

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

...
Meganumber: ...
Jackpot: ...

FANTASY 5

DAILY 3

Daytime: ...
Evening: ...

DAILY DERBY

1st: ...
2nd: 1...
3rd: ...
RACE TIME: ...

NEWS OF THE WEIRD

BY CHUCK SHEPARD

In November, a jury in Montgomery, Ala., ordered Exxon Mobil to pay the state \$11.8 billion in punitive damages based on its conclusion that the company, having allegedly inflated its expenses, underpaid the state \$63.6 million in natural gas royalties (a penalty of more than 18 times the state's alleged loss). Exxon Mobil said its expenses were legitimate, that it owed the state nothing, and that it would appeal. One juror said afterward that the fact that the Alabama government is in such dire financial straits and needs the money might have influenced his vote (though that was not legally proper).

TODAY IN HISTORY

FORTY YEARS AGO, ON OCT. 14, 1964, civil rights leader Martin Luther King Jr. was named winner of the Nobel Peace Prize.

■ **In 1912,** Theodore Roosevelt, campaigning for the presidency, was shot in the chest in Milwaukee. Despite the wound, he went ahead with a scheduled speech.

QUOTE OF THE DAY

"Ninety-nine percent of failures come from people who have the habit of making excuses."

GEORGE WASHINGTON CARVER

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Carolyn Sackariason/Daily Press

Rick Solomon, an employee at Fisher Lumber, cuts wooden planks for customer Michael Butte, a carpenter (not pictured). Solomon will soon be out of a job now that City Hall has purchased the property where the lumber yard sits.

Crosswalk accident trial yields to judge

BY KATHLEEN BISHOP

Special to the Daily Press

SM Courthouse — Lawyers here made their closing arguments Wednesday in a case brought against the city of West Hollywood by a man who was permanently injured in a 2001 accident at the intersection of Sunset Boulevard and Alta Loma Road.

Santa Monica attorney Browne Greene, who is representing Jason Eli Sayers, finished his closing statements on Wednesday. Defense attorney Scott C. Haith was expected to finish his final arguments late Wednesday.

Santa Monica Superior Court Judge Valerie Baker is expected to make a verdict in the next few days.

Sayers was brain damaged after being hit by a car driven by Danielle Mason on April 24, 2001. Sayers

filed suit against the city on Dec. 6, 2001 for negligence and dangerous condition of public property.

Greene attempted to prove that the condition of the intersection was dangerous and that the city's defenses didn't have merit. He cited letters from residents alerting city staff about problems at the intersection and the city's decision not to improve the conditions. He also cited expert testimony and referred to Sayers' and Mason's cautious behavior as evidence that the city was at fault for the accident.

City Hall buys 3 acres for \$18.5M

Fisher Lumber likely to be converted into a park

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — Elected leaders here voted unanimously Tuesday night to buy three acres of land in the heart of Santa Monica for \$18.5 million.

The Fisher Lumber site at 1601 14th Street sits adjacent to Memorial Park and likely will be used to expand the popular park, though officials must wait to make a formal decision on how to use the property until after hearing from the public.

Owned by K.C. Riverstone Ltd. but long operated by Fisher Lumber, the site has been eyed for years by City Hall, which missed a chance to buy it in 2002. Officials said they couldn't let that opportunity pass again.

"This is really a wonderful day for the people of Santa Monica," City Councilman Ken Genser said. "It's not often ... that we can buy large pieces of land and that's because they don't make them anymore, and there aren't a lot of

them around — and there aren't going to be any more, probably. So I think that when we have the opportunity we should really stretch to make the purchase. And this is going to be a stretch."

According to terms approved by the City Council, City Hall must hand over a \$250,000 deposit to enter escrow, which will close Nov. 29. The \$18.5 million price tag, which works out to \$146 per square foot, is consistent

See 3-ACRE CONVERSION, page 5

'Hedge community' grows on City Hall

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — A 56-year-old hedge law that sparked outrage in Santa Monica and drew an upwardly mobile group of residents into the local political fray appears to be on the chopping block.

Four months after the self-proclaimed "hedge community" beat down City Hall's door and demanded change, City Council members Tuesday night agreed to revisit the controversial law, which limits front hedge heights to 42 inches, and side and back yard hedges to eight feet.

Now a central theme in the Nov. 2 local election, the hedge issue first sprouted up last year after more than 100 residents were told to cut their hedges or be fined up to \$25,000 a day.

Facing complaints from hundreds of community members, the council in June decided to reconsider adjusting the side and back yard limits, but indicated the front yard restrictions should stay. The reason, council members said, is high hedges block out light and

See HEDGE ALLEGIANCE, page 6

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

*****-Dynamic ****-Positive ***-Average **-So-so *-Difficult



 **ARIES (March 21-April 19)**

*** Someone you care about could come down hard on you. Discussions help both of you understand each other and where you are coming from. Deep insights emerge through talks and your own reflections. Tonight: Check insurance policies and any other joint holdings.

 **TAURUS (April 20-May 20)**

**** Concentrate on communication. Return calls; schedule an impromptu meeting. While reaching out for others, you simultaneously reconnect and accomplish a lot. Networking in the late afternoon fits the bill. Tonight: Turn networking into socializing.

 **GEMINI (May 21-June 20)**

***** Charge whatever you are doing with creativity and energy. Concentrate on work or key tasks as the day becomes later. A boss might have a sudden set of expectations that you weren't even cognizant of. Tonight: Roll on home.

 **CANCER (June 21-July 22)**

**** Clear out issues related to your personal life so that you can focus on your work this afternoon. Manifest your well-known creativity. Someone close finds you unusually sensual and attractive. You might want to do something about this building magnetism. Tonight: Start the weekend early.

 **LEO (July 23-Aug. 22)**

**** Use the morning to clear out calls, run errands and handle any matters that involve interpersonal relationships. You're in your prime. Later in the day, you will naturally slow down and want to delegate. Tonight: Homeward bound.

 **VIRGO (Aug. 23-Sept. 22)**

**** Handle your finances through asking questions and perhaps updating some worn-out ideas. Brainstorming proves to be most beneficial, not only for you but for those around you. Use the afternoon to drive your points home. Tonight: Swap jokes with a pal.

 **LIBRA (Sept. 23-Oct. 22)**

**** You might feel weighed down, as you start the day with all your responsibilities and work on your plate. Discuss ways to delegate and/or find shortcuts. Your personality wins others over. Just ask. Tonight: Buy a fall item or new toy for yourself!

 **SCORPIO (Oct. 23-Nov. 21)**

*** You start the day slowly, but rev up to fifth gear by late afternoon. In fact, you are an unstoppable force. Place your energy where it counts. A friend's actions might surprise you. Give those you care about space to be who they are. Tonight: Just whistle — your world answers.

 **SAGITTARIUS (Nov. 22-Dec. 21)**

*** Use the morning to foster a long-term desire or goal. Friends not only support you but also suggest many good ideas. Talking about what you want and need is the first step. Use the late afternoon to do some quiet work. Tonight: Read, research, watch TV, but don't push.

 **CAPRICORN (Dec. 22-Jan. 19)**

**** You continue to assume control, but in a nice manner, so that others feel trusted rather than ordered around. Use a meeting to mobilize others toward a key goal, which simply might be better understanding between associates. Tonight: You might forget that tomorrow is a workday!

 **AQUARIUS (Jan. 20-Feb. 18)**

***** Reach behind the scenes, whether to get past gossip or to gain an understanding of where others are coming from. Through detachment, soul-searching and finding experts, you get answers. Assume greater responsibility. Tonight: Out late.

 **PISCES (Feb. 19-March 20)**

**** Others dominate your work and thoughts. Make sure to maintain eye contact with those you talk to. Make them feel important. Besides, their ideas are worth listening to. Check out facts. Do research. Tonight: Try a new activity or place.

Santa Monica Daily Press

Published Monday through Saturday

Phone: 310.458.PRESS(7737) • Fax: 310.576.9913

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LOCAL



COMMUNITY BRIEFS

Tip top nose riders in the ‘Bu

By Daily Press staff

Get lit up, fired up and pumped up when the surf comes up in Malibu this Saturday for a nighttime contest featuring five of the world’s best women long-boarders.

On Saturday, from 7 p.m. to 9 p.m., five of the world’s best women longboarders will light up First Point at Malibu’s Surfrider Beach in the latest Red Bull 5X surf event. Instead of a normal daytime surf contest, the event is taking place at night. The break will be lit up with 180,000 watts of power making it look like a bright summer day on a July weekend.

Malibu is reputable for its long, right peeling waves, its influence on surf culture and, of course, its notorious crowds. By lighting the break at night, the Red Bull 5X will retain Malibu’s good qualities, but drop the bad one: The congested lineup. The five women longboarders — consisting of Kassia Meador, Kim Hamrock, Daize Shayne, Mary Osborne and Schuyler McFerran — will have First Point all to themselves as they utilize the Red Bull 5X format to express the beauty and grace which is inherent to women’s surfing.

A public post-surf party is slated at the Malibu Inn across the street, 22969 Pacific Coast Hwy.

Red Bull also has brainstormed a new pick up game of surfing. Round up five surfers and head to your favorite break. Throw in \$5 each, paddle out, and surf for 90 minutes straight. Then, judge each other on these five criteria: Torque, boost, push, mojo and combo. The winner gets the cash. But more importantly, the winner gets the respect.

Here’s the judging criteria:

Torque: Best turn. Complete the most impressive maneuver performed on a wave.

Boost: Think “boost” your toes to the nose.

Push: Most creative. Demonstrate the most innovative or imaginative maneuver performed on a wave or in the air. Attempts count.

Mojo: Most connected. Demonstrate masterful wave judgment and utilization for example, the deepest tube.

Combo: Smooth linkage. Complete the most impressive combination of two or more of the above on a single wave with a clean transition.

The format can be done by anyone, anywhere. It opens the doors for a full range of surfing styles and wave conditions — from 1’ waves at San Onofre on longboards with friends, to the most progressive surfers displaying high-performance antics.

The women will be empowered to adapt the Red Bull 5X criteria the way they see fit. The key is the five women judge each other and deem the winner themselves with a format that rewards creativity and innovation.

Raising the ‘Brundibar’

By Daily Press staff

Responding to popular demand, Santa Monica College, along with partner Los Angeles Opera, will reprise the Opera Camp production of “Brundibár,” the historic opera that was performed by Jewish children in Czechoslovakia’s Terezín concentration camp during World War II.

“Brundibár,” a special children’s opera performed by young people ages nine to 17, will be presented not only at SMC’s Madison campus, but also at the Dorothy Chandler Pavilion, as part of the Grand Avenue Festival in downtown Los Angeles, and at the Museum of Tolerance in Los Angeles.

Performances, which all are free, will be held at noon and 1 p.m. Friday, Oct. 15 at SMC’s Madison campus at Santa Monica Boulevard and 11th Street; at 1:30 p.m. and 3:30 p.m. Sunday, Oct. 17 at the Dorothy Chandler Pavilion, 135 N. Grand Ave., Los Angeles; and at 7 p.m. Monday, Oct. 18 at The Museum of Tolerance, 1399 S. Roxbury Dr., Los Angeles.

This is the fourth season that The Madison Project of Santa Monica College has partnered with Los Angeles Opera to train a broad cross-section of young people from throughout the Los Angeles area in voice and performance.



SURF REPORT

Today look for a fading mix of SW Southern Hemi and remnant NW swell. Northern LA County spots have knee-waist, high-plus waves with the most size and consistency at SW exposures. South Bay spots are mainly knee high while top spots in the north half of the bay see better sets. Slow rise in new round of NW/SW swell shows Friday. Winds are light in the morning and turn light onshore (W 8-12 knots) for the afternoon.

Today the water is:

67°

Write us at wood@smdp.com and tell us what the surf is doing today at your local break.



LOW TIDES

HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	1:22	0.4	1:22	2.4	8:04	4.5	7:05	5.1
SUNDAY	1:49	0.3	1:53	1.8	8:18	4.8	7:45	5.3
MONDAY	2:14	0.3	2:26	1.3	8:35	5.1	8:22	5.3
TUESDAY	2:39	0.4	3:00	0.7	8:54	5.5	9:01	5.4
WEDNESDAY	3:04	0.6	3:36	0.3	9:16	5.8	9:42	5.1
THURSDAY	3:30	0.9	4:16	-0.1	9:41	6.1	10:25	4.8
FRIDAY	3:57	1.3	5:00	-0.3	10:10	6.3	11:15	4.4

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The QLine

Recently, there has been much discussion in the news regarding sanitation problems in the alleys of Santa Monica. City officials say they are working with local business managers to keep these areas safe and sanitary, but they also acknowledge this is a 24/7 responsibility.

So this week, Q-line wants to know, “How can City Hall, business owners and Santa Monica residents

work together to better monitor and ensure the cleanliness and safety of the city’s alleyways?”

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

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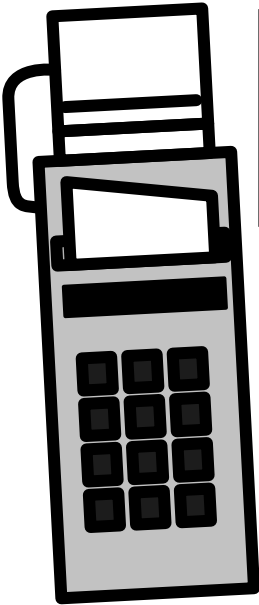
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OPINION



LETTERS TO THE EDITOR

I'd buy it

Editor:

Last week Rufus Baker wrote to alert renters of one City Council candidate's nefarious plot to have the City help us buy our apartments (SMDP, Oct. 7, page 4). Wow. I want to be a victim of that plot. I'm getting married in December. My fiancée and I would like nothing more than to settle permanently in Santa Monica, if we could afford it.

Baker says any city program to help renters buy their units is a plot to turn renters into homeowners. Well, a lot of us would like to become homeowners — don't our needs or desires count for anything?

It seems to me that Mr. Baker and the current city leaders are the ones with the really nefarious plot — to drive people like me out of town. What's wrong with a mix of affordable rental and owned housing in our city?

I'm voting for Bobby Shriver. I think he can change things and listen to all of us.

Julio Ballesteros
Santa Monica

On Grizzlies

Editor:

Regarding the letter published on Oct. 7, page 4. Unfortunately, Mr. Huemor, murderers are all too human. Grizzlies don't murder each other over ideologies.

Kimberly Balque
Santa Monica

Decided voter

Editor:

In response to the general media focus on undecided voters I am submitting the following:

Undecided? How come?

What is it with these undecided voters? This is one of the easiest election decisions we have ever had. You have a very clear record of the sitting president. You have a very clear picture of the senator.

George Bush maintains we need "four more years." This is a clear statement of what to expect. There is lot more you will be getting than years. You will be getting:

- More debt.
- More dead and injured fathers, sons, wives, mothers.
- More alienation of the rest of the world.
- More proliferation of weapons of mass destruction.
- More loss of civil liberties.
- More children being left behind.
- More poor and elderly unable to pay higher prices for needed drugs.
- More people without health insurance.
- More people out of jobs.
- More destruction of natural resources.
- More money for Enron, Halliburton, and other friends.

The list could go on, but how undecided can you be? If this is a picture of your ideal world, vote for Bush. If this is not your ideal, vote for Kerry.

F.A. Field
Santa Monica

Sticks, stones break bones but names never hurt

NEWS ON THE EDGE

BY RON SCOTT SMITH



Since last night's final Bush-Kerry debate finished well beyond bedtime for this newspaper's page 4, I sat here on the eve of the thing, staring at a blank document, unable to comment on results, left only to prognosticate. I would have told you to take Kerry and give the points if I could have gotten to you in time.

The focus was "domestic issues," and I ask you to count the number of times the president might have used the word "liberal" in an attempt to berate his opponent, as if calling him a dirty name.

A favorite book written by somebody named Webster, defines "liberal" as "marked by generosity," while it defines "conservative" as "marked by caution." So choose your mark.

I don't know about you, but I kind of like public libraries. My son checked out many a good book from those libraries on his way to growing up. Thank God for the extremely liberal notion that good books be available to all, not just those who would get them with a credit card at Barnes and Noble.

And you know what? He didn't have to pay a cent to go to Will Rogers Elementary where some of yours now go, then Lincoln Middle, then Agoura High School, where he learned and read many more books — because everybody willingly chips into a common pool for the betterment of all. Now that's the essence of liberal isn't it, free education for all? And anything close to liberal was bashed last night by the "compassionate conservative," wasn't it?

Big government is a big pain, to hear it from George W. Bush. Funny how a guy can rail on and on about it while he sits at its helm. But let him tell the millions in Florida what a pain it is as they hold their hands out, seeking relief from back-to-back-to-back devastating visits from Mother Nature. The anti-liberal president, ironically, is right there, handing out big government assistance in a bleeding-heart beat. Are his true colors shining through? Or is he displaying political cunning in a state that may well deliver the decisive electoral votes once again, as he begrudgingly brings thousands of hurricane victims onto the federal dole? How many of you right here in this community cashed a FEMA check in the wake of an equally devastating visit from Mother Nature — the earthquake of January, 1994? Even the staunchest anti-big government among you welcomed the "hand-out," I imagine. These are some mighty liberal concepts at work here, friends. Should America really be indulging in such beneficence?

You know what else is liberal? My mother and father, 77 and 79 respectively, worked hard all their lives, never to get rich. They receive a check in the mail every two weeks from big government that helps them live and love on. It's called Social Security and there was never a more liberal concept to hit America. And if they get sick, after contributing a lifetime of honest labor to the workforce of the wealthiest nation in the history of the world, they do have at least a slightly soft place to fall, and it's called Medicare, and it's as liberal as the day is long.

Now George W. Bush probably told you last night about his better idea for Social Security and Medicare. Something about how he wants us to take all that money and drop it into personal stock market ventures and medical savings accounts, because he doesn't think big government should run it. Funny, but the way he's squandered a record national surplus into record national debt would be his best argument for getting government out of the way of our money. I wonder if he used that argument last night. He says we'd be better off with the young Gordon Geccos at Merrill Lynch handing our S.S. money off to proven winners like buddies Kenny Lay at Enron and Denny Koszowski at Tyco, who could get you way bigger bang for your buck than any big government ever could. Only trouble is, you'll have to wait for those guys to get out of prison before they can start gambling with your money.

He's even coined an uplifting catch phrase that he hopes might fall off the tongue like Roosevelt's "New Deal." It's his "Ownership Society." The Bush vision is to transform America into the "Ownership Society." Go ahead, say it out loud. Inspirational, isn't it?

It's bleeding-heart liberals, too, who Bush would say have corrupted the American workplace, by instituting anti-business measures like minimum wage, guaranteed overtime pay, workplace safety, child labor laws, and anti-discriminatory hiring practices. And if you lose your job — but that never happens in Bush's America — the spend-happy liberals came up with something called "unemployment insurance," to help you keep the lights on while you navigate your way into the next corrupted workplace.

Liberals have come up with a bevy of other harebrained concepts too, which somehow have managed to hold their ground through the current neo-conservative onslaught. Concepts like civil rights, women's rights, gay rights, poor man's rights, are holding on, but watch your back all of you. America has lately been officially declared "an even playing field," and be damned if you can't step up in here and play ball the way they say you play it.

(Ron Scott Smith doesn't want to play in the Bush game. E-mail him at edgeofthewest@aol.com).

OPINIONS EXPRESSED are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to sack@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.

LOCAL

Turning Fisher into a park will cost millions

3-ACRE CONVERSION, from page 1

with fair market value, said Miriam Mack, who oversees City Hall's real estate transactions.

In order to find the money for the project, City Hall will borrow \$10 million from its wastewater and water funds, said Mack, who added the rest of the money will come from funds left over from the recently constructed new police and fire headquarters, as well as one-time savings left over from last fiscal year. Council members also agreed Tuesday night to allow staff to issue up to \$50 million in bonds to replenish those funds.

Part of that money also could go towards the cost of converting the lumber yard into a park, perhaps with underground parking and playing fields. Though plans haven't been discussed and it's too early to say how much a new park would cost, Mack said converting the land will definitely cost millions of dollars.

"Park development could be as much as \$3 million an acre ... it could be almost as much as the (\$18.5 million) acquisition," Mack said Wednesday.

Fisher isn't closing down because of profit losses, manager Mitch Byard said. It's closing because Washington-based

lumber firm Weyerhaeuser Company, which owns Fisher and several other lumberyards, decided to put the land on the lucrative market.

"They wanted the money. I guess we couldn't give it to them, but we're doing fine," Byard said. "I think there's a lot of things there. I guess they viewed it that way (as an issue of money). I didn't view it that way, but they did."

Elected officials couldn't discuss potential uses for the site at the Tuesday meeting, but they said Santa Monica suffers from a shortage of open space and officials have long looked at the property as a way to remedy that.

Seven members of the community spoke about the purchase, each of them praising the council and urging it to get to work expanding Memorial Park.

"Although I understand that acquisition is the issue on the table tonight, I think you are also aware that the issue in Santa Monica is that we don't have enough open space, we don't have enough park space," said Susan Cloke, vice chairwoman of City Hall's Recreation and Parks Commission. "We can't accommodate our youth, we can't accommodate anybody ... This is the constant refrain in this city."

City of WeHo accepts no responsibility in car accident

YELLOW LIGHT, from page 1

ed lines were all safety precautions at the intersection at the time of the accident. Greene claimed many of them were not functioning properly, causing dangerous conditions. The pavement lights were broken, the signs were obstructed by foliage, and the lack of zebra lines in the crosswalk made it was difficult to see, he argued.

Both the city and Greene agree that the pavement light system was broken for up to nine months before Sayers' accident.

"Why wait and expose thousands of people, not only pedestrians, but drivers as well, to these conditions?" Greene asked. He called the light system unreliable and said the city was negligent for not fixing it at a high-traffic, high-speed intersection, especially when they knew it wasn't working.

Haith argued that Sayers' and Mason's lack of care was the cause of the accident. He also argued that Greene failed to prove that the conditions were inherently dangerous and they didn't show substantial risk of injury. He said Sayers didn't take the precaution of looking around the two cars yielding to him to see if more were coming

in the other lane. Haith also disputed Greene's claim that Mason slowed down and thought yielding cars were pulling into a driveway, or were double parked.

"Ms. Mason did not know there was a driveway there until after the accident," Haith said. "They're saying every possibility was running through her head except for the most logical thing — that there was an intersection and a crosswalk."

Mason's home is two blocks from the intersection and she had driven past it before, Haith said.

Haith called the light system experimental rather than unreliable and said the city had adequate cause not to fix the lights, mostly because a traffic signal was planned to be installed there.

Even without the lights, Haith argued that the intersection was just like every other unsignaled crosswalk in the city and Sayers exaggerated the obstruction of the signs. Haith said since 1990, the intersection had about one pedestrian accident per 35 million cars, which is less than the expected accident rate of one accident per 40 million.

A 1997 State of California report said West Hollywood had the "worst pedestrian accident rate for the 98 cities in the state."



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LOCAL

Hedge law to return to council in early 2005

HEDGE ALLEGIANCE, from page 1

create a "walled fortress" effect.

Hedge activists responded in force. They held meetings, researched laws in other cities, even placed two candidates on the Nov. 2 ballot. And they showed up Tuesday to reiterate their concerns.

"Frankly, I do think it's outrageous, and that's my British roots understatement, for you all to tell us what to do," said resident Britt Allcroft, who lives on the busy Nielsen Way in Ocean Park.

"I would ask that you please leave us alone to nurture in our own individual way what God, however you wish to interpret God, has given us. And concern all your talents and our taxpayer money on issues that you need to look at, and with our help. Otherwise, I fear that this city will slide in some kind of permanent abyss."

Allcroft was one of nearly 40 people to speak to the council in favor of hedges, each wearing a green ribbon pinned to their shirt. Included among the speakers were council candidates Bill Bauer, Kathryn Morea and Bobby Shriver, who has led the hedge crusade. Just two people spoke in favor of the old law.

"I feel like in civilized societies there are circumstances in which we give up some of our individual rights or desires for the good of the community," said 27-year resident Cynthia Cotton. "I am here tonight to plead with you to uphold the historical Santa Monica value for open space in front yards."

The comments made by Cotton and her husband, who also favored the hedge law, were drowned out by members of the hedge community, some of whom suggested there be no law at all.

"I happen to think that some hedges are pretty good looking," said resident Ed Solomon. "I actually think they're usually better looking than these ridiculous houses that are going up. In fact, I wish you would impose mandatory hedges. If you're going to have any ordinance about hedges, please do that."

Aaron Mendelsohn, who lives north of

Montana Avenue, said City Hall had been after his hedge for two years.

"I don't usually come to City Council meetings and I'm really surprised to see you all look like really nice people, because based on my interaction with you, I thought you were a bunch of sand-box bullies," Mendelsohn said. "Now it's come to this, where people feel very strongly and there's going to be a lot of people working to make systemic changes in the City Council, because we don't think you're reasonable."

"You advance with steel and then, when you encounter steel, you respond in this way ... which was Lenin's old tactic," he added. "I always liked Lenin, but his five-year plans never got done."

The message apparently got through. Not only did three of the council members apologize from the dais Tuesday for the way residents had been treated, but the entire council reversed course and agreed to look into allowing existing hedges to stay, as well as higher hedge heights in front yards. City staffers said they would return in early 2005 with analysis and suggestions for a new law.

Meanwhile, officials disagreed over the cause of the hedge dispute.

"The ordinance was written in 1948," said City Councilman Kevin McKeown, after apologizing for the way residents were treated in the hedge debacle. "In 1948, I was one of those toddlers in the front yard playing with a hose. So it's not this council that wrote the ordinance, we sort of got backed into this."

Once McKeown had finished delivering his comments, City Councilman Herb Katz jumped in.

"What I just heard absolutely throws me," Katz said. "With the idea that the reason this happened was complaint driven and that's gotten us in trouble. It is just the opposite. Just the opposite. When we didn't do it, when we left it alone except by complaint, we didn't have a problem. This council went on record saying, 'We're going pro enforcement.' That's what started it."

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Giving stock away can prove lucrative



IT'S YOUR BUSINESS

BY JOHN KIM

When making a gift, or fulfilling a pledge, you might want to consider using stock as opposed to cash, especially if the stock has a capital gain and has been held longer than 12 months. The simple reason is that the net cost of the gift, after considering tax issues, may be less when gifting stock.

As an example, suppose you wanted to make a gift of \$1,000 to favorite charity. Instead of giving cash, you gift 10 shares of a stock currently trading at \$100 per share. You have owned the stock for three years, and your basis in the stock is \$10. So, \$90 per share represents a long-term capital gain. In essence, the stock has a capital gains tax liability of \$135 (\$90 x 15 percent x 10 shares). This computation is for illustrative purposes only and assumes a 15 percent capital gains tax rate.

If you were to sell the stock, you would owe \$135 in capital gains tax. So, think of your \$1,000 gift as really only "costing" you \$865. A straight gift of cash, on the other hand, would cost the full \$1,000. Hence the stock is actually less expensive to gift than cash.

There's actually a somewhat complicated formula which you can use to figure out the real after-tax cost to you. For a gift

of cash, the "cost" is equal to the gift minus your income tax rate times the gift. If you're in the 35 percent bracket, for example, your \$1,000 gift will "cost" \$650 (\$1,000 minus \$350). If the gift is one of long-term capital gain property, like the stock example above, then the formula gets more complicated. It figures the "cost" just like with a gift of cash, but then subtracts the potential capital gains tax — because that is actually being "saved" when you make the gift of stock to charity. In our example, it would be \$650 minus \$135, or a net cost of \$515: It "costs" \$650 to gift the cash, but only \$515 to gift the stock. The difference? That \$135 of capital gains tax liability.

Of course, it's probably much simpler just to calculate your potential capital gains tax liability and then subtract it from your gift. That's what you're really saving. In short, consider making gifts of appreciated stock rather than cash — it can save you money and ensure that charity gets what you want it to have.

(John S. Kim is a financial consultant with Smith Barney in Beverly Hills. Call (310) 205-4939, or visit www.fc.smith-barney.com/jkim. Smith Barney does not provide tax or legal advice. Consult your own personal advisors for such information. This article is based, in whole or in part, on information provided by Smith Barney. Smith Barney is a division and service mark of Citigroup Global Markets Inc. Member SIPC.)

Feds call for crackdown on copyright infringement

BY GARY GENTILE

AP Business Writer

LOS ANGELES — A federal task force has recommended expanded investigative and prosecutorial powers to combat intellectual property theft ranging from counterfeit drugs to swapping songs over the Internet.

Wiretaps should be allowed to investigate intellectual property theft that threatens health and safety and more investigators should be added in key U.S. cities and in piracy hot spots in Asia and Eastern Europe, the report released Tuesday said.

"With the recommendations put forward by the task force, the department is prepared to build the strongest, most aggressive legal assault against intellectual property crime in our nation's history," U.S. Attorney General John Ashcroft said.

The report also endorsed the rights of companies to compel Internet service providers to turn over the names of people who have traded songs, movies, software or other copyright-protected items over the Internet.

That power is included in the 1998 Digital Millennium Copyright Act, but has been challenged by companies, such as Verizon Communications Inc., which want to protect the identity of their subscribers.

The U.S. Supreme Court on Tuesday declined to hear an appeal of a lower court ruling in favor of Verizon. Other similar cases have been or are expected to be brought to the high court.

Ashcroft declined to comment on the Supreme Court's action, saying that his department might have to be involved in future, similar cases. But he defended the

task force's recommendations.

"We believe people in the private sector have a responsibility to address these threats in the civil dimension as the law allows them and we have a responsibility to address these matters criminally," Ashcroft told The Associated Press in an interview.

While much of the attention on intellectual property has been focused on protecting songs, movies and computer software, the Intellectual Property Task Force report cited counterfeit drugs, brake pads, cell phone batteries, baby formula and other items that can cost lives as well as cost their makers millions in profits.

Such theft costs American companies \$250 billion per year, the report estimated. Sales of copyrighted materials alone accounted for 6 percent of the nation's Gross Domestic Product in 2002.

Companies that produce films, music, books, software and other copyrighted material employed 4 percent of the nation's work force in 2002, the report said.

The report included a list of recommendations, such as increasing the number of FBI agents assigned to investigate intellectual property theft and fraud.

The report also suggested expanding educational efforts in schools to prevent illegal file sharing.

It also included principles to be adopted when evaluating pending legislation. One of the principles backs a provision of current copyright law that makes it a crime to circumvent software locks that protect movies on DVD, songs on CDs or other software.



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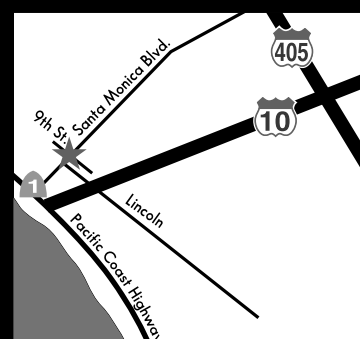
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NATIONAL

CA agency would help Vegas 'bank' water

By The Associated Press

LAS VEGAS — Southern Nevada would get a new water savings account, while California would gain access to more of the Colorado River under an accord approved by the Metropolitan Water District of Southern California.

The interstate agreement reached Tuesday seeks to send a portion of Nevada's unused Colorado River water downstream for use by California. In return, Nevada would get credit for the water and the ability to draw it out of Lake Mead at a later date, when the state needs more than the 300,000 acre-feet that make up its annual allocation.

Pat Mulroy, general manager of the Southern Nevada Water Authority, called the agreement a "virtual bank" for Nevada and said the state's first deposit of 10,000 acre-feet could come before the end of the year.

"Met approached us on this one," Mulroy said. "It really starts building this atmosphere of cooperation that we're going to have to have to get through this drought."

The agreement was worked out over the past month by officials from the water authority, Metropolitan, the federal Bureau of Reclamation and the state's Colorado River Commission.

"It's a small step in the states working together on the river," said Jeff Kightlinger, Metropolitan's general coun-

sel. "As the drought continues, we hope to see more cooperation."

The Los Angeles-based utility plans to blend the Colorado River water it gets from Nevada with water it draws from resources within California so it can meet water quality standards until new treatment facilities are completed in four to five years.

The agreement is expected to come to the water authority board for approval Oct. 21.

It also will require the final blessing of the Bureau of Reclamation, which carries out the interior secretary's role as water master for the Colorado River.

In 1999, the bureau adopted regulations allowing interstate agreements on the storage of Colorado River water.

Thanks to those regulations, Nevada already has access to as much as 40,000 acre-feet a year from Arizona's ground-water bank, where the water authority has stored 110,000 acre-feet of water under an agreement struck in 2001.

Water authority officials are in talks with counterparts in Arizona about the best way to increase that bank balance to its full 1.25 million acre-feet, perhaps through extension of a line of credit to Nevada.

Mulroy said she expects to deliver such an agreement to the water authority board in November.

"There's a much bigger deal coming with Arizona," she said.

Reservation home ownership reported to be on the rise

By The Associated Press

PHOENIX — Casino jobs and innovative legal and financial programs are helping boost home ownership on American Indian reservations, as employment rises with gaming and legal obstacles are addressed.

In the past, the legal status of reservation land made banks unwilling to fund conventional loans. A host of other barriers to home ownership also kept many units substandard.

"There have been two big impediments to housing: jobs and a legal structure to allow mortgages," said Stephen Hart, a lawyer with Lewis and Roca, a Phoenix law firm working with a state task force to increase reservation housing.

"The issue of jobs is being answered in part by gaming," Hart said. "Not just gaming jobs, but probation officers, policemen, court clerks. These people make money, and they want to buy a house and invest in the community."

Tribes are educating members about financing, helping them address credit problems and speeding title searches on tribal land, which has taken up to three years through the federal Bureau of Indian Affairs. A title search is needed before lenders will make a loan.

"People finally understood that, the way the BIA did things, this would never change. There isn't enough money," said Sheila D. Harris, director of the Arizona Department of Housing. "So we had to

figure out how to take the money we have and do more with it."

Last year, Arizona Gov. Janet Napolitano and tribal leaders formed a Tribal Housing Task Force to work on ways to increase housing.

The classifications of reservation land caused problems, Harris said. Reservation land cannot be taken over by nontribal entities.

"Tribes needed a lending structure that was easier to navigate," Harris said.

Different programs have begun on different Arizona reservations.

On the Salt River Pima-Maricopa Indian reservation, the federal government has guaranteed a mortgage for a home. If the owner defaults, the bank can foreclose and the tribe can buy her house. The land, however, remains in trust for her family.

The Navajo Nation has developed a program that allows the Navajo Housing Authority to guarantee loans.

"We are taking what typical American people enjoy and bringing it to the reservation," said Chester Carl, chairman and executive officer of the Navajo Housing Authority.

Carl said the tribe put aside a reserve account to offset any delinquencies or foreclosures, with a goal to finance at least 500 mortgages a year.

"The hope is that we'll eventually provide a shelter to every family in need of a house," Carl said.

INTERESTED IN YOUR DAILY FORECAST?
CHECK OUT THE HOROSCOPES ON PAGE 2!

NATIONAL

Spurning machines, Oregon stays low-tech

BY BRAD CAIN
Associated Press Writer

SALEM, Ore. — While other states pursue high-tech voting machines in hopes of avoiding a repeat of the Florida fiasco of 2000, Oregon proudly continues with its uniquely low-tech system of voting by mail.

Oregon abolished polling-place elections in 1998. The result is that Election Day 2004 in Oregon will actually be a 19-day affair that begins Friday with 2 million ballots being sent to the homes of registered voters.

They can then cast their ballots in the comfort of their own home and on their own timetable before mailing them back to local election offices before Nov. 2. Voters can also hand-deliver their ballots to designated drop sites on Election Day.

Voters seem highly satisfied with the switch, but other states are leery of following the lead of Oregon, a battleground state won by Democrat Al Gore in 2000.

“Oregon has been proselytizing this system aggressively, but there is unease about it” in other states, said Norm Ornstein, a political analyst at the American Enterprise Institute in Washington, D.C.

Ornstein and other analysts worry about fraud, as well as the potential for coercion that arises when family members fill out ballots together at home.

"Voting at a polling place provides a zone of privacy," he said. "Oregon's culture may not encourage corrupt activities, but that doesn't stop husbands looking over the shoulders of their wives while they are voting."

State officials say elections have been squeaky clean, and they tout the convenience of the system.

Oregon voter registration numbers head for stratosphere

BY JULIA SILVERMAN
Associated Press Writer

PORTLAND, Ore. — The way state Elections Director John Lindback tells it, his counterpart from Colorado just wanted some fresh air during the meeting of the National Association of State Election Directors held in August in Portland.

“So he went for a walk around the block,” Lindback said. “He came back and said he was asked if he was registered to vote — three times.”

In the swing state of Oregon, get-out-the-vote efforts have been raging for months. Even the notoriously recalcitrant Trail Blazers are publicly registering to vote.

Tuesday was the final day to register. Final numbers won't be available until Friday, but Anne Martens, spokeswoman for Secretary of State Bill Bradbury, said Wednesday that Oregon could see a spike of up to 200,000 additional registered voters this year

About 2.6 million people in Oregon are eligible to vote; about 1.94 million registered for the previous presidential election.

There are plenty of explanations, not least the hot-button issues of the day, from the hundreds of Oregon National Guardsmen serving in Iraq to the state's still-pokey economy.

"Last time I didn't vote, and everyone said, 'Why not?'" said 22-year-old Fahad Ullah, an electrical engineering student at Portland State. "Now, the economy is bad, everything is bad. I'm voting Democratic, definitely."

But 18-year-old Kathryn Taylor, a health studies major at Portland

“People can actually study their voting materials, and they can mark their ballots at the kitchen table,” Oregon Secretary of State Bill Bradbury said. “It's a wonderful recognition of people's busy lives.”

Plus, vote-by-mail has been successful in boosting voter turnout and reducing election costs, Bradbury said.

Nancy Dunn, a health care consultant and registered voter, is an enthusiastic supporter of vote-by-mail.

“I love it,” the Salem resident said. “I can sit on my couch, in the quiet of my own home, and not feel pressured to vote quickly. You can take your time and vote at your own convenience.”

Some other states are moving in the same direction.

Washington state, for example, allows voters to become “permanent absentees” and sign up to receive ballots by mail. Almost 70 percent of that state's voters cast mail-in ballots in 2000.

Vote-by-mail had been used in local elections around Oregon since the early 1980s, but the state's voters decided in 1998 to scrap polling place elections altogether.

Critics of Oregon's system say it is open to abuse because it allows political campaigns to keep track of which voters cast ballots during the 19-day voting period. It is perfectly legal for political parties to contact people who have not voted yet and to offer to deliver their ballots for them to local election offices.

For example, America Coming Together, a group backing Democrat John Kerry, plans to send out teams of volunteers to collect ballots from voters the group has identified or registered.

“We don't have evidence of fraud in the system, but it's a real concern,” said Bill Lunch, who teaches political science at Oregon State University.

State, said her first presidential vote would go to President Bush.

“We are in a war, and we should keep the same leader,” Taylor said. “Bush will do a better job.”

Plus, Oregon may not be Pennsylvania, Ohio or Florida, but it has had far more of its share of visits from President Bush, Democratic challenger John Kerry and their stand-ins than any small Western state with only seven electoral votes has a right to expect.

Bush is back in Southern Oregon on Thursday, following on the heels of vice-presidential candidate John Edwards, who was appearing in Medford, Eugene and Portland on Wednesday.

Then there's the razor-thin margin by which Al Gore won the state in 2000 — less than one-half of 1 percent — giving people the impression that their individual vote could make the difference.

“Every vote is going to count,” Taylor said. “Four years ago, you saw that too.”

Finally, Oregonians have been accosted at farmers' markets, university campuses and shopping center parking lots by armies of volunteers seeking to sign up voters.

The list of groups working in the state spans the political spectrum, from liberal America Coming Together to the College Republicans to the nonpartisan New Voters Project, which organizers say has registered 50,000 18- to 24-year-olds in Oregon.

“Our lives have been consumed by registering people to vote,” New Voters Project staffer Liz Saxe said Tuesday.



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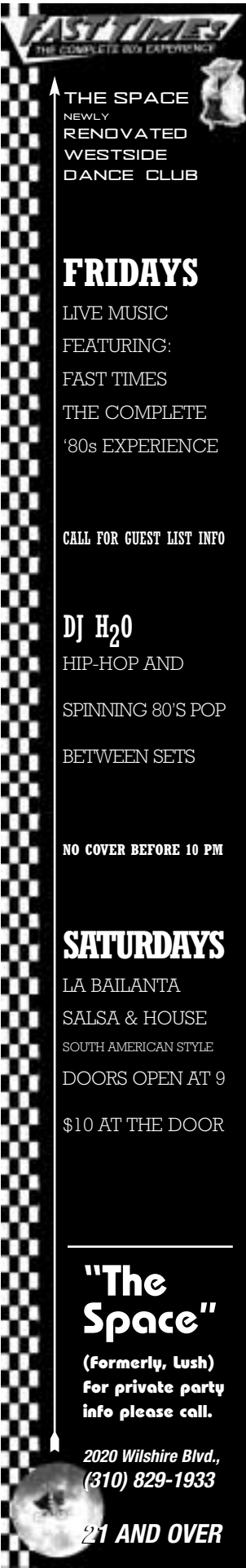
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NATIONAL

Dome-building eruption creates eerie red glow at St. Helens

BY PEGGY ANDERSEN

Associated Press Writer

SEATTLE — The ongoing dome-building eruption at Mount St. Helens could last for days, weeks or months, and nighttime views of the peak now include a red glow from lava surfacing at nearly 1,300 degree Fahrenheit, scientists said Wednesday.

Clouds also can reflect the glow of red-hot stone, geologist Tina Neal of the U.S. Geological Survey told a Wednesday news conference.

The emerging lava dome — a "fin" of rock that was estimated Tuesday to be between 60 and 90 feet tall and between 150 and 180 feet wide — "appears to have grown somewhat," Neal said, speaking at the Cascades Volcano Observatory in Vancouver, Wash.

That's consistent with lava's continuing to extrude onto the floor of the crater, she said, but scientists do not yet have updated measurements. The growing mass is just behind an existing dome that began forming in the months after St. Helens erupted in May 1980.

The fin, at about 750 degrees, also has a pinkish cast "like medium roast beef," Neal said.

The eerie glow from within the crater "is entirely consistent with these kinds of temperatures," she said.

New instruments were placed on the emerging mass by helicopter Tuesday. The equipment is at risk from falling rock and other hazards, but the information they provide while they last will be helpful, Neal said.

Neal and other scientists say they don't know how long the eruption might continue, or whether it will be

marked by explosive blasts of ash. In its last major eruptive phase before the 1980 blast, the mountain stirred intermittently for 57 years, starting in 1800.

Seismic levels remained low at the 8,364-foot mountain, indicating a steady flow of magma inside the volcano, Neal said.

The area immediately around the mountain remained closed. The alert level remains at a mid-range "volcano advisory," but scientists have said an explosive eruption could occur with very little warning.

Explosive discharges and other abrupt changes, mostly driven by variations in the flow of gas-rich magma, occurred throughout the six-year dome-building process that followed the 1980 eruption. The top of the new dome is nearly level with the old one, which rises nearly 1,000 feet from the sloping crater floor.

The emergence of lava Monday followed 2 1/2 weeks of unrest — earthquakes and steam and ash bursts — that began Sept. 23.

Experts say that with no hindrance at the surface, any explosion would likely send gritty ash and steam straight up, raising concern for aircraft and cars in the area. It likely would be far less dangerous than the lateral explosion of 1980, which blasted mountaintop debris nearly 20 miles north and led to a massive landslide, killing 57 people and paralyzing much of the state with a thick layer of gritty ash.

Water from rain, melting snow and the crater glacier could cause mudflows, but the silt likely would be contained by a sediment dam west of the mountain, miles from populated areas.

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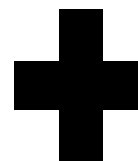
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NATIONAL



Can Iraq follow election success of Afghanistan?

BY GEORGE GEDDA

Associated Press Writer

WASHINGTON — Even as the Bush administration savors the peaceful election in Afghanistan, anxiety is rising about the planned voting in the other grand U.S. nation-building experiment, Iraq.

There were 9,000 non-U.S. NATO troops in Afghanistan on Election Day. The United Nations and other international organizations had 600 election experts on the ground.

Outside help in Iraq is far more meager as the country prepares for its own election in January, aside from the U.S. and coalition forces stationed there.

NATO, with only 40 troops in Iraq, and the United Nations, with just 35 officials there, are a barely visible presence. And less than a third of the U.N. staff are election specialists. The rest are there to protect them.

Will Iraq be able to match Afghanistan's electoral feat?

That seems like a long shot because Iraq's hard-bitten insurgents are determined to block the balloting and because of uncertainties about outside support.

NATO has promised 300 military trainers in Iraq by year's end, too late to make a difference in the January elections. John Hulsman of the Heritage Foundation said it is far from coincidental that the European allies are biding their time. "They are not going to do anything that would be the least bit helpful to the administration," he said.

Most NATO governments are understandably shy about dispatching forces into Iraq's life-threatening environment. Partly because of his Iraq commitment, the popularity of British Prime Minister Tony Blair is at a low ebb.

As it did in Afghanistan, the United Nations is supposed to play a key role in helping organize the Iraqi elections. And the Iraqis, devoid of any electoral experience, need all the help they can get. Absent a significant in-country presence, U.N. experts assembled outside the country are training Iraqis in voter registration and in carrying out election day duties at polling stations.

But a large in-country U.N. deployment in Iraq is not in the cards. Indeed,

unions representing the U.N.'s 60,000 employees believe the small group now there now should be withdrawn because of the "unprecedented" dangers.

The election will be to choose a 275-member legislature, whose main task will be to draft a permanent constitution. If the voters ratify the document, it will provide the legal basis for a second general election by the end of next year.

Holding a national election is no mean task for a country with no electoral legacy, equipment, infrastructure or trained personnel. Carina Perelli, the lead U.N. election specialist, believes that 275 U.N. staff would be needed to help prepare for a proper election, according to a U.N. Security Council diplomat.

One option for the Iraqis would be to put off the election until well into 2005. For now, President Bush and Prime Minister Ayad Allawi oppose any delay. Perelli is said to favor a postponement.

The Bush administration has been searching for countries willing to send forces to Iraq to protect a robust U.N. force. But the only breakthrough thus far is Georgia, which has offered 549 troops, an administration official said.

The administration is making its case for Iraq in other forums. Defense Secretary Donald H. Rumsfeld was appealing for more NATO support Wednesday at a meeting of alliance defense ministers in Romania.

And Richard Armitage, the No. 2 official at the State Department, was prodding wealthy countries at a donor's conference in Japan to be generous with Iraq.

Secretary of State Colin Powell is somewhat less categorical than he was earlier this month about Iraq's ability to hold elections on schedule.

"I believe that general elections will take place at the end of January of 2005 but I don't underestimate this insurgency," Powell said Tuesday.

He spoke in an interview with al-Hurra, the U.S. government-backed television station, tailored for Arab audiences.

"It is a difficult insurgency. ... We are working hard to build up Iraqi forces as hard as we can so that, increasingly, they can work with the coalition in putting down the insurgency."

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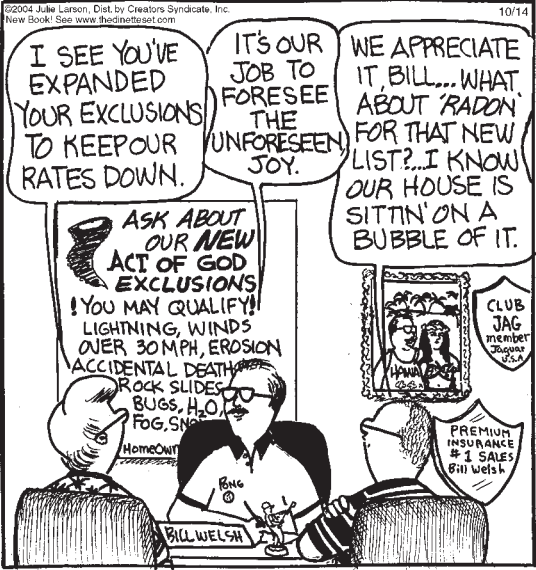
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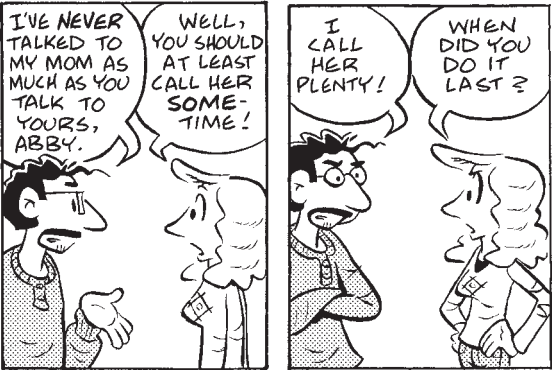


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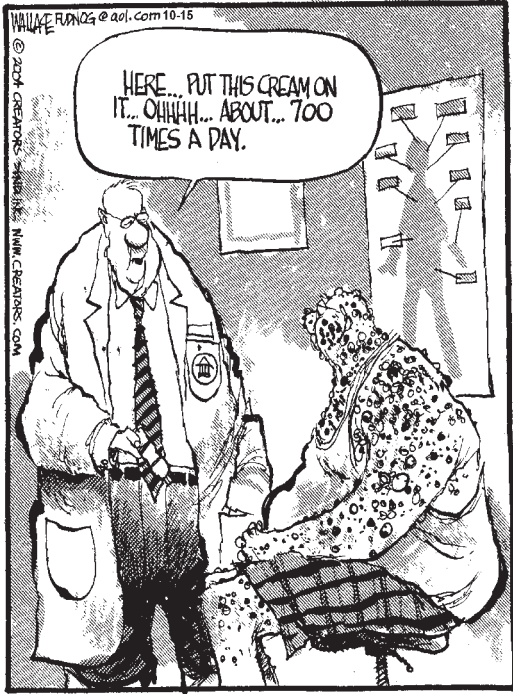
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- 24 Banish
- 25 River part
- 27 Fitting
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- 29 Pothole patchers
- 32 They're hard to pass
- 36 Invented
- 39 Notion
- 40 Asylum seeker
- 41 Asian society
- 42 Dianne of "Parent-hood"
- 43 Important times

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- 5 Calamari
- 6 Some shoes
- 7 Farm father
- 8 Hot blood
- 9 Hair holder
- 11 Hair holder
- 15 Lug
- 17 Sentry's order
- 18 Director Preminger
- 19 Erode
- 25 Accomplishment
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Yesterday's answer

- 20 Goneril's father
- 21 Trade show
- 22 "La Dolce —"
- 25 Accomplishment
- 26 "Stuart Little" writer
- 28 Curtain
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Obituary

Ronald J. Curtiss

(Ron) passed away on Oct. 9, 2004 at St. John's Hospital in Santa Monica after a 1 month illness. He was a 42 year resident of Santa Monica. Born on march 30, 1928 in Chicago, he moved to Minnesota, and to California at age 17 to attend UCLA. He graduated with a Business Administration major from UCLA, where he played on the golf team in the 1950s. While a student, he served in the U.S. Army for 19 months at Camp Beale and Camp Stoneman in Calif. He was awarded a World War II Victory Medal. Ron worked as a real estate appraiser for the County of Los Angeles until retirement in 1978. He was married in in 1961 to his wife of 37 years., Barbara, who passed away in 1998. The couple had their only child, Robert, in 1965. ron took great pride and joy in volunteer work as a tutor for ESL students at Santa Monica College. Later in life he discovered his true passion as a teacher. An avid aviation buff, he volunteered for several years at the Donald Douglas Museum at Santa Monica Airport. Ron was an avid linguist, and spoke near fluent French and Spanish, as well as learning substantial amounts of Italian and Japanese. He was a great fan of history, music and art, particularly, Charles Lindbergh, Mozart, Ravel, Arnold Shonberg, Duke Ellington, Cole Porter, Shakespeare, Picasso and Paul Klee. He is survived by his son Robert, grandson James, and daughter-in-law Alison all of Pasadena, 626-793-7159. In lieu of flowers, donations can be made to the Pasadena Lions Memorial Trust, Cabot & Sons Chapel Chapel.

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