAS** PAGE 12

What are you doing on 10-11-12?

JOCELYN NOVECK
AP National Writer

NEW YORK So what are you doing on Thursday?

Not you, Joe Biden and Paul Ryan — we already know you're a little busy with that debate thing. But others may be marking, in some way, the fact that Thursday is a special day, numerically speaking: It's 10-11-12.

Nice, but how significant? Those who study numbers say, well, not too much. Or perhaps it's better to say that it's as significant as you want it to be.

Significant enough to influence your wedding date? At one wedding chapel in Las Vegas, Forever Grand at the MGM Resorts, there's a special numerology package, including a chapel, a pianist, a minister, and a limo to the courthouse, among other things. (And if you're just finding out about this, it isn't too late: There's another special at Forever Grand for 12/12/12.)

Or maybe the day is merely significant enough to go buy a lottery ticket.

SEE **DAY** PAGE 12

Cops search for jewel thieves

BY KEVIN HERRERA
Editor-in-Chief

NOMA Cops were on the hunt Wednesday for a pair of thieves who made off with at least $300,000 worth of jewelry after robbing Chinese couriers at gunpoint, Santa Monica police said.

The crime occurred on the 500 block of 17th Street near the intersection of Marguerita Avenue in the North of Montana Avenue neighborhood around 4:15 p.m. Tuesday. Two masked men approached a pair of couriers as they were walking to a home, said SMPD Sgt. Richard Lewis.

The robbers, who appeared to be in their 20s to 30s, fled in a dark colored, four-door sedan, Lewis said. No one was hurt during the course of the robbery.

One robber was African-American and the other either Latino, black or white, Lewis said. They were of medium build, wore dark hoodies, had bandanas over their faces, and they may have had an accomplice at the wheel of their getaway car.

Prior to driving to the private residence, the Hong Kong-couriers stopped off at a jewelry store on Montana Avenue.

Anyone with information on the robbers was urged to call the SMPD at (310) 395-9931 or (310) 458-8491. Tips can be submitted anonymously.

kevinh@smdp.com



Michael Yanow *news@smdp.com*

BATTLE: **Samohi running back Yachal Butler (left) fights off a tackler against the defense of Morningside High School last week.**

HIGH SCHOOL FOOTBALL

Samohi takes on rival Beverly Hills on homecoming

BY DANIEL ARCHULETA
Managing Editor

CORSAIR FIELD Not many games on Santa Monica football's schedule raise the stakes quite like Beverly Hills.

On Friday, Samohi (3-3, 1-0) will find out if the 1-5 Normans are better than their record indicates.

Despite Samohi's status as the favorite, the annual clash with Beverly Hills always brings the best out of both squads. The fact that it's Samohi's homecoming will surely create more drama.

"We've always had trouble with Beverly Hills," Head Coach Travis Clark said. "They

SEE **SAMOHI** PAGE 12

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LETTERS TO THE EDITOR

Send comments to editor@smdp.com

Banning smoking is not discrimination

Editor:

Re: Response to Stacy Westly ("Clearing the air," Letters to the Editor, Oct. 7) and comparing the smoking ban to discrimination.

Wow, are you actually comparing the smoking ban to discrimination against all of the following: people who drink alcohol, people with children, people that eat junk food and people with disabilities?

Here is the real deal: This is not about discrimination. I find the comparison ugly and misleading. This is about a tenant's right to quiet enjoyment of their property. You do not have a right to take that right away from me. When you do it is commonly called a nuisance in tort law.

Some common examples of a nuisance are: vibration, water, foul odors, noxious gases, smoke, dust, loud noises and excessive light.

Under your reasoning an industrial sewing machine is not illegal, so it should be allowed to shake my lamps; stereos are not illegal, so you should be able to blast music; spot lights are not illegal, so you should be able to aim them at my window; dogs are not illegal, so they should be able to bark all night; cigarettes are not illegal, so you should be able to make me sick; and on and on.

Well you would be right, they are not illegal, however, if those things create a nuisance, it is illegal and action can be taken. The city of Santa Monica has taken action. Cigarettes can not be used without being a nuisance in close quarters unless you make your dwelling air tight, if that is possible. Maybe there should be an exemption for that, if it is possible.

In my case my neighbor and his friends smoke constantly. The smoke was constantly in my apartment. Santa Monica made a law against smoking on balconies, which is where my neighbor smoked. We were happy. He complied on his own. He is otherwise a desirable neighbor. No more smoke in our window. But the smell, and I assume the 250 harmful chemicals, began seeping in again. Now it is even worse; seemingly coming from the walls and pipes as best we can pinpoint.

This is and will be a big nuisance to me as long as it goes on. My right to quiet enjoyment of my property has been diminished. My enjoyment of my home is not in any way dependent on my discriminating against smokers, or junk food eaters for that matter.

Your reasoning of the ban on smoking as being discrimination is totally off base. It makes no difference who they are. If it is a nuisance to someone, it has to stop.

Michael Meade
Santa Monica

Living in the stone age

Editor:

In your article "Lineup for Glow announced," Oct. 6-7, you erroneously refer to humanity or humankind as "... man's impact on nature ... ."

Mankind does not include women. Are you referring to the male patriarchal influence on nature or all human influence on nature?

Women are not included in mankind. We are not Adam's rib. If you want to refer to all people, you must state that you are referring to humankind or humanity. Otherwise you are just referring to men when you say mankind.

It has been more than 50 years since the feminist movement slammed the patriarchal language discrimination. Where have you been, Editor-in-Chief Kevin Herrera? With the patriarchal dinosaurs I guess.

Katrhyn Dodge
Santa Monica

YOUR OPINION MATTERS!

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Your column here

The Rev. James L. Snyder — **Send comments to editor@smdp.com**

Early to bed and early to rise?

MY FATHER WAS NOT WHAT YOU WOULD call a literate person. Apart from the Bible, he did not read much of anything else on a regular basis. I can remember as a young person him quoting a great American patriot, Benjamin Franklin. The only quote he knew of this man was, "Early to bed and early to rise makes a man healthy, wealthy and wise."

For a long time I thought he was making it up and then one day I happened to run across a book in the library about Benjamin Franklin and, there it was. Benjamin actually did say that.

I had to give my father that one.

It seems that every time it got close to what my father termed as "my bedtime," he would remind me of this famous quote. It got so I hated when bedtime came.

At the time, I had my doubts about the validity of this quote because if my father followed this quote as he encouraged me to do, why was he not healthy, wealthy and wise? At the time, I was in no position to question his wisdom. I was wise enough to know that the best part of wisdom was not to challenge the wisdom of my father. This has attributed to my length of life to date.

Incidentally, I have carried this over into my married life.

According to my father, if I simply obeyed Franklin's advice I would have a life filled with health, wealth and wisdom. The three things absolutely needed in life to make a person happy. Or, so Franklin would lead us to believe.

After what seems to be a lifetime of living, and living in as much harmony of these two aspects of life, I must say that there is very little truth to be said concerning good old Franklin's saying. No matter how early I go to bed or how early I get up, I do not seem to be any wealthier or healthier. Perhaps, and this is only a guess on my part because I am not as wise as old Benjamin Franklin, you had to do something when you got up that contributed or created your wealth. Just a suggestion from me.

That is the way it is with most sayings. They sound good and you sound wise in quoting them, but after every saying is quoted, nothing seems to change. They just do not cover the whole spectrum.

It is not that I have not given it the good old college try; it just does not work for me.

This past week I had an occasion to think about this quote. I have tried keeping the early to bed and early to rise objective in full focus throughout my life. I am not up partying until the wee hours of the morning. At my age, my party time is early afternoon.

I have made a concerted effort to get enough rest and just to make sure I have enough rest I indulge in an afternoon nap. I am not sure where this comes in Benjamin Franklin's quote.

Recently, I had cause to reflect upon the validity of Benjamin Franklin's sage advice.

My quarterly taxes were due, and you know what good old Uncle Sam thinks about being late on his payments. If confession is good for the soul (another famous quote), I need to confess that while I was writing this check to Uncle Sam I had some rather harsh thoughts about him in the process. There, I said it.

During the same week, some other bills were due and none of them would take no for an answer. Again, I must confess, while writing these checks I was sputtering to myself quite a bit. As I looked at my checkbook, I knew that the "wealthy" component of Benjamin Franklin's quote did not come in my direction. I was simply out of wealth.

Not only that, but I recently spent about four weeks sick with bronchitis and pneumonia and spent about three weeks in bed. Not only was I early to bed, but I was glued to my bed. How does that fit into Franklin's saying? The "healthy" aspect of that quote has not fallen in my direction either.

If you want to know about the wise element, simply query the gracious mistress of the parsonage.

Another old phrase says, three strikes and you're out. Well, according to the Franklin saying, I must concede that I am out. I am not wealthy, in many regards I'm not healthy and for sure, I'm not wise.

It is my opinion that there is a lot more to life than wise old sayings from some old man from the past. Benjamin Franklin, for example, no doubt practiced early to bed and early to rise but in the end, he died. That does not sound too healthy to me.

Of course, the best place for wisdom is the Bible. I like what the wisest man in the world said, "Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths" (Proverbs 3:5-6 KJV).

I am not too sure about the healthy and the wealthy components, that is up for grabs, but I am convinced the wise part comes from the Lord. After all, the Bible teaches us that God is omniscient. If God knows everything and I know God, I am in a good position.

The **REV. JAMES L. SNYDER** is pastor of the Family of God Fellowship in Ocala, Fla. Call him at (866) 552-2543 or e-mail jamessnyder2@att.net. His website is www.jamessnyderministries.com





PUBLISHER
Ross Furukawa
ross@smdp.com

EDITOR IN CHIEF
Kevin Herrera
editor@smdp.com

MANAGING EDITOR
Daniel Archuleta
daniela@smdp.com

STAFF WRITER
Ashley Archibald
ashley@smdp.com

CHIEF PHOTOGRAPHER
Brandon Wise
brandonw@smdp.com

STAFF PHOTOGRAPHER
Morgan Genser
news@smdp.com

CONTRIBUTING WRITERS
Bill Bauer, David Pisarra, Meredith Carroll, Jack Neworth, Lloyd Garver, Ron Hooks, Taylor Van Arsdale, Merv Hecht, Cynthia Citron, Tom Viscount, Michael Ryan, JoAnne Barge, Katrina Davy

PHOTOGRAPHY INTERN
Ray Solano
news@smdp.com

VICE PRESIDENT–BUSINESS OPERATIONS
Rob Schwenker
schwenker@smdp.com

JUNIOR ACCOUNT EXECUTIVES
Chelsea Fujitaki
chelsea@smdp.com
Justin Harris
justin@smdp.com

OPERATIONS COORDINATOR
Michele Emch
michele.e@smdp.com

PRODUCTION MANAGER
Darren Ouellette
production@smdp.com

PRODUCTION ASSISTANT
Nathalyd Meza

CIRCULATION
Keith Wyatt
Osvaldo Paganini
ross@smdp.com

Santa Monica Daily Press
We have you covered
1640 5th Street, Suite 218
Santa Monica, CA 90401
OFFICE (310) 458-PRESS (7737)
FAX (310) 576-9913
smdp.com

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STATE BRIEFS

LOS ANGELES

School board elevates arts to a core subject

The Los Angeles Unified school board has elevated arts to an essential "core" subject in the district's curriculum, exempting it from further budget cuts.

The board voted unanimously Tuesday to restore district funding for arts instruction to its 2007-08 level as part of the initiative to rebuild district-wide arts programming.

The nation's second largest school district says more than half of its 688,000 students currently receive no arts instruction due to state funding cuts over the past five years.

Actors Cheech Marin and Monica Rosenthal appeared at the meeting to ask the board to support the arts initiative.

Board member Nury Martinez says the district's arts curriculum falls significantly behind programs in other large, urban districts.

The new initiative calls for recruiting arts teachers.

ASSOCIATED PRESS

LOS ANGELES

County supervisors embrace jail reforms

Los Angeles County has embraced sweeping reform of the nation's largest jail system after allegations that guards brutalized inmates.

The Los Angeles Times says the Board of Supervisors on Tuesday accepted findings of a commission that found repeated evidence of abuse.

The commission suggested 63 reforms, including hiring an outside custody expert to run the county jails.

The panel had charged that Sheriff Lee Baca ignored repeated warnings that his deputies used excessive force in the jails, which house about 19,000 inmates.

Baca agreed last week to carry out all the reforms.

AP

LOS ANGELES

Man gets 25 years for police copter shooting

A Los Angeles man was sentenced to 25 years in prison after he pleaded no contest to shooting at a police helicopter that was hit and had to make an emergency landing.

Police say Danny Anthony Lopez was firing a semiautomatic rifle randomly into the air on April 24, 2011, when the helicopter arrived and he opened fire on it. The fuel tank was hit and the pilot had to make an emergency landing at a San Fernando Valley airport. Nobody was hurt.

Lopez, 20, was sentenced Wednesday after entering his plea.

In exchange, prosecutors dropped attempted murder and other charges.

Lopez was arrested after family members tackled him.

His mother said at the time that her son opened fire because he was distressed over a friend's death.

AP

LOS ANGELES

City seizes $56K in refunds owed to motorists

Los Angeles has seized money owed to motorists in order to help plug its budget gap.

The Los Angeles Times says the City Council last month seized more than $56,000. The money had been set aside for drivers who were owed refunds after successfully challenging parking tickets.

The city took the money from nearly 1,100 uncashed refund checks issued in 2007 and 2008.

On Tuesday, a council committee took a step toward setting up a database where drivers can see if they're owed refunds.

Jan Zatorski of the city finance office says there's no deadline to claim the refunds. She says drivers can still get paid even after the money has been transferred into the city's general fund.

AP

LOS ANGELES

Study finds no fracking problems at oil field

A yearlong study has concluded that fracking at a giant Los Angeles oil field won't harm the environment.

The Los Angeles Times says the study released Wednesday found no problems associated with the use of hydraulic fracturing for oil extraction at the Inglewood Oil Field in Baldwin Hills.

The 1,200-acre site is the largest urban oil field in the country.

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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Smoke grenade-carrying man was searched in Korea

EILEEN SULLIVAN
MICHAEL R. BLOOD
Associated Press

LOS ANGELES A U.S. official says Koreans screened a man with a bulletproof vest before he got on a flight to Los Angeles, but they never detected an illegal smoke grenade concealed in his checked luggage.

A Homeland Security official told The Associated Press on Wednesday that Korean authorities thoroughly searched Yongda Huang Harris and his carry-on luggage. They found nothing suspicious and he boarded the flight.

The official was not authorized to speak publicly about the investigation and spoke on condition of anonymity.

Harris was taken into custody in Los Angeles after U.S. Customs and Border Protection officers noticed the vest and a search of his checked luggage uncovered the smoke grenade, knives, body bags, a hatchet, billy clubs, a gas mask and handcuffs.

U.S. officials are working with Korean authorities to determine how the smoke grenade slipped through screening.

Surge in oak deaths worries scientists

TRACIE CONE
Associated Press

From giant Sequoias in the east to windswept Monterey cypresses in the west California is defined by its trees, so a surge this year in oak deaths is cause for consternation across the Bay Area.

A recently completed survey shows 376,000 dead oak trees across the coastal regions impacted by Sudden Oak Death, a pathogen that develops on host plants ranging from the bay laurel to ornamental rhododendrons.

Last year's survey, like this one aided by volunteers led by scientists at UC Berkeley and the California Oak Mortality Task Force, found 38,000 dead trees across a much smaller area.

"It's huge. It's really huge, but it's not the largest die-off we've had," said Katie Palmieri of the California Oak Mortality Task Force.

That came in 2007 after extremely wet springs the previous two years left 830,000 trees dead. The fewest number of dead trees were counted in 2010, when 2,700 trees died after a dry spring in 2009.

The disease that quickly kills trees that can take hundreds of years to grow is present in 14 coastal California counties from Monterey to Humboldt, and just across the border in coastal Oregon.

Oak trees in the Sierra foothills have been spared, and scientists believe drier weather and hotter temperatures create inhospitable conditions for the pathogen.

"Certainly the hosts are present there, but the assumption at this point is that the weather patterns don't support it," Palmieri said.

Scientists say that with each passing year the infection sites that once were sporadically spread across a large geographic region have become more contiguous. They fear it eventually could wipe out huge swaths of the gnarly trees that are the defining flora of the state's golden, rolling hills and whose acorns are a staple for wild deer.

In the current survey the highest rates of new infection in oaks and the beech-family member tanoak were discovered in the Carmel Valley south of Monterey and in the areas around Saratoga west of San Jose. But infected trees also were found inside San Francisco's urban Golden Gate Park, and in Santa Cruz and the East Bay.

"When individual trees die it's sad, but when groups of trees die it becomes a huge concern for fire hazard, particularly in the Bay Area, where it's so developed and we have a wildland-urban interface," said Tom Smith, a forest pathologist with CalFire.

Trees are most vulnerable in the spring, and pathogen is spread by wind and in water, which means wet springs are particularly worrisome.

"That's a huge concern," Smith said. "The past couple of years we've had late spring and early summer rains and that's ideal for even more deaths in the future. What's going to happen from this year's rains?"

Some varieties of oaks are more susceptible than others, and even within those species some are genetically predisposed to resisting infection.

"But with each passing wave of infection we end up with more diseased and dying trees," Palmieri said.

Chemical preventative treatments must be applied before the oaks are infected, which is why volunteers canvass infected areas every year to look for symptomatic bay laurels and other host plants.

Sudden Oak Death is blamed on a microscopic pathogen introduced into California about 25 years ago, probably on ornamental rhododendrons and camellias. It causes leaf spots in host plants and sometimes entire branches die back. Scientists are still unsure of its origin.

The pathogen gets under the oak's bark and destroys the cambium — the live outer layer of the tree that transports food. Infected trees cannot be cured die after their food stores are depleted, usually within one to five years.

They can be protected by injecting phosphites, a salt of phosphorus acid.









New book digs into Netflix's origins and its evolution

MICHAEL LIEDTKE
AP Technology Writer

SAN FRANCISCO Netflix is probably hoping a new book about its early history never gets made into a movie.

The book, "Netflixed: The Epic Battle for America's Eyeballs," tries to debunk a widely told tale about the company's origins and paints a polarizing portrait of its star, CEO Reed Hastings.

Set to go on sale Thursday, the book arrives at a pivotal time for Netflix Inc. The video subscription service is still recovering from a customer backlash triggered by Hastings' hasty decision to raise U.S. prices by as much as 60 percent last year. Investors remain leery of Netflix as its expenses for Internet video rights steadily climb. That's the main reason Netflix's stock remains about 75 percent below its peak of nearly $305 reached right around the time Hastings announced the price increases 15 months ago.

The book, written by veteran journalist Gina Keating and published by the Penguin Group, draws its insights from interviews with Netflix's lesser known co-founder, Marc Randolph, and other former employees. It also depends on information from former executives at Blockbuster Entertainment, the once-dominant video rental store chain driven into bankruptcy by the rise of Netflix and Redbox's DVD-rental kiosks.

Hastings declined to be interviewed for the book.

Keating nevertheless illuminates the competitive gauntlet that Netflix had to navigate to get where it is today. The book also dishes up juicy morsels about various negotiations that could have reshaped Netflix.

According to the book, Hastings and Randolph flew to Seattle sometime in 1998 to meet with Amazon.com Inc. CEO Jeff Bezos. The topic of discussion: a possible partnership. At one point, Hastings proposed that Amazon buy Netflix, only to be disappointed when Bezos offered a mere $12 million.

Netflix spokesman Jonathan Friedland told The Associated Press that the Amazon anecdote was "totally untrue." Amazon declined comment.

The book asserts that the Amazon talks weren't the only time that Hastings flirted with a possible sale before the company went public a decade ago.

In the spring of 2000, Hastings and other Netflix executives flew to Blockbuster's Dallas headquarters where they tried to sell Netflix for $50 million, only to be told the price was way too high, according to the book. That was one of many miscalculations Blockbuster made in its rivalry with Netflix. Despite its recent downfall on Wall Street, Netflix still boasts a market value of $4 billion.

Blockbuster eventually built its own online DVD-rental service and began to hurt Netflix so badly that Hastings made an informal bid to buy his rival's roughly 3 million Internet subscribers for about $600 million, according to the book.

"People interpret history in all kinds of different ways, and a lot of the anecdotes in the book don't square with the way we remember them," Friedland said. "The gist of the story, that Marc and Reed created Netflix together, is correct."

Although the book sometimes casts Hastings in an unflattering light, Keating remains convinced he is the main reason that Netflix was able to transform home entertainment.

"I hope that people recognize he is a genius," Keating said in an interview with the AP. "There is no question in my mind that there is nobody like this guy. Wall Street and naysayers are wrong to bet against this company, especially as long as he is in charge."

The book captures Hastings' vision, focus, charisma and chutzpah — traits that helped him transform Netflix from a quirky service with fewer than 100,000 customers in the late 1990s into a cultural phenomenon with 30 million subscribers in the U.S., Canada, the United Kingdom and dozens of Latin American countries.

But readers also will be introduced to a cold-hearted side of Hastings that never surfaces in his public appearances, or the many interviews that he has done with reporters during his 14-year tenure as Netflix's CEO.

Viewed through Keating's lens, Hastings "seemed to lack an empathy gene." He is depicted as a brilliant mathematician who looks at almost everything as an equation to be solved. Once he's convinced he has figured out all the variables, Hastings never let compassion trump his logic, based on anecdotes in the book. In one scene, Hastings fires Netflix's first human resources manager in front of her coworkers' because he wanted to bring in a former colleague from his previous company, software maker Pure Atria.

Keating thinks Hastings' data-driven approach also makes it difficult for him to anticipate how Netflix subscribers will react to things like last year's price increases and the botched attempt to spin off the company's DVD-by-mail rental service into a separate company called Qwikster.

"He has one blind spot and that he just doesn't understand the consumer-facing aspects of the business," Keating said in the interview. "It's illogical the way consumers act, and I think it's frustrating for him because he is trying to do the best thing for customers. But he just doesn't understand that you can't dictate to them. They have to be ready to go at their own pace."

From Keating's vantage point, Hastings used a $2 million investment he made in Netflix's early day to muscle his way into the company's management and persuade then-CEO Randolph that they should share the top job. Eventually, Randolph was relegated to other management positions with fewer responsibilities and lost his spot on the board of directors.

Randolph, who now dispenses advice to entrepreneurs launching startups, left Netflix as a rich man after the company's initial public offering of stock in 2002. He owned nearly 840,000 shares worth about $12.5 million at the time of Netflix's IPO.

The book makes the case that Randolph never got the credit he deserved for coming up with the idea for sending DVDs through the mail — the concept that turned Netflix's red envelopes into a ubiquitous sight.

"Marc co-founded Netflix with me, was our first CEO, came up the name Netflix, and was instrumental in our success," Hastings said in a statement to the AP. Friedland said Hastings wasn't available to be interviewed for this story.

Randolph told the AP he remains on good terms with Hastings, even though they have different recollections of Netflix's early days.

"When we talk, it's like two friends reaching out and saying, 'We still cool, we still OK?'" Randolph said. "I still have tremendous pride and tremendous joy about what Reed and I accomplished."



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Culture Watch

Sarah A. Spitz
Send comments to editor@smdp.com



Photo courtesy Ed Krieger

STARRING: **Alan Aymie stars in his one-man show 'A Child Left Behind' at the Ruskin Group Theatre.**

'A Child Left Behind' shines

I CAUGHT ALAN AYMIE AS HE WAS walking to a store to buy ketchup for his son's dinner. This is very important. His 8-year-old son has Asperger syndrome and is very specific about what he will eat, and he won't eat his dinner without it. No negotiating.

That's a small sample of the trials confronting this actor, playwright and full-time teacher on a daily basis. Many of the problems he's faced as a teacher are as intractable as his son's condition, but they must be dealt with on their own terms. As the opening song's lyrics say, "Only the strong survive."

Aymie is the performer and writer of "A Child Left Behind," a personal and humanizing look at the life of a teacher — and a father — who works for the Los Angeles Unified School District. This masterful and powerful one-man show is in a limited run at the Ruskin Group Theatre in Santa Monica, following its highly lauded premiere earlier this year at the Beverly Hills Playhouse.

While the play is partly fictionalized and the chronology is somewhat telescoped, this is essentially Aymie's story about being caught in the soul-sucking web of national standardized test scores and the controversial series of articles by the Los Angeles Times which created a "value added" grading system for LAUSD teachers, and printed those grades in the paper.

Aymie was graded "below average." But that's just an abstract rating and doesn't take in account the real-life circumstances faced by the students he teaches … or his own.

Aymie's impetus for writing "A Child Left Behind" came when he was asked, not long after starting his teaching career, to join in a teacher strike downtown. It was his first year teaching and he had to say that honestly, he wasn't a political person.

But he went, and sitting across the street in a car, he watched as striking teachers marched in the pouring rain carrying handwritten signs, being ignored by all and sundry. "Nobody listens to teachers," he tells us. So he decided to speak out with this play.

The stage is bare except for a small wooden table that stands in for a teacher's desk, with a small bell sitting on it. A "ding" on the bell and a change of lighting signal the rapid scene changes.

The play opens with Aymie demonstrating how his father taught him to walk to school in Boston and the right way to use his fists if he was ever confronted. Another lesson he learned was not to speak out. It'll get you into trouble.

Interweaving scenes of school and home life, we see Aymie trying to teach his son to tie his own shoes before he heads off for his first day of kindergarten. Ignoring dad's entreaties, his son recites facts about the planets, the sun, the stars, with such erudition that Aymie is certain his child is a genius. He just can't get him to focus on the shoe-tying.

Aymie then gets to the meat of the story. When the No Child Left Behind law was put in place, it tied national standardized test scores to federal funding of public schools. Underperforming schools would lose money. All teachers had to be credentialed.

L.A. teachers were put on notice: get the credential or get on the substitute teachers list — or leave the job.

Many had masters' degrees in education and had been working for years as teachers, both respected by parents and loved by their students. But without a credential, and unwilling to spend nights and weekends going through the process, many of the best teachers left the system.

Aymie, a new teacher with children and a pregnant wife, needed job security and opted to get the credential. Before long he is teaching in "a war zone," South Central Los Angeles, where abject poverty and gangs rule, where children selling chocolate bars to raise money for their impoverished school are robbed while carrying the cash, where one-third of the students drop out before graduation.

And while he is doing this, he learns that his son's genius is actually Asperger syndrome, setting him and his wife on a learning track to find out more about the condition and how best to meet his educational needs.

A trained stage actor with TV and film credits who'd been a professional children's entertainer on the East Coast, Aymie adroitly sketches and portrays the many different characters in his life: his students, his princi-

SEE **WATCH** PAGE 9

Beach Boys' Wilson: Band dustup 'bummed me out'

ASSOCIATED PRESS

LOS ANGELES Brian Wilson says he felt blindsided by a news release from his Beach Boys band mate Mike Love that ended the good vibrations on the band's 50th anniversary tour.

Wilson answered Mike Love's recent explanation in The Los Angeles Times with a response in the newspaper Tuesday. Love says he was simply trying to clear up confusion about post-50th anniversary dates when he issued the news release, but many — including band members Wilson, Al Jardine and David Marks — took the release as news of a firing.

"As far as I know I can't be fired — that wouldn't be cool," Wilson wrote in the Times. "The negativity surrounding all the comments bummed me out. What's confusing is that by Mike not wanting or letting Al, David and me tour with the band, it sort of feels like we're being fired."

The dueling newspaper notes are the latest turn in what's been an off-and-on again relationship for decades. Wilson and Love are cousins and founding members of the Rock and Roll Hall of Fame band that helped crystalize the California sound of the 1960s. Wilson stopped touring regularly in 1964, notes Love, who has led a version of the band on the road for the last 13 years.

As the 50th anniversary of the Beach Boys' founding approached, Wilson and Love agreed to perform with the band's surviving early members for a new album and tour. Wilson, the creative force behind many of the band's iconic hits, said everything exceeded his expectations.

"Mike kept saying throughout the tour 'The whole is greater than the sum of its parts,' and both Al and I agree, which made us all think that he wanted to continue," Wilson wrote. "We originally started out with 50 shows, but the success and the demand kept growing and we obliged. No one knew in the beginning that this was going to be so rewarding and popular with our fans. Once we got cooking we were all stoked!"

Earlier this year, the band released a new album that debuted at No. 3 on the Billboard 200.

Love's news release ended those feelings, though. It came just before the Beach Boys were to play the last of 75 50th anniversary shows late last month in London. Love wrote in an article that the 50th anniversary tour was always finite and that the new dates in smaller venues had long been set for the lineup toured by him.

"To avoid public confusion, and at the request of Brian's representative, we had a press release sent out detailing the differences between the two Beach Boys tours and its varying lineups," wrote Love, who noted that over a decade ago he was granted an exclusive license to tour as the "Beach Boys."

"I was surprised that Brian and Al said they were surprised by this announcement. Some media outlets interpreted all of this as me firing the band."

Wilson says the expectation was that both sides would help craft and approve the news release. That didn't happen and now he thinks it's Love's turn to reach out.

"That's it in a nutshell, all these conversations need to be between the shareholders, and I welcome Mike to call me," he wrote.

WATCH
FROM PAGE 8

pal, the gang-leader father of one of the kids, his own conversations with his son — this one-man show brings a roomful of inhabitants to vivid life.

Aymie struggles to stay on top of his challenges, both personal and professional. But he cannot fathom how, in view of such tribulations, his inner-city students can be measured in test scores.

And that is the crux of his message: Lives as complex as those of his students and his son cannot simply be reduced to quantification by test score, and teachers facing these realities cannot fairly be graded.

While it is instructive, it is also a heartfelt piece that is well written, well acted and well worth your time. Tell all the teachers, students and parents you know to go see it.

Alan Aymie will be performing "A Child Left Behind" at the Ruskin Group Theatre Thursday nights at 8 p.m. through Dec. 20. Find out more at www.ruskingrouptheatre.com.

LEAVING THE DOORS OPEN

Santa Monica Art Studios has an eighth anniversary open house celebration this weekend, featuring open doors to artists' studios as well as the opening of a curated show, "Even Gravity has its Ups and Downs" in its Arena One Gallery, through Nov. 10. The opening reception is Saturday, Oct. 13 from 6 p.m. to 9 p.m., and includes the open house, which continues on Sunday from 1 p.m. to 5 p.m. These events are free and open to the public. For more info, visit www.santamonicaartstudios.com.

SARAH A. SPITZ is a former freelance arts producer for NPR and former staff producer at public radio station KCRW-Santa Monica. She reviews theatre for LAOpeningNights.com.

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ADS
FROM PAGE 1

what Santa Monica has done," said City Attorney Marsha Moutrie.

This is just the first round, said Craig Miller, a Santa Monica resident and founder of AIDS Walk Los Angeles.

"We always knew this would be an uphill battle, but we've said all along that we're passionately determined that those public service messages get out there regarding HIV and AIDS on the bus," Miller said.

Miller and two other Santa Monica residents, Paloma Bennett and Lisa Brisse, filed suit against City Hall in late September saying that officials had erred when they decided to enforce a 2001 policy that banned AIDS Walk Los Angeles from putting ads on the sides of local buses.

AIDS Walk Los Angeles had run the advertisements with the municipal bus system for six years prior to 2012. Organizers received word from City Hall in December that they would not be able to do so.

After a lengthy campaign presenting their case in local newspapers and before the City Council, Miller, who founded the walk, joined with the two other plaintiffs to file suit.

The lawsuit argued first that the AIDS Walk Los Angeles ads were a form of commercial speech because they led directly to commerce.

If the court could not find that to be the case, the parties held that the entire ban was unconstitutional.

The three plaintiffs are committed to fighting to overturn what they consider an overly-restrictive policy, Miller said.

"We will absolutely carry this litigation forward unless and until the city takes corrective action," he said.

ashley@smdp.com

COPS
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wearing only blue denim shorts, said SMPD Sgt. Richard Lewis.

The alleged victim told police that she was running along the beach, between the waterline and the lifeguard towers, around 4:50 a.m. when she saw a man running directly toward her as she passed Tower 8, located on the 800 block of the beach.

The woman said she tried running away from the suspect, who chased her and wrestled her down to the sand.

The suspect physically and sexually assaulted her, Lewis said. She continued to fight and was able to free herself and run toward Pacific Coast Highway.

The suspect was last seen walking northbound from the area.

Anyone with information is urged to contact detectives at (310) 458-8460 or the watch commander (24 hours) at (310) 458-8495.

Anyone wishing to remain anonymous, can call We-Tip at (800) 78-CRIME or submit the tip online at www.wetip.com. Those who provide tips are eligible for a reward up to $1,000, police said. Tipsters can also contact Crime Stoppers at (800) 222-TIPS or by visiting their website at www.lacrimestoppers.org. Texting tips can also be done by visiting the website.

kevinh@smdp.com

ELECTION
FROM PAGE 1

printing and salaries — and $21,000 is a loan to himself.

The remainder of the money is derived from a varied group of donors, including many local architects, entertainment industry folks and some developers with projects currently moving through the approval process.

The decision to put personal funds into the fight is a sign of his commitment to the race, Gruber said.

"I'm willing to put my own money into it because I believe in the message, I have a lot of support and I'm not going to roll over and play dead because other people are opposing me," Gruber said.

Gruber's closest monetary competitor is incumbent Terry O'Day, with $40,680 raised this year and $30,602 on hand.

O'Day's position near the head of the pack comes in spite of the fact that his campaign lost thousands when a former treasurer, Kinde Durkee, ransacked his and other campaigns across the state of California to pay her personal bills.

His support comes from a variety of sources, although developers, local land use attorneys and hotel interests have pumped thousands of dollars into his campaign.

Planning Commissioner Ted Winterer and education advocate Shari Davis round out the top four, with $34,739 and $33,773, respectively.

Neither candidate put large sums of their own money into their campaigns — Winterer has one $500 contribution — and their sources largely come from community groups and individuals.

Winterer in particular has run campaigns in the past eschewing the support of developers, a position in line with his responsible-growth platform, while Shari Davis enjoys major support amongst the school community given her long history working with Community for Excellent Public Schools and Parent Teacher Associations.

Incumbent Gleam Davis is the last candidate to break $20,000 with $28,109 raised thus far in the race.

Many of her contributors mirror O'Day's, including donations from various members of the Sassounian family — connected with the Huntley Hotel — and developers with projects in process including Steve Henry of the project at Fourth Street and Broadway, the president of NMS Properties and Bradley Cox of Trammel Crow, which is seeking to redevelop the former Grammy Building site on Pico Boulevard.

Other names also spanned several contribution lists, including brand name attorneys from Harding Larmore Kutcher and Kozal, a prominent land use law firm in Santa Monica.

Planning Commissioner Richard McKinnon, former City Councilmember Tony Vazquez and former journalist John Smith raised $15,355, $11,142 and $9,081, respectively, with anywhere between one-third and 90 percent of those funds coming from personal loans.

The remaining two candidates, Steve Duron and Robert Seldon, raised $2,605 and $1,050 over the course of the race.

Only Gruber's numbers begin to stack up to the $40,000 and $73,500 that incumbents Gleam Davis and O'Day raised during their last successful races in 2010.

That may be, in part, because of the vast institutional support that has rallied behind

SEE COUNCIL PAGE 11

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COUNCIL
FROM PAGE 10

O'Day, Gleam Davis, Shari Davis and Ted Winterer in particular.

Those four are backed by powerhouses of Santa Monica politics including the Police Officers' Association and the Santa Monica Firefighters Local 1109, and all but Shari Davis also enjoy support from Santa Monicans for Renters' Rights (SMRR), the biggest political organization in the city.

WELL-FUNDED GROUP ENTERS RACE

One recent addition may not be so welcome.

A new organization called Santa Monicans United for a Responsible Future, or SMURF, has sent paid staff in blue polo shirts door-to-door in Santa Monica neighborhoods bearing a pamphlet trumpeting the four council candidates.

According to its filings, SMURF has $175,000 to spend, with $100,000 coming from NMS Properties, a major developer in Santa Monica with at least six projects listed on the Planning Commission caselist.

The remaining $75,000 come from Chicago-based Century West Partners, LLC., Ideal Properties, LLC. and Roberts Business Park.

That dwarfs the $79,448.38 SMRR has on hand to throw behind its candidates for the City Council, Board of Education and Rent Control Board.

Although it appears to be dominated by NMS Properties, more individuals and entities will be putting money behind the effort by the next filing deadline, said Adam Englander, a spokesperson for SMURF.

The developer-backed group took its lead from the POA, firefighters and CEPS in choosing the candidates to support, Englander said.

"We're hoping the Santa Monica City Council stays on the right path and continues to make the right decisions," Englander said. "We think these four candidates are the best for Santa Monica."

That came as a shock to the candidates themselves. Each expressed uncertainty about the group because they cannot control the content or interact with those producing it.

"We are concerned about the impact of newly-formed PAC and Independent Expenditure Committees that use names suggesting they have broad local membership," said O'Day, Shari Davis and Gleam Davis in a release.

"Given the ability of some PACs and Independent Expenditures to reach a scale that dwarfs individual candidates own campaigns and misrepresents them, these 'pop-up' groups that claim to be community-based but don't have community credentials can have a deleterious impact on our elections and we denounce them," the statement continued.

Developers in particular cause some residents heartburn, like NMS Properties, which has developed huge amounts of units in Santa Monica, and Roberts Center, which is a large development near two others on the east side of town.

"We are worried about people (having a) negative reaction even if it's a positive message," said Shari Davis.

She also feared that the organization's name and funders would confuse voters and possibly detract from the value of the other endorsements that share the same slate.

Others see more behind the glossy leaflet than meets the eye.

They worry that it is meant to target Winterer and detract from his slow-growth record.

"This is a cynical attempt to discredit Ted by making it appear that he's working with developers and welcomes their support when it's not true at all," said Mary Marlow, with the Ocean Park Association and the Santa Monica Transparency Project.

It wouldn't be the first time Winterer had been targeted by a pop-up group.

In 2010, he was left off of a mailer by a group calling itself Santa Monicans for Quality Government, a move which some credit for his very narrow loss.

For his part, Winterer is distancing himself from the organization.

"Many are puzzled why a developer-funded committee would back a candidate such as myself with a record of advocacy for responsible growth," Winterer said. "I cannot answer that question. However, my positions on all issues including development are well-known and I stand by those positions now and in the future."

ashley@smdp.com

TRIAL
FROM PAGE 1

inside his condo in Santa Monica, police said Wednesday.

Daniel Becerril, 35, was held to answer on the murder charge on Oct. 9 following a six-day preliminary hearing put on by the Los Angeles County District Attorney's Office, police said.

In addition, Becerril, who plead not guilty, will stand trial on an additional 29 charges relating to grand theft, fraud and money laundering relating to Merman and others.

The investigation began in March of 2008, when the Santa Monica Police Department discovered Merman's body in his condo at 520 Montana Ave.

During the course of the investigation, which lasted four years, detectives learned that Becerril was the owner of a company called AP Financial Group and that Merman was one of several victims of Becerril, who allegedly used the company to commit various fraudulent crimes involving real estate and investment fraud, said SMPD Sgt. Richard Lewis.

Merman was owed a quarter of a million dollars by Becerril, police said. He discovered that fact shortly before his death. An additional $300,000 was also stolen from Merman's investment accounts and deposited into Becerril's personal account, police said at the time of Becerril's arrest.

Becerril remains in the custody of the Los Angeles County Sheriff's Department and is being held on $2.4 million bail.

During the course of the investigation another fraud allegedly committed by AP Financial Group involving the unlawful sale of a home unbeknownst to the owner was also uncovered by investigators.

Becerill's next scheduled court date is Oct. 23, according to the sheriff's inmate information website.

Police believe there may be more victims out there; anyone who has been the victim of fraud, or suspects they may have been victimized by AP Financial Group, is asked to contact Detective Hee Seok Ahn of the SMPD at (310) 458-8452.

kevinh@smdp.com

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SAMOHI
FROM PAGE 3

are well coached and are always motivated to face us. But, we're motivated, too."

Despite ultimately winning 36-14 last year, Samohi had to effort 16 points in the fourth quarter to put down a feisty Beverly Hills at their home.

The Normans finished last season 2-8 to Samohi's 11-2 mark, but for three quarters it was anybody's game.

That's the type of occurrence Samohi linebacker Nick Cardiel wants to avoid.

"This is my favorite team to play in league, it's a real rivalry," Cardiel said. "But, no matter what their record is, they are always a contender when they play us."

Cardiel said that the Vikings have to come out and be physical against a Beverly Hills offensive and defensive line that Clark called "ginormous."

"All I can say is we're ready to smash on Beverly," Cardiel said.

The Vikings have health on their side this time around.

Samohi's starting quarterback Ryan Barbarin, running back Will Taylor and lineman Tim Darby were all missing during last week's hard-fought win over Morningside to open the Ocean League season. They are all expected to return this week.

Clark hopes that last week's trying game at Morningside will prove to be a benefit as the Vikings try to repeat as league champs.

"I think that Morningside scared [the team]," Clark said. "They thought Morningside was going to lay down. That didn't happen. We had to have resolve, I'm glad it happened."

The win came after three straight big losses to some of Southern California's elite programs — Mater Dei, Valencia and Hart. Midway through last week's game Clark couldn't help but wonder if the plan to toughen his team by facing powerhouse programs backfired.

"I was afraid they were getting used to losing," Clark said. "I'm glad they bounced back and put them away in the end."

Though Clark found out his boys had the ability to battle back for a victory, it was play on special teams that alarmed him.

Samohi allowed Morningside to score on a pair of punt returns late in the game that almost doomed the Vikings. Later, an apparent punt return touchdown was called back against Samohi on a holding penalty. Clark said that he wasn't sure a penalty occurred on the play, but it did lead him to believe that special teams needed extra care this week during practice.

He's decided to have more of his regulars on return coverage hoping to boost the unit's effectiveness.

"We have to make sure we take advantage of those situations," Clark said. "We only have four weeks with these seniors of guaranteed football left. I want to make sure we put it all out there."

The game is scheduled for Friday at Santa Monica College's Corsair Field. Kickoff is 7 p.m.

daniela@smdp.com

GAS
FROM PAGE 3

Some analysts see this as a sign that prices will remain high, others are more optimistic because California is switching from an environmentally friendly summer blend to a cheaper winter blend.

Chevron's first public admission about the closure confirmed what analysts already knew, and will not likely have any effect on gas prices, said Oil Price Information Services' Denton Cinquegrana.

Prices were going up before the fire. A one-day power outage at a Southern California plant and corrosion problems in a critical pipeline compounded the problems.

Cinquegrana thinks the early release of winter gas stocks will help push prices back down.

"I think the worst is in the rearview mirror right now and that between Halloween and Election Day California will be back to where we were before the spike," Cinquegrana said.

Ash said the loss of the refinery through the fourth quarter "confirmed that refining capacity in California will remain tight through the end of the year."

Chevron officials did not return calls for comment.

Several lawmakers have called for investigations and hearings to determine if supply and demand is the reason for the high prices or if fraud is involved.

DAY
FROM PAGE 3

"People like a fluency in numbers," says Rajesh Bagchi, an associate professor of marketing at Virginia Tech who also studies numbers psychology. "The sequence of 10-11-12 is fluent, and it goes up, so it can have a pleasing effect. It can feel right. So someone might decide, for example, to buy a lottery ticket."

Bagchi himself, however, didn't even realize the day was coming, until we called. So he wasn't planning anything special — he did actually get married in Vegas, but not on a numerically significant day, though surely it was significant in other ways.

Certainly, there are special things happening on Thursday, and not just the U.S. vice-presidential debate. At the United Nations, the day has been declared the International Day Of The Girl Child, recognizing girls' rights and the challenges they face around the world. But there's no evidence the actual numbers of the date were taken into account. The Jonas Brothers are returning to the stage after three years with a one-night show at Radio City Music Hall.

How rare is the day? After all, there will be neat moment right around the time many alarm clocks ring at 07:08:09, on 10-11-12. But won't it be better later this year, on Dec. 12, when we will have 12:12:12 on 12/12/12?

In fact, the kind of sequence happening Thursday is one that's been occurring every year since 2003, when we had 01/02/03. It will end for a while in 2014, with 12/13/14. Then we'll need to wait until 2103. "It basically happens in the early years of a new century," says Geoff Chester, public affairs officer at the U.S. Naval Observatory, which, if you didn't know, is the official timekeeper for the Department of Defense.

"Really, this is just a numerological curiosity," says Chester. "People find it amusing. But there is no cosmic significance. It's an artifact of the calendar and time system that we use."

Eric Carlson, a physics professor at Wake Forest University, agrees. "No great significance," he says. "Just a curiosity. I like number patterns, like many of us. Our lives are dominated by numbers."

Carlson himself plans nothing special on Thursday, though he does allow that on the day several years ago that corresponded precisely to the seven digits of his phone number, he held a party.

"Tomorrow is too busy," he says. "But I will really celebrate next week, when my daughter turns in her college applications."

CREDIT
FROM PAGE 1

the ratings of various types of bonds in 30 California cities. The agency also announced that it already had downgraded eight municipal pension obligation bonds.

"California cities operate under more rigid revenue raising constraints than cities in many other parts of the country," Eric Hoffmann, who heads Moody's California local government ratings team, said in a statement. "Combined with steeply rising costs, these constraints mean that these cities will likely recover more slowly than their peers nationally, even if the state's economic recovery tracks the nation's."

Cities under review include Danville, Santa Monica, Sacramento and Fresno. Moody's will examine an array of factors, including falling tax revenue and increased spending.

Any downgrades would increase borrowing costs for cities and could hinder their ability to borrow for infrastructure projects.

The announcement follows an August report in which Moody's predicted more municipal bankruptcies and defaults in California, the nation's largest issuer of municipal bonds. Moody's warned that some cities are turning to bankruptcy as a new strategy to tackle budget deficits and abandon obligations to bondholders.

Three California cities — Stockton, San Bernardino and Mammoth Lakes — filed for bankruptcy over the summer, although Mammoth's filing was the result of losing a lawsuit.

Last week, the agricultural city of Atwater declared a fiscal emergency and became the latest embattled community to consider bankruptcy.

Moody's, which rates 95 California cities, said it also will review San Francisco and Los Angeles for upgrades.

The other cities that Moody's has targeted for possible downgrades are Azusa, Berkeley, Colma, Downey, Glendale, Huntington Beach, Inglewood, Long Beach, Los Gatos, Martinez, Monterey, Oakland, Oceanside, Palmdale, Petaluma, Rancho Mirage, Redondo Beach, San Leandro, Santa Ana, Santa Barbara, Santa Clara, Santa Maria, Santa Rosa, Sunnyvale, Torrance and Woodland.





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The trials of cycling in what seems like a bike-hostile Moscow

NATALIYA VASILYEVA
Associated Press

MOSCOW One popular joke in Moscow goes: "When the drunken driver was taken to the police station he was already sober. Why? Traffic jams."

With congestion in the capital going from bad to infernal, an increasing number of people see cycling as a solution.

But riding a bike in Moscow is somehow a different experience from cycling in any other European city. With no bike lanes but plenty of road rage, most cyclists in Moscow, myself included, keep off the streets and stay on the sidewalk. But while cycling on the pavement, you need to watch out not only for pedestrians and baby carriages but for the sudden opening of car doors. Yes, parking on the sidewalk is also OK in the Russian capital.

Traffic jams have become as recognizable a feature of Moscow as the Kremlin's onion domes. Congestion is so bad that it's common to travel three hours from downtown to the outskirts in rush hour. Motorists are estimated to spend an average of 15 hours a week stalled in traffic.

So in a truly revolutionary step to make Moscow bike-friendly and ease congestion, the city government has earmarked more than 600 million rubles ($20 million) over the next four years to build cycling paths and bike racks.

I started cycling to work in the summer of 2010 when a colleague, who lives much farther from the office than I do, mentioned that he occasionally cycles to work. Just five years ago the only people who rode bikes in Moscow were either teenagers or eccentric elderly men. Now it's not unusual to see an investment banker cycle to work.

I try to cycle to work a couple of times a week in warm weather, which is May through early October here. Despite the lack of bike lanes and the hostility of motorists and pedestrians alike, cycling in Moscow can be a joy compared to the headaches of driving: You fly past the gridlock and don't have to worry about finding a parking spot.

For Vladimir Kumov, founder of Let's bike it!, a group that promotes cycling in Moscow, the awakening came two years ago when he spent three hours in traffic driving in from the airport after a three-month trip to Argentina, where he cycled all over town between his job and Spanish classes.

"People are tired of wasting their time in traffic, tired of seeing this city clogged with cars, and are starting to realize that we can change the way we live now," he said.

My cycling day starts with carrying my bike down three flights to the street. One of the issues that Moscow cyclists face is a near complete absence of bike racks. Because there are none in my neighborhood — and I had a bike stolen once even from inside my apartment building — I keep my bicycle on my balcony. Carrying the bike up and down the steps is probably the most physically challenging part of my journey. Like most Soviet-era apartment buildings, mine is not equipped to meet the needs of cyclists, wheelchair users or parents with prams.

There's only one cycling path in this city of 12 million and no bike lanes on the roads whatsoever. Traffic rules in Russia provide for cycling on the road, although cyclists are not welcome there. Nor are they appreciated by pedestrians. For me the choice comes down to this: Either risk breaking your neck on the road, where motorists are aggressive and routinely run red lights, or cycle on the sidewalk, even if that means getting nasty looks and having to dismount often to maneuver through crowds.

An overwhelming majority of cyclists in Moscow prefer not to test their luck on the dangerous roads.

My 10-kilometer (6-mile) route takes me through some of the city's greenest and most picturesque areas: leafy Sparrow Hills and the park near Moscow State University. But some parts of my route are unpleasant in a bizarre way. I still can't grasp why a pole with a road sign had to be placed right in the middle of a sidewalk, on a cement slab so large that I have to squeeze through every time I ride by.

And there are other small inconveniences, like steep and uneven curbs, which also have me hopping on and off my bike -- and are a major headache for the handicapped. The city has made some progress in recent years making the sidewalks more wheelchair-friendly. Even so, it is not uncommon for an embankment to end suddenly with a flight of stairs.

The AP Moscow bureau is inside a sprawling compound that houses the offices of scores of foreign media organizations as well as apartments for journalists and diplomats. Still, there's only one bike rack for the entire compound, so I normally leave my bike chained to a railing, which is more or less safe because of video surveillance.

The Kremlin, apparently, is no better equipped.

When Masha Gessen, a prominent journalist, had a meeting with President Vladimir Putin in September, his staff told her there was nowhere to park her bike inside the Kremlin, so she had to leave it chained up at a bus stop nearby.

Desperate to do something to ease Moscow's traffic congestion, city authorities hope that cycling can be part of the solution. Muscovites own about 3 million bikes, but few use them as a means of transportation, according to a recent report.

In the next four years, the city plans to increase the number of bike paths to 72 and the number of bike racks to 17,000.

The city expects the bike paths to help increase the average speed of cycling to 15.5 kilometers (9 miles) per hour and the share of those cycling to work from 0.01 percent to 1.2 percent by next year. For the city of 12 million, that would be 144,000 people.

While supportive of the city plans, cycling activist Kumov remains skeptical, largely because many of the paths are going to be built in parks, thus chiefly to promote cycling as recreation and not as a means of transport.

"The way the plan looks now will probably make little difference," he said.



LEGAL NEWS

26 testify against Armstrong in doping case investigation

EDDIE PELLS
AP National Writer

Lance Armstrong said he wanted to see the names of his accusers. The U.S. Anti-Doping Agency gave him 26, including 11 ex-teammates.

The world's most famous cyclist said he wanted to see the hard evidence that he was a doper. The agency gave him that, too: About 200 pages filled with vivid details — from the hotel rooms riders transformed into makeshift blood-transfusion centers to the way Armstrong's ex-wife rolled cortisone pills into foil and handed them out to all the cyclists.

In all, a USADA report released Wednesday gives the most detailed, unflinching portrayal yet of Armstrong as a man who, day after day, week after week, year after year, spared no expense — financially, emotionally or physically — to win the seven Tour de France titles that the anti-doping agency has ordered taken away.

It presents as matter-of-fact reality that winning and doping went hand-in-hand in cycling and that Armstrong was the focal point of a big operation, running teams that were the best at getting it done without getting caught. Armstrong won the Tour as leader of the U.S. Postal Service team from 1999-2004 and again in 2005 with the Discovery Channel as the primary sponsor.

USADA said the path Armstrong chose to pursue his goals "ran far outside the rules."

It accuses him of depending on performance-enhancing drugs to fuel his victories and "more ruthlessly, to expect and to require that his teammates" do the same. Among the 11 former teammates who testified against Armstrong are George Hincapie, Tyler Hamilton and Floyd Landis.

USADA Chief Executive Travis Tygart said the cyclists were part of "the most sophisticated, professionalized and successful doping program that sport has ever seen."

Armstrong did not fight the USADA charges, but insists he never cheated.

His attorney, Tim Herman, called the report "a one-sided hatchet job — a taxpayer funded tabloid piece rehashing old, disproved, unreliable allegations based largely on axe-grinders, serial perjurers, coerced testimony, sweetheart deals and threat-induced stories."

Aware of the criticism his agency has faced from Armstrong and his legion of followers, Tygart insisted his group handled this case under the same rules as any other. Armstrong was given the chance to take his case to arbitration and declined, choosing in August to accept the sanctions instead, he noted.

"We focused solely on finding the truth without being influenced by celebrity or non-celebrity, threats, personal attacks or political pressure because that is what clean athletes deserve and demand," Tygart said.

The report called the evidence "as strong or stronger than any case brought in USADA's 12 years of existence."

In a letter sent to USADA attorneys Tuesday, Herman dismissed any evidence provided by Landis and Hamilton, saying the riders are "serial perjurers and have told diametrically contradictory stories under oath."

The testimony of Hincapie, one of Armstrong's closest and most loyal teammates through the years, was one of the report's new revelations.

"I would have been much more comfortable talking only about myself, but understood that I was obligated to tell the truth about everything I knew. So that is what I did," Hincapie said of his testimony to federal investigators and USADA.

His two-page statement did not mention Armstrong by name. Neither did statements from three other teammates-turned-witnesses, all of whom said this was a difficult-but-necessary process.

"I have failed and I have succeeded in one of the most humbling sports in the world," Christian Vande Velde said. "And today is the most humbling moment of my life."

Tygart said evidence from 26 people, including 15 riders with knowledge of the U.S. Postal Service team's doping activities, provided material for the report. The agency also interviewed Frankie Andreu, Michael Barry, Tom Danielson, Levi Leipheimer, Stephen Swart, Jonathan Vaughters and David Zabriskie. Andreu's wife, Betsy, was another key witness. She has been one of Armstrong's most consistent and unapologetic critics.

"It took tremendous courage for the riders on the USPS Team and others to come forward and speak truthfully," Tygart said.

In some ways, the USADA report simply pulls together and amplifies allegations that have followed Armstrong ever since he beat cancer and won the Tour for the first time. At various times and in different forums, Landis, Hamilton and others have said that Armstrong encouraged doping on his team and used banned substances himself.

Written in a more conversational style than a typical legal document, the report lays out in chronological order, starting in 1998 and running through 2009:

— Multiple examples of Armstrong using multiple drugs, including the blood-boosting hormone EPO, citing the "clear finding" of EPO in six blood samples from the 1999 Tour de France that were retested. UCI concluded those samples were mishandled and couldn't be used to prove anything. In bringing up the samples, USADA said it considers them corroborating evidence that isn't even necessary given the testimony of its witnesses.

— Testimony from Hamilton, Landis and Hincapie, all of whom say they received EPO from Armstrong.

— Evidence of the pressure Armstrong

SEE **ARMSTRONG** PAGE 16

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NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE AMC THEATER DEVELOPMENT AGREEMENT PROJECT

OFFICIAL NOTICE is hereby given on the completion and availability of a Draft Environmental Impact Report (Draft EIR) for the proposed AMC Theater Project (proposed project) located at 1318-1320 4th Street in the City of Santa Monica.

PROJECT DESCRIPTION: The proposed project would involve the demolition of an existing 344 space public parking structure (City-owned Parking Structure 3) and development of an approximately 70,000 foot theater (AMC 12) with 12 auditoriums. The project is designed to include approximately 2,167 theater seats, 2,500 square feet of retail tenant space, and 2,250 square feet of interior restaurant/lounge space that would be open to the public, but is primarily intended to serve movie patrons. The proposed new theater building would be up to 56 feet tall. As part of the project, the applicant proposes to reduce a total of approximately 1,597 existing theater seats in the other three AMC-operated venues in the Downtown to achieve a not-to-exceed net increase of 570 seats. This would be accomplished by a combination of modifications to the existing theaters resulting in fewer seats and/or closing one or more of the existing theaters to achieve the required seat count reduction.

Based on the current schedule of the project, it is projected that there would be no overlap in the period of time when Parking Structure 3 and Parking Structure 6 are out of service. Parking Structure 6 would be completed prior to the beginning of Parking Structure 3 demolition. The Interim Downtown Parking Program establishes additional measures to address the loss of parking from demolition of Parking Structure 3 that would occur under the proposed project. Under this plan, up to 104 interim parking spaces would continue to be provided at the corner of 5th Street and Arizona Avenue. These spaces would be available seven days a week until future development at this City-owned site occurs. In addition, up to 250 monthly parkers would be relocated from nearby Parking Structure 5 to either the Main Library Parking Structure or the Civic Center Parking Structure (50 to 50 split), thereby freeing up general public parking spaces at Parking Structure 5.

ANTICIPATED ENVIRONMENTAL IMPACTS: The Draft EIR analyzed potential environmental impacts associated with the proposed project including: Aesthetics, Air Quality, Construction Effects, Cultural Resources, Geology/Soils, Greenhouse Gas Effects, Hazards and Hazardous Materials, Land Use and Planning, Neighborhood Effects, Noise, Shadows, and Transportation/Traffic.

The Draft EIR determined that implementation of the proposed project will result in the following significant and unavoidable impacts:

Transportation and Traffic

PUBLIC REVIEW PERIOD: In accordance with CEQA, a minimum 45-day public review period will be provided for all interested persons to submit comments on the adequacy of the Draft EIR. **The comment period will start on October 10, 2012 and end at 5:30 p.m. on November 26, 2012.** Written comments should be sent to:

Roxanne Tanemori, Senior Planner
City Planning Division
1685 Main Street, Room 212
Santa Monica, CA 90401
Email: Roxanne.tanemori@smgov.net

AVAILABILITY OF ENVIRONMENTAL DOCUMENTATION: The Draft EIR and background materials may be viewed online at http://www01.smgov.net/planning/planningcomm/environmentalreports.html or in person at the following locations:

City Planning Division Public Counter
Room 111
1685 Main Street, Santa Monica, CA

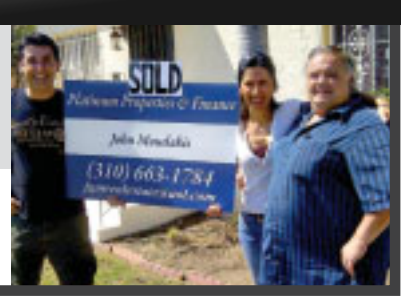
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SURF REPORT



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Surf Conditions **Water Temp:** 67.8°

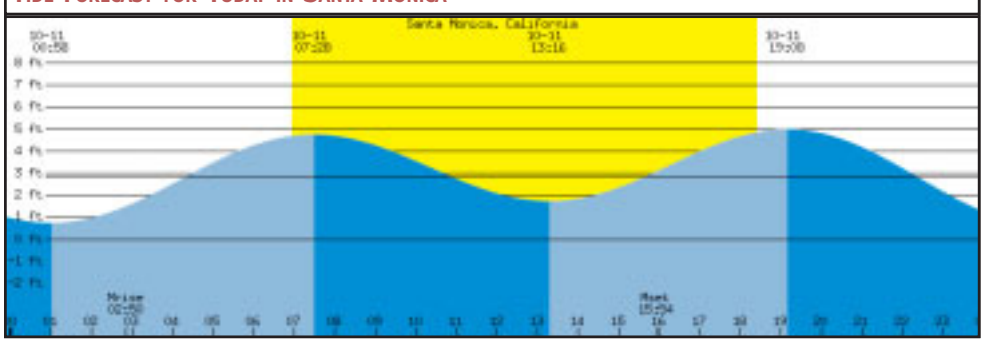
Swell Forecast

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

Long Range Synopsis

Looks similar for size.

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, SMM

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 Alisa 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 (beach 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 19948 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 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 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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ARMSTRONG

FROM PAGE 15

put on the riders to go along with the doping program.

"The conversation left me with no question that I was in the doghouse and that the only way forward with Armstrong's team was to get fully on Dr. Ferrari's doping program," Vande Velde testified.

— What Vaughters called "an outstanding early warning system regarding drug tests." One example came in 2000, when Hincapie found out there were drug testers at the hotel where Armstrong's team was staying. Aware Armstrong had taken testosterone before the race, Hincapie alerted him and Armstrong dropped out of the race to avoid being tested, the report said.

Though she didn't testify, Armstrong's ex-wife, Kristin, is mentioned 30 times in the report.

In one episode, Armstrong asks her to wrap banned cortisone pills in foil to hand out to his teammates.

"Kristin obliged Armstrong's request by wrapping the pills and handing them to the riders. One of the riders remarked, 'Lance's wife is rolling joints,'" the report read. Attempts to reach Kristin Armstrong were unsuccessful.

While the arguments about Armstrong will continue among sports fans — and there is still a question of whether USADA or the International Cycling Union (UCI) has the ultimate authority to take away his Tour titles — the new report puts a cap on a long round of official investigations. Armstrong was cleared of criminal charges in February after a federal grand jury probe that lasted about two years.

USADA sought evidence from federal investigators, but in its report, the agency said none was ever turned over to its offices, based in Colorado Springs, Colo.

UCI confirmed receiving the report and said it would respond to it soon, "not to delay matters any longer than necessary." It has 21 days to appeal to the Court of Arbitration for Sport.

The head of the Lance Armstrong Foundation, Doug Ulman, lauded Armstrong's work as a cancer fighter. Armstrong won all his titles after overcoming testicular cancer.

"Our longstanding concerns about the impartiality and fairness of USADA's proceeding are compounded today," Ulman said. "As a federal judge pointed out, USADA appears motivated more by publicity rather than fulfilling its mission."

Some of the newest information — never spelled out in detail before Wednesday — includes a depiction of Armstrong's continuing relationship with physician and training guru Michele Ferrari. Like Armstrong, Ferrari has received a lifetime ban from USADA.

Long thought of as the mastermind of Armstrong's alleged doping plan, Ferrari was investigated in Italy and Armstrong claimed he had cut ties with the doctor after a 2004 conviction. The conviction was later overturned but was nonetheless the reason Armstrong cut ties with him. USADA cites financial records that show payments of at least $210,000 in the two years after that. It also cited emails from 2009 showing Armstrong asking Ferrari's son if he could make a $25,000 cash payment the next time they saw each other.

"The repeated efforts by Armstrong and his representatives to mischaracterize and minimize Armstrong's relationship with Ferrari are indicative of the true nature of that relationship," the report states. "If there is not something to hide, there is no need to hide it and certainly no need to repeatedly lie about it."

In addition to Armstrong and Ferrari, another player in the Postal team circle, Dr. Luis Garcia del Moral, also received a lifetime ban as part of the case.

Three other members of the USPS team will take their cases to arbitration. They are team director Johan Bruyneel, team doctor Pedro Celaya and team trainer Jose "Pepe" Marti.

Armstrong chose not to pursue the case and instead accepted the sanction, though he has consistently argued that the USADA system was rigged against him, calling the agency's effort a "witch hunt" that used special rules it doesn't follow in all its other cases.

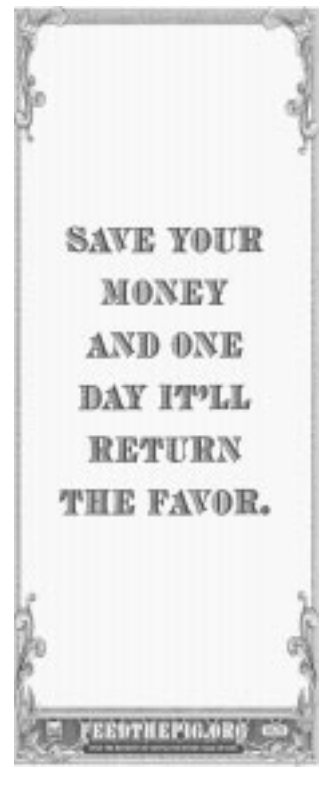
Sworn affidavits from Hincapie and several others, included in the agency's report, were dated after Aug. 23, when Armstrong announced he would not fight the charges. The affidavits were dated as such because lawyers originally thought those witnesses would present their testimony live at an arbitration hearing.

The report also went to the World Anti-Doping Agency, which also has the right to appeal, but so far has supported USADA's position in the Armstrong case.

"We would like to commend USADA for having the courage and the resolve to keep focused in working on this difficult case for the sake of clean athletes and the integrity of sport," WADA President John Fahey said.

ASO, the company that runs the Tour de France and could have a say in where Armstrong's titles eventually go, said it has "no particular comment to make on this subject."





MOVIE TIMES

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

Live Talks LA: An evening with Emmy-winner Chris Elliott
Tickets only at livetalksla.org
8:00pm

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, 10:15pm

Shakespeare's Globe Theatre: All's Well That Ends Well (NR) 2hrs 18min
7:00pm

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, 5:00pm, 6:45pm, 7:45pm, 10:25pm

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

Sinister (R) 1hr 50min
10:00pm

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

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

Time for some fun, Taurus

ARIES (March 21-April 19)

★★★ You hit a wall of confusion. Step back, and allow the situation to unravel naturally. Focus on work -- whatever that may look like for you -- and worry less about gathering information. Tonight: Remember, you need to take a break sometimes.

TAURUS (April 20-May 20)

★★★★ You have difficulty grasping a long-term desire. Frustration emerges, yet you are able to get to the bottom of a problem. If you need to, choose an easy stressbuster in order to relax; take a walk around the block, for example. Tonight: Time for some fun.

GEMINI (May 21-June 20)

★★★★ Complete tasks in the morning. In the afternoon, a gentle haze moves in. Before you realize it, you could be walking in a fog. It's not just you -- others feel similarly. Forcing clarity will only compound the situation. Tonight: At home.

CANCER (June 21-July 22)

★★★★ Allow openness in financial discussions. You might be unusually resourceful, but others cannot hear your suggestions. Communication allows greater give-and-take, but don't make any decisions just yet. Tonight: Share a dream.

LEO (July 23-Aug. 22)

★★★★ Get an early start on the day. Listen to your instincts regarding your assets, which could involve an innate talent. You might decide not to let a conversation drag you down; however, ignoring it might not be the best idea, either. Tonight: Choose a stressbuster.

VIRGO (Aug. 23-Sept. 22)

★★★ Listen before acting on a decision. More information might come in. Given time, your conclusion could change. Uncertainty prevails in the evening, even though you have a lot of energy and want to get moving. Tonight: Finally, others follow your lead.

LIBRA (Sept. 23-Oct. 22)

★★★ How you feel in the morning might be very different from your mood in the evening. Clarify important details, and follow through on what you feel counts. Interpersonal relationships will be highlighted. Tonight: Make it exclusive.

SCORPIO (Oct. 23-Nov. 21)

★★★★ You might feel as if you are always behind the podium directing. An undefined swing of events or a change in energy finds you on the lead horse. As a result, success seems guaranteed. You might be stunned by the difference between reality and your perceptions. Tonight: Where people are.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Reach out for more information. A long-distance contact could be involved. You might be unsure of which way to head, as you juggle your home life with different, and nearly opposing, interests. Tonight: Into the wee hours.

CAPRICORN (Dec. 22-Jan. 19)

★★★★ Your imagination blazes in a discussion, and what emerges is a willingness to break past self-imposed mental boundaries. The ability to conceptualize and express some of your thoughts could be difficult later. Tonight: Let your mind lead the way.

AQUARIUS (Jan. 20-Feb. 18)

★★★★ A partner or friend is relieved. Finally, you make time for him or her. Your recent popularity has been overwhelming, and this person has powerful feedback for you, if you are willing to listen. Confusion surrounds money. Tonight: Go for something cozy.

PISCES (Feb. 19-March 20)

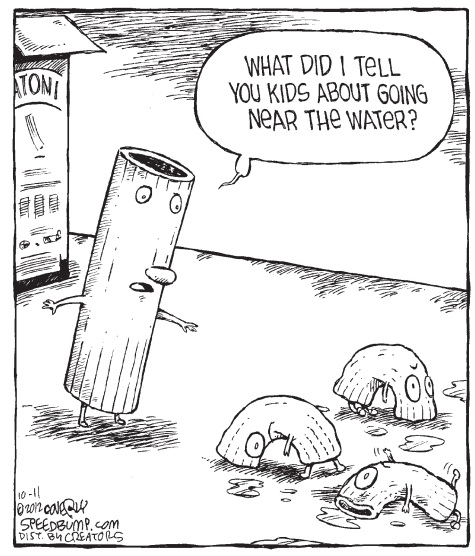
★★★ Your understanding could be distinctly altered by the rose-colored shades you're wearing. You could find yourself feeling disappointed, but realize that the cause is your distorted reality. Tonight: Go with a suggestion.

Happy birthday

This year you often are easygoing and fortunate; however, at times you could be fussy and difficult when it comes to dealing with certain people. Others who relate to you might not know which voice is really yours. The answer is: both! Dealing with you could be challenging, especially as you have developed a short fuse. If you are single, you are desirable, but often, people back away as they get confused by your mixed signals. It will take a diverse and understanding person to relate successfully with you. If you are attached, you easily could be driving your sweetie wild by your changeability. He or she might want to understand you better. VIRGO becomes even more critical when dealing with you.

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

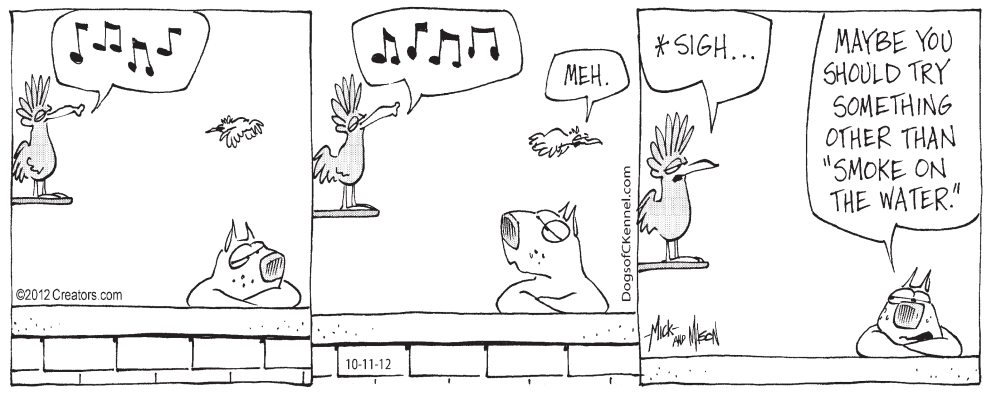
Speed Bump
By Dave Coverly



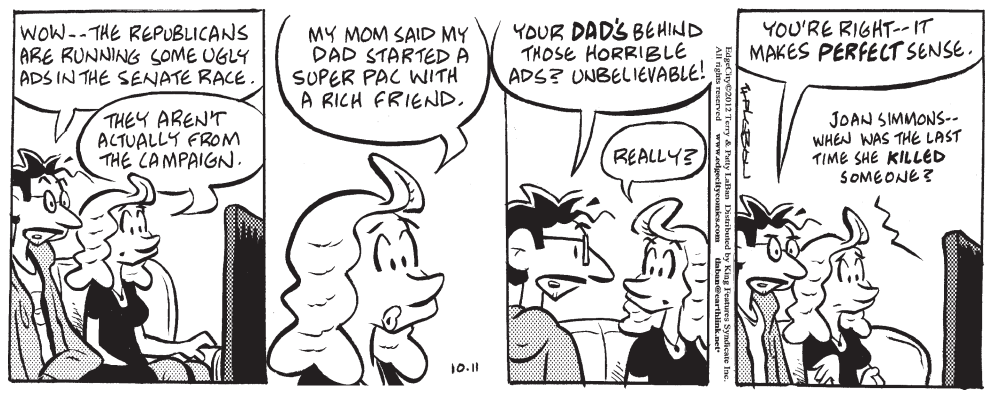
Strange Brew
By John Deering



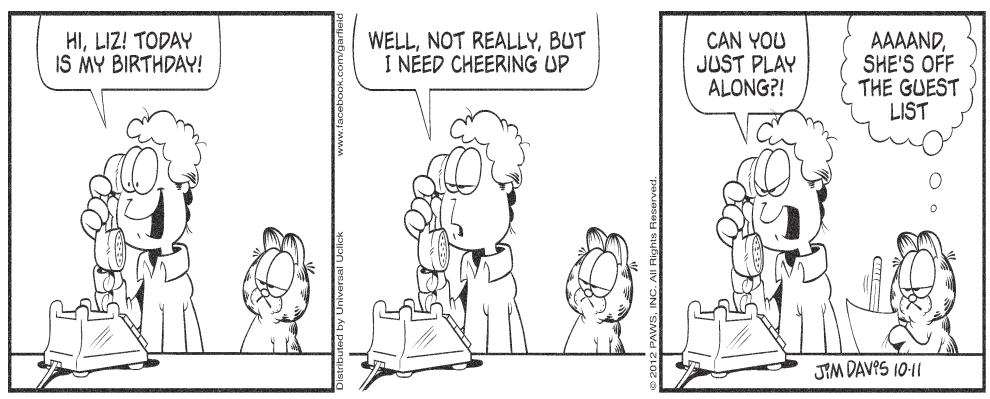
Dogs of C-Kennel
By Mick and Mason Mastroianni



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 ★★★

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

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

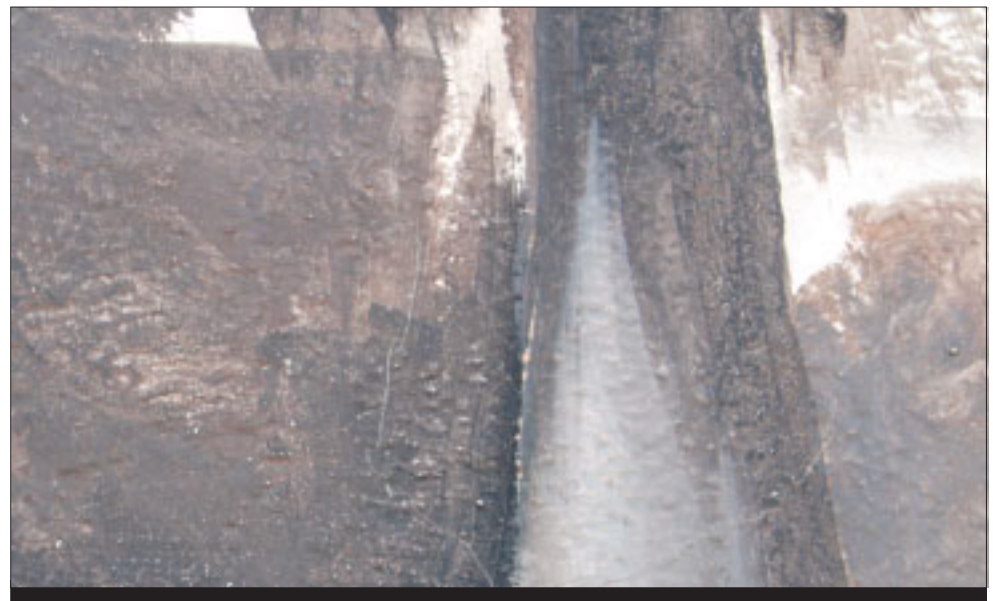
9	4	1	6	5	3	2	7	8
7	6	8	1	2	4	3	9	5
2	5	3	7	9	8	4	6	1
8	3	6	4	1	7	9	5	2
4	2	9	5	8	6	1	3	7
5	1	7	9	3	2	6	8	4
1	8	5	3	4	9	7	2	6
3	7	4	2	6	5	8	1	9
6	9	2	8	7	1	5	4	3

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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 Petty argument
5 Squash, for one
10 Tyler Perry persona
12 Heavy drinker
13 Tip over
14 Plentiful
15 Take to court
16 Whaling weapon
18 Jimmy Stewart film
20 Blue
21 War god
23 Sullivan and Wynn
24 Rational
26 Goals
28 Family vehicle choice
29 Extinct bird
31 Wisdom bringer
32 Apollo Theater setting
36 Season's yield
39 Important time
40 Place in order
41 Painter Degas
43 Oscar winner Witherspoon
44 Extinguish
45 Said further
46 Big galoots

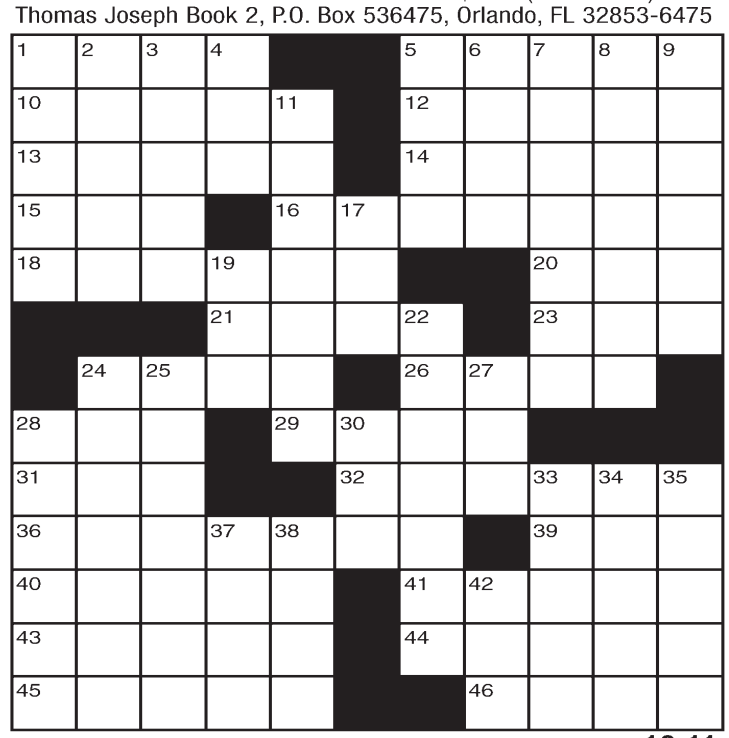
DOWN

1 Compress
2 New Guinea part
3 "Do, — ..."
4 Toe count
5 Flag feature
6 Pageantry
7 Saying "nay"
8 Puts a new clip in
9 Market movements
11 Stuck
17 Yeoman's "yes"
19 Moving truck
22 Under
24 Like many cereals
25 Declared
27 Neither follower
28 African expanse
30 Surprised sounds
33 Advantage
34 Wipe clean
35 Stable mothers
37 Bud holder
38 Looked over
42 1949 film noir classic

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

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



10-11

DAILY LOTTERY

MEGA MILLIONS
Draw Date: 10/9
6 15 16 22 37
Meganumber: 3
Jackpot: $53M

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

Fantasy 5
Draw Date: 10/10
2 13 21 32 36

DAILY 3
Draw Date: 10/10
MIDDAY: 2 5 1
EVENING: 1 1 1

SANTA ANITA PARK
Draw Date: 10/10
1st: 06 Whirl Win
2nd: 02 Lucky Star
3rd: 05 California Classic
RACE TIME: 1:49.20

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

■ Photographer Clayton Cubitt's video-art exhibit "Hysterical Literature" (the first installment of which was reviewed in August) features an attractive woman sitting at a table reading mainstream literature aloud ("everything from Walt Whitman to a science book on fungus"), but in a sexy voice and accompanied by squirming in the chair prompted by unspecified activities of a "distractor" agent supplied by Cubitt. After a few minutes, it is clear that the woman is experiencing an orgasm. Cubitt told Salon.com that he was mocking the "quack Victorian medical theory of 'hysteria' in women."

■ Without the work of scientists Gregory Gage and Tim Marzullo, we might never know the effect of playing a loud hip-hop song to create vibrations that make squids' pigmented cells change colors. The men's Backyard Brains setup involved a 1993 Cypress Hill hit ("Insane in the Brain"), an iPod nano, and a "suction electrode" to jar a Longfin Inshore's muscles to reveal the squid's "chromatophores" that are either red, brown or yellow. A Time magazine writer gave her take on the work's reason for being: "Because really, you know, why not?"

TODAY IN HISTORY

1809 – Along the Natchez Trace in Tennessee, explorer Meriwether Lewis dies under mysterious circumstances at an inn called Grinder's Stand.

1811 – Inventor John Stevens' boat, the Juliana, begins operation as the first steam-powered ferry (service between New York City, New York, and Hoboken, New Jersey).

1833 – A big demonstration at the gates of the legislature of Buenos Aires forces the ousting of governor Juan Ramón Balcarce and his replacement with Juan José Viamonte.

WORD UP!

anacoluthon
\ an-uh-kuh-LOO-thon \ , noun;
1. A construction involving a break in grammatical sequence, as It makes me so—I just get angry.

Santa Monica Daily Press

Classifieds

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Travel
Vacation Rentals
Apartments/Condos
Rent
Houses for Rent
Roomates
Commerical Lease
Real Estate
Real Estate Loans
Storage Space
Vehicles for Sale
Massage
Services
Computer Services
Attorney Services
Business Opportunities
Yard Sales
Health and Beauty
Fitness
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Announcements

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Employment

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Electronics

Direct To Home Satellite TV $19.99/mo. Free Installation FREE HD/DVR Upgrade Credit/Debit Card Req. Call 1-800-795-3579

Education

Finish High School at home in a few weeks. First Coast Academy, 1-800-658-1180x130. www.fcahighschool.org

Wanted

CA$H PAID- up to $26/Box for unexpired, sealed DIABETIC TEST STRIPS. Hablamos Espanol. 1-800-371-1136

Wants to purchase minerals and other oil and gas interests. Send details to P.O. Box 13557 Denver, Co. 80201

Yearbooks Up to $15 paid for high school yearbooks 1900-2012. www.yearbookusa.com or 214-514-1040

For Rent

$1095 Very nice studio. Part furnished. Prime location, North of Wilshire. 7 blocks to beach. (310)666-8360.



For Rent

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(310)869-7901

821 Pacific St. #4. 1Bd + 1Bth. $1645 per month. One level building. Private patio. Hdwd floors. Pets ok.

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
1 Bdr. +1 Bath, 1 Car Garage & 1 vehicle parking space in front of garage. $1725

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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 Early October 2012		
Santa Monica Canyon	=	$1,709,500
North of Montana	=	$3,242,182
Between Wilshire & Montana	=	$2,541,167
South of Wilshire	=	$895,667
Sunset Park	=	$1,363,000
Ocean Park	=	$1,922,000
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.