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WEDNESDAY, OCTOBER 21, 2009

Volume 8 Issue 299

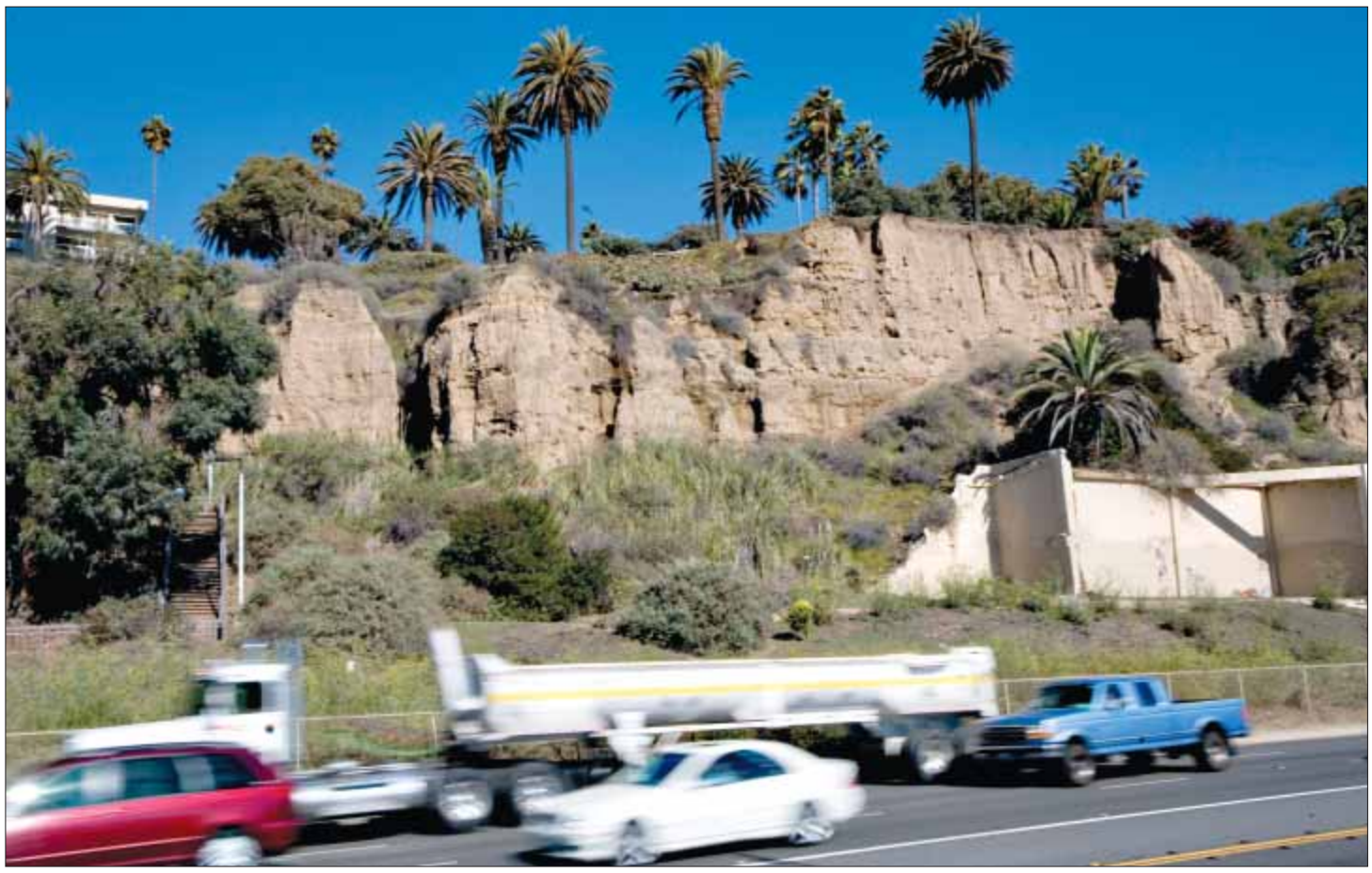


Santa Monica Daily Press

COLLETTI GETS NEW DEAL
SEE PAGE 16

We have you covered

THE WORK AHEAD ISSUE



Brandon Wise *brandonw@smdp.com*

SECURING THE BLUFFS: **Work will start Oct. 26 to stabilize 1.6 miles of the historic Palisades Bluffs in Santa Monica, forcing construction crews to close the northbound lane nearest to the bluffs between the hours of 8 a.m. to 3 p.m., Monday through Saturday.**

Morning commute to be impacted by bluff construction

BY DAILY PRESS STAFF

PCH Those who drive north along Pacific Coast Highway will have one less lane to use for the next six months.

Work will start Oct. 26 to stabilize 1.6 miles of the historic Palisades Bluffs in Santa Monica, forcing construction crews to close the northbound lane nearest to the bluffs between the hours of 8 a.m. to 3 p.m., Monday through Saturday. The closure, which will be in effect until April 30, 2010, will start at the McClure Tunnel and end at Santa Monica's northern

SEE **BLUFFS** PAGE 10

Apartment owner sued for violating fair housing laws

BY MELODY HANATANI
Daily Press Staff Writer

DOWNTOWN The owner of a series of conveniently located and high-end apartment buildings in Santa Monica is the subject of a federal lawsuit that raises allegations of discrimination and violations of fair housing laws.

Santa Monica Collection and Malibu-based Christina Development Corp. are accused of discriminating against 70-year-old Nadia Fino by refusing to accept a Section 8 housing voucher that she claims was necessary to pay for her unit of 23 years when she became unable to work because of a disability.

The lawsuit was filed Oct. 13 in the United States District Court Central District of California by the Southern California Housing Rights Center and the Legal Aid Foundation of Los Angeles, which are representing Fino.

They are asking the court for an injunction to halt the plaintiff's eviction, order the defendants to accept the housing vouchers and award compensatory, statutory and punitive damages to Fino. The plaintiff is also seeking the defendants to allow a second tenant in her unit as a live-in aide.

"I've completely exhausted my savings at this point," Fino said in a statement. "How am I supposed to continue to pay my rent on disability benefits alone?"

Representatives for the two companies could not be reached for comment.

Fino has lived in a two-bedroom unit at 1251 14th St. since 1986, a building which the Santa Monica Collection owns and the Christina Development Corp. manages. She currently relies on Social Security disability and Supplemental Security Income benefits.

While the plaintiff paid her rent through income from jobs in real estate, public relations and film and television, she was per-

SEE **SUIT** PAGE 12

State default notices drop by 10 percent

JACOB ADELMAN
Associated Press Writer

LOS ANGELES Mortgage default notices against California homeowners dropped during the past quarter, as lenders renegotiated more loans and took other steps to limit foreclosures, a real estate tracking firm said Tuesday.

Nearly 112,000 mortgage default notices were filed during the July-September period, a 10 percent drop from the 125,000 filed during the second quarter of 2009, San Diego-based MDA DataQuick said.

DataQuick President John Walsh said lenders might be intentionally slowing the pace of formal foreclosure proceedings.

"If so, it's not out of the goodness of their hearts," he said. "It's because they've concluded that flooding the market with cheap foreclosures in this economic environment may not be in their best financial interest."

A better tactic to stem losses could be to keep motivated, employed borrowers in their homes, Walsh said.

The latest figures marked a 19 percent increase from the nearly 92,000 default notices recorded in the year-ago period, when a new state law began requiring lenders to meet with borrowers to discuss possible remedies to foreclosure 30 days before beginning the process.


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Thursday, October 22, 2009

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The 15th Annual New Heroes Celebration welcomes all new teachers and school administrators, from preschool through college, and new police and fire personnel to the Santa Monica community.

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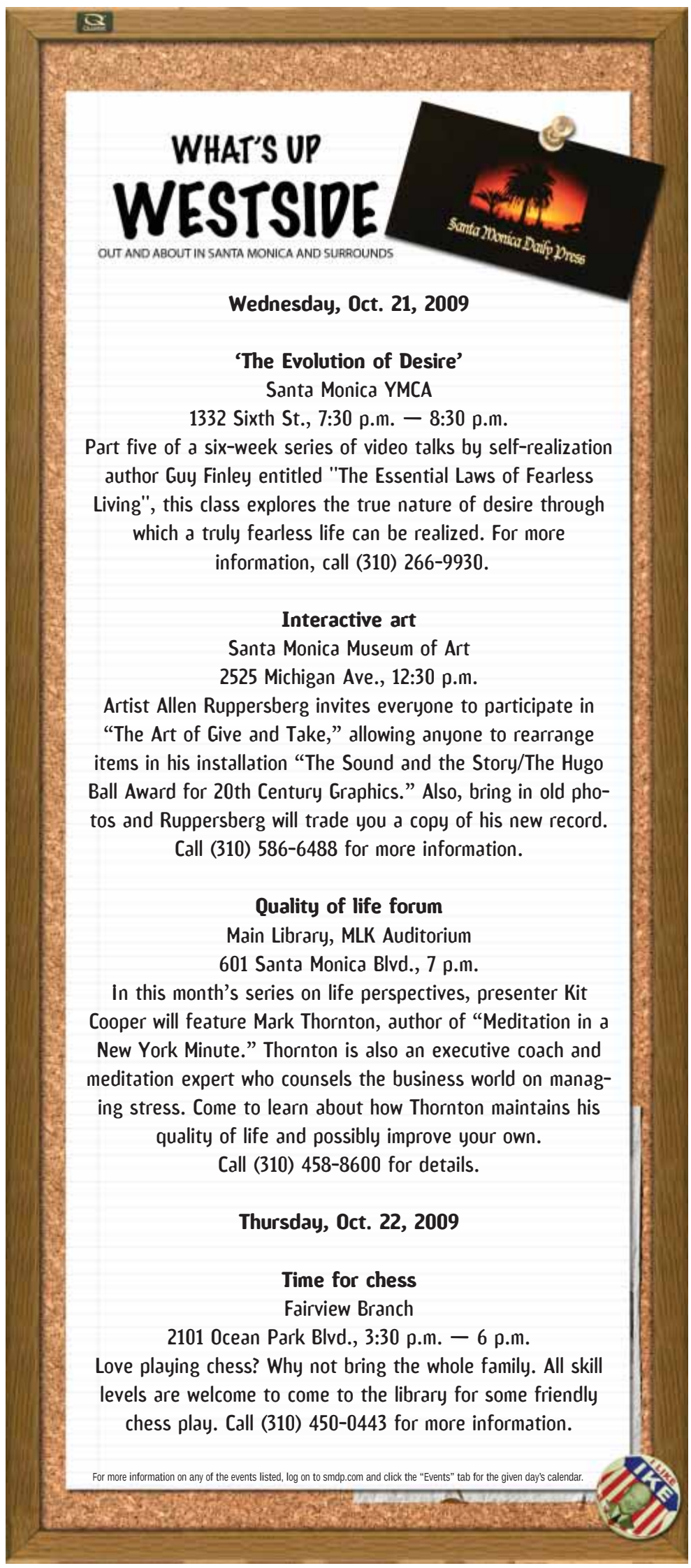

Fire Chief **Jim Hone**

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Ticket prices: $20 presale $25 at door
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We would like to thank Rand Corporation for making this important community event possible.

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WHAT'S UP WESTSIDE

OUT AND ABOUT IN SANTA MONICA AND SURROUNDS

Wednesday, Oct. 21, 2009

'The Evolution of Desire'
Santa Monica YMCA
1332 Sixth St., 7:30 p.m. — 8:30 p.m.
Part five of a six-week series of video talks by self-realization author Guy Finley entitled "The Essential Laws of Fearless Living", this class explores the true nature of desire through which a truly fearless life can be realized. For more information, call (310) 266-9930.

Interactive art
Santa Monica Museum of Art
2525 Michigan Ave., 12:30 p.m.
Artist Allen Ruppersberg invites everyone to participate in "The Art of Give and Take," allowing anyone to rearrange items in his installation "The Sound and the Story/The Hugo Ball Award for 20th Century Graphics." Also, bring in old photos and Ruppersberg will trade you a copy of his new record. Call (310) 586-6488 for more information.

Quality of life forum
Main Library, MLK Auditorium
601 Santa Monica Blvd., 7 p.m.
In this month's series on life perspectives, presenter Kit Cooper will feature Mark Thornton, author of "Meditation in a New York Minute." Thornton is also an executive coach and meditation expert who counsels the business world on managing stress. Come to learn about how Thornton maintains his quality of life and possibly improve your own.
Call (310) 458-8600 for details.

Thursday, Oct. 22, 2009

Time for chess
Fairview Branch
2101 Ocean Park Blvd., 3:30 p.m. — 6 p.m.
Love playing chess? Why not bring the whole family. All skill levels are welcome to come to the library for some friendly chess play. Call (310) 450-0443 for more information.

For more information on any of the events listed, log on to smdp.com and click the "Events" tab for the given day's calendar.

COMMUNITY BRIEFS

JAMS

Education literacy forum

The Santa Monica-Malibu Unified School District in collaboration with the Santa Monica-Malibu PTA Council Special Education Committee (SEDAC) and Special Education District Advisory Committee, will hold their third forum to address various issues in the area of Special Education.

This year's fall forum will be held at the John Adams Middle School cafeteria on Saturday, Oct. 24, from 8 a.m. to noon. The forum is one of the many ways to reach out to parents/guardians and to provide information to parents regarding district programs and services for their children.

The theme of the forum is "Strategies for Successful Learning for All Students" and will focus on students who may need additional assistance in literacy and how parents can help them at home in reading and other subject areas.

The keynote speakers will be Dr. Doug Fisher and Dr. Nancy Frey who are co-directors of the California State University's Reading Research Center. Both of them are university professors, researchers and well-known authors.

Parents also will have the opportunity to hear from teachers and staff regarding their experiences with and strategies for helping their children in the areas of reading and writing, mathematics, and positive behavior, as well as information for parents whose children receive intensive services. Additionally, the 2009 edition of the bilingual Special Education Parent Handbook, "For Parents By Parents," will be introduced and available.

The district's new director of special education, Dr. Sara Woolverton, will conclude the forum with a discussion of what parents can do if they believe their children need extra help in school.

The forum and other initiatives are in response to parent and community concerns and recommendations contained in the March 2008 Independent Evaluation of the SMMUSD Special Education Program and recommendations from the Working Group issued in April 2009. SMMUSD Superintendent Tim Cuneo has been spearheading the efforts under a district-wide umbrella called the "SMMUSD Special Education Collaborative – Working Collaboratively for 21st Century Special Education Students." The district has been working in partnership with SEDAC and the PTA Council Special Education Committee.

For more information, contact the SMMUSD at (310) 450-8338.

DAILY PRESS



Brandon Wise *brandonw@smdp.com*

GENTLE WORK: **Community Corporation of Santa Monica Project Manager Monica Mejia (right) digs up a plant with Cosmo Bua from the Tree-for-All initiative on Tuesday afternoon. The initiative seeks to rescue mature plants that conflict with building plans.**

Saving trees from development

BY MELODY HANATANI
Daily Press Staff Writer

BROADWAY There's a small yet lush forest living vibrantly on the shielded lot of a defunct nursing home, filled with more than a dozen different types of trees, shrubs and flowers that carry exotic names like pittosporum, elephant yucca and podocarpus.

In what would otherwise be the fate of destruction in the face of a new construction project, these different species of vegetation will be spared the wood chipper thanks to a sympathetic developer and a group of tree-loving activists who made a name for themselves fighting for a group of ficuses over in Downtown Santa Monica.

An offshoot of the Santa Monica Treesavers, the Tree-for-All initiative seeks to rescue mature plants that conflict with building plans, working with developers to either donate the trees for relocation or make accommodating changes to the blueprint that would save them.

The first cause came at the intersection of Broadway and 26th Street where Community Corporation of Santa Monica (CCSM) is proposing to build 36 affordable housing rental units for very low-income families through a cluster of six buildings that will sit on top of a parking garage. An old nursing home previously occupied the facility until it went out of commission about two years ago.

A group of concerned neighbors alerted the Treesavers about the project and the wealth of shrubs and trees that sit on the property. Those issues were later raised by some members of the Treesavers during a community meeting with the affordable housing developer in June.

In the followup meeting just a few weeks later, the changes were evident — the garage, which was affecting most of the trees, had been shrunk and moved to allow many to remain.

"I was shocked to go back to the second meeting to find out how much they had thought about it," Cosmo Bua, who serves on the Treesavers steering committee, said. "A lot of times you go to community meetings and the meetings are just held … to say they had a community meeting."

Kevin Daly, principal of Daly Genik Architecture, said that he redesigned the garage to keep the landscape perimeter on 26th Street. The project was also initially designed to surround and highlight a pittosporum, which is one of the largest ones on the property.

The meeting was followed with discussions between the Treesavers and Community Corporation of Santa Monica about donating the plants, reaching out to interested arborists and landscapers who would be responsible for paying the relocation fee, which could cost thousands of dollars depending on the number and size.

As a result, some interest by landscapers have subsided. Treesavers are also looking at fundraising opportunities to help cover the cost.

"What we're really needing is people who are willing to pay the cost of moving a mature tree to their property," Bua said.

Developers have increasingly made a

SEE **TREES** PAGE 10

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LETTERS TO THE EDITOR

Send comments to editor@smdp.com

How did this happen?

Editor:

President Barack Obama has been chosen as the Nobel Laureate for Peace because of "his extraordinary efforts to strengthen international diplomacy and cooperation between peoples." This comes despite the fact that as senator, he voted for every dollar to fund the Afghan and Iraq wars and Pentagon appropriations; his first proposed military budget will be greater than George W. Bush's last; and he has expanded the Afghan war into Pakistan. Are these actions worthy of such a great honor?

John Marciano
Santa Monica

Calling for prescribed burns

Editor:

As wildfires once again blaze through California, destroying millions of dollars worth of homes and property and putting countless lives at risk, I'm reminded that this devastation is preventable through active land management by conservation groups such as the National Wild Turkey Federation.

The damage done to wildlife including, deer, wild turkeys and many of California's threatened or endangered species such as salmon, and their habitat is also preventable.

If laws allowed our state and federal agencies to conduct controlled burns in wooded areas to eliminate the dead leaves and underbrush that fuel wildfires, damages to homes and wildlife habitat could be minimized. Controlled fires, unlike wildfires, are closely managed by professionals and are conducted only when conditions are favorable and safe.

Wildfires harm our state's wildlife and aquatic systems, and drain local economies that lose valuable tourism dollars and are left to repair fire damage.

As of Sept. 1, the Department of Finance said California already had spent $106.5 million of its $182 million emergency fire fighting fund just two months into the fiscal year. Preventing wildfires through active land management practices such as prescribed burning costs far less than putting out wildfires and restoring damaged property.

It is time Californians tell our lawmakers to pass legislation allowing prescribed burns and stop allowing wildfires to put our lives and homes at risk, drive tax dollars up and ravage our natural resources.

Vincent M. Rosdahl
Treasurer, National Board of Directors
National Wild Turkey Federation

Stopping global warming

Editor:

We must make radical changes now. The Earth is dying. The Intergovernmental Panel for Climate Change warns that if we don't take strong action to address global warming soon, 20-30 percent of the world's plant and animal species will be at increased risk of extinction by 2050.

This summer, the House of Representatives passed legislation to both reduce emissions of the greenhouse gases that are triggering climate change and take steps to safeguard natural resources and wildlife threatened by the changes in climate already set in motion.

Now the Senate is moving on similar legislation recently introduced by senators Boxer and Kerry. However, reducing carbon emissions is not enough. Any comprehensive climate and energy legislation must dedicate 5 percent of the funding generated to safeguarding fish and wildlife and the natural resources on which we all rely.

B. Jay
Santa Monica



Your column here

Jon Coupal — **Send comments to editor@smdp.com**

Over-regulation hurting the people of California

WHEN ILLINOIS SEN. EVERETT DIRKSEN remarked a half-century ago, "A billion here, a billion there, pretty soon it adds up to real money," it was said with a sense of irony. I offer this clarification because a billion dollars no longer has the impact that it once had. Now with a former senator from Illinois occupying the White House, the federal government is throwing trillions of dollars around as if they were nickels.

Still, for the average taxpayer, whether it is a billion dollars or a trillion dollars, it's a mind-numbing amount. When the California Legislature approved $12.6 billion in new taxes last February, public anger didn't really start to mount until it became clear that this would cost the average family about $1,100 each year. This anger was expressed clearly when in May, voters rejected by two to one an additional $16 billion in taxes that could have cost families another $1,400 annually.

So when a just-released study, sponsored by the state of California, showed that the cost of state regulations on business was $493 billion, the real impact was brought home when the authors concluded that the annual cost per household was $13,801.

Perhaps even more alarming is that these regulations cost the state 3.8 million jobs. At 12.2 percent unemployment, the highest in almost 70 years, California ranks fourth behind Michigan, Nevada and Rhode Island. Still, the significance of these numbers is best understood by those who have lost a job or who know someone who has, and this includes most Californians. Most of us are in a position to see the tragic consequences for those out of work, so we understand why the unemployment rate is a major component of what Ronald Reagan called the "Misery Index."

The California report on the impact of regulations was actually completed a year ago, but its release was held up by the governor's office. A spokesperson said the delay was so the facts could be checked, but capitol observers are asking if it was withheld because it would have been a public relations nightmare for an administration and Legislature that were seeking massive tax increases at that time. After all, the cost of these regulations amount to a hidden tax, the actual impact of which few people were aware.

As bad a picture as the state regulations report paints, it does not include the impact of radical measures, passed after the study was commenced, to impose new restrictions on the use of everything from energy to land, in the name of reducing greenhouse gases.

After reviewing the report, it is easy to understand why analysts, including the Washington DC-based Tax Foundation, rank California 49th out of 50 as a place to do business. Of course, because of their limited capitalization and lack of political clout, hardest hit by the state's negative regulatory climate are California's more than 770,000 small business employers. Given that these brave men and women constitute 98 percent of California's enterprises and provide 52 percent of the jobs, our policy leaders ought to feel a great deal of shame — although we doubt that they do.

With surrounding states that already impose lower taxes offering incentives for California businesses to relocate, we continue to travel down the road of high taxes and massive regulation at our peril.

WITH SURROUNDING STATES THAT ALREADY IMPOSE LOWER TAXES OFFERING INCENTIVES FOR CALIFORNIA BUSINESSES TO RELOCATE, WE CONTINUE TO TRAVEL DOWN THE ROAD OF HIGH TAXES AND MASSIVE REGULATION AT OUR PERIL.

Now, no one suggests that California businesses operate without regulations. Regulations are like taxes, a necessary evil. But just as high taxes stifle productivity, so too does massive over-regulation that adds significantly to the cost of doing business.

The classic argument for regulation can be made by those who live downstream from a manufacturing plant, who want assurance that toxins are not being dumped into the water supply. But we live in a state where the nannies in the Legislature attempt to control every aspect of our lives; from when children can be spanked, to our diets, to whether or not our pets are to be spayed and neutered, to the material from which our shopping bags are made.

To ask that the Legislature to take a sensible approach to regulation is probably a bridge too far. However, it should be mandatory that every regulation proposed include a cost analysis. Just like the Environmental Impact Report (EIR) we require for any major construction project, we should require another EIR — an Economic Impact Report — for every new regulation.

When the public is made aware of the actual cost to families and the impact on employment of every new proposed regulation, lawmakers may be forced to stop regarding regulation as a frivolous exercise without real-world consequences.

JON COUPAL is president of the Howard Jarvis Taxpayers Association – California's largest grass-roots taxpayer organization dedicated to the protection of Proposition 13 and the advancement of taxpayers' rights.

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Word in Edgewise

Kenny Mack
Send comments to editor@smdp.com

It's still plain discrimination

I'M ALWAYS SKEPTICAL WHEN THE reasoning behind a course of action changes over time. Once the justification for invading Iraq became spreading democracy, for example, the flimsy argument about relieving Saddam Hussein of his elusive weapons of mass destruction became nonsense.

And when we allowed the Iraqi elections to happen without the participation of the minority Sunnis, the "spreading democracy" thing became equally ridiculous. More and more, it seemed like President Bush wanted to remove Saddam from power because he just didn't like the guy.

Closer to home, the reasoning behind the unprecedented amendment to our state Constitution to take the right to marry away from same-sex couples has recently changed, causing me to question the true motive behind the statewide shame that was Proposition 8.

Last week, U.S. District Chief Judge Vaughn Walker refused to throw out the federal lawsuit that challenges Prop. 8 as unconstitutional and set a date for trial in January. This is great news for people who believe in marriage equality, regular equality, due process, and the rule of law because this case raises a fundamental issue that can only be addressed on the federal level. The United States Supreme Court needs to decide once and for all that gay people are a protected class and discriminating against someone because of his or her sexual orientation is a federal crime.

I was ashamed of my adopted home state for passing Prop. 8 in the first place, so I'm happy that we will be able to redeem ourselves by having a California case set the precedent for the rest of the country. We have Judge Walker to thank for that because in his ruling he not only allowed the case to move forward, he also said the other side (an organization known as Protect Marriage) has to present evidence of actual harm to a state interest if same-sex couples were allowed to marry. Keeping in mind that the justifications for passing Prop. 8 have ranged from protecting parents' interests in controlling what their kids are being taught in school (something that was proven never to be in jeopardy) to the argument that the organization's lawyer, Charles Cooper, tried to make to Judge Walker (protecting the state's interest in promoting "naturally procreative relationships"), it was a perfectly reasonable thing for the Judge to do.

Walker asked, "What is the harm to the procreation purpose you outlined of allowing same-sex couples to get married?"

"My answer is, I don't know. I don't know," Cooper replied. Realizing he may have just totally undermined his position, he said that the question wasn't whether there is proof that same-sex marriages threaten those between men and women, but whether "the state is entitled, when dealing with radical proposals to make changes to bedrock institutions such as this … to take a wait and see attitude." He went on to say, "There are things we can't know, that's my point. The people of California are entitled to step back and let the experiment unfold in Massachusetts and other places, to see whether our concerns about the health of marital unions have either been confirmed or perhaps they have been completely assuaged."

In other words, even though Protect Marriage could be completely wrong about any harm that might come as a result of allowing same-sex couples to retain the right to marry, we should be able to discriminate against gay Californians by taking away that right until we know for sure

That wasn't a compelling argument for Judge Walker who asked, "Since when do Constitutional rights rest on the proof of no harm?" I think he rightly suspects that the evolving, legally shaky justifications for passing Prop. 8 are a smokescreen. So, to prove they aren't motivated by anti-gay bias, he has ordered Protect Marriage to return with some kind of evidence of what, exactly, they would be protecting marriage from. I can't wait to see what they come up with.

Blatant lies are hard to defend and impossible to support — that's part of the reason why we will never hear anyone from the second Bush administration make a serious effort to justify invading Iraq. Unfortunately for an attorney like Cooper, defending and supporting a lie is his job. And if you notice, he couldn't do it. That's because the coalition of conservative political and religious organizations he works for spent $40 million to get Prop. 8 passed for the simple reason that they don't think gay Californians should have the same rights as the rest of us — and they're using any excuse they can find to try to justify what they've done.

They say they're "protecting marriage," but it's still discrimination and it's still wrong.

KENNY MACK is a multi-platform content provider with four-quadrant crossover appeal who thinks it's impossible to watch Tom Hanks and Antonio Banderas in "Philadelphia" and still oppose same-sex marriage. His past columns are archived at www.ifyoumissedit.com and he can be reached at kennymack@gmail.com

The Q Line

Bright ideas

City Hall has installed an elaborate lighting system on Second and Fourth streets that is designed to both illuminate and beautify the shopping areas. The project has its backers and its critics.

So, this week's Q-Line question asks:

What do you think about the colorful lights, and why?

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your answers in the weekend edition of the Daily Press.


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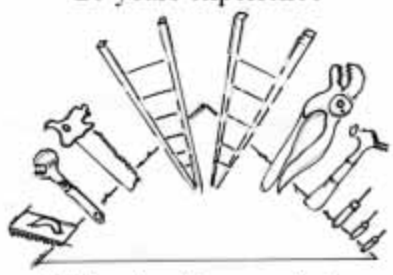
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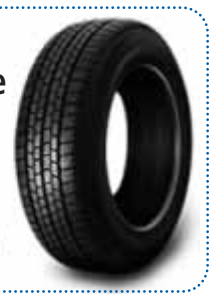
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REAL ESTATE

Congress looks to extend credit despite problems

STEPHEN OHLEMACHER
Associated Press Writer

WASHINGTON Evidence of potentially widespread abuse won't deter lawmakers who want to extend a popular tax credit for first-time homebuyers.

The Obama administration, however, raised new concerns Tuesday about the costs.

The Internal Revenue Service has opened 107,000 examinations of questionable claims and identified 167 criminal schemes involving the tax credit since it was expanded as part of the economic stimulus package enacted in February.

Lawmakers said Tuesday they might add protections to help prevent fraud. But there is a growing consensus among congressional leaders that the housing market is still fragile enough to justify extending the program beyond the end of November, when it is scheduled to expire.

House Majority Leader Steny Hoyer, D-Md., said he favors extending the existing credit through the end of the year as lawmakers work to "find out about how ethically and how honestly this policy is being pursued."

Senate Banking Committee Chairman Chris Dodd said, "We still need to use every tool at our disposal" to help the housing market. Dodd, D-Conn., has joined Sen. Johnny Isakson, R-Ga., in sponsoring a bill that would extend the credit until June 30 and expand it to people who already own homes.

For the past several weeks, Obama administration officials have been talking about possibly extending the credit to help spur the economy and create jobs. But at a hearing before Dodd's committee Tuesday, Housing and Urban Development Secretary Shaun Donovan said the administration is not sold on the idea.

"To truly understand the costs, we will not know that until Americans have filed their tax returns," Donovan said. "We believe it's critical to have the information necessary to make a fully informed decision about the costs."

Tax filing season doesn't start until next year. But Donovan said he expects to get cost data in the next few weeks.

"We understand the urgency of this situation," Donovan said.

It would cost about $1 billion a month to extend the existing credit, according to congressional estimates. The bill sponsored by Dodd and Isakson is estimated to cost $16.7 billion.

The existing credit allows qualified first-time homebuyers to reduce their federal income taxes by 10 percent of the price of a home, up to a maximum of $8,000. Homes purchased after Jan. 1 are eligible. The full credit is limited to single filers making less than $75,000 a year and joint filers making less than $150,000.

About 1.4 million first-time homebuyers have qualified for the credit through August. The National Association of Realtors estimates that 350,000 of them would not have purchased their homes without the credit.

"The housing market would not have moved without this tax credit," said Lucien Salvant, spokesman for the National Association of Realtors. "It's a fragile recovery, which is why we think it should be extended."

The IRS began special screening procedures for tax returns claiming the credit after it was enacted, said IRS spokesman Frank Keith. For example, taxpayers who previously claimed the mortgage interest deduction would warrant a second look if they claimed the first-time homebuyers credit, he said.

"We have a number of filters in place that we're using to ensure the claim does not go out to people who are not entitled to it," Keith said. But, he added, "Just because we've opened up a return for examination, we may very well find that many of these are perfectly proper claims."

Keith said IRS officials have talked with lawmakers about finding better ways to run the program. The House Ways and Means Oversight Subcommittee has scheduled a hearing for Thursday on the administration of the tax credit.

"I am pleased that more than one million taxpayers claimed the first-time homebuyer credit," Rep. John Lewis, D-Ga., chairman of the subcommittee said in a statement. "However, I am concerned about recent reports that there have been fraudulent schemes."

Lewis said the hearing will examine whether the IRS needs additional tools to run the program.

Sun Microsystems slashing nearly 3,000 positions

JORDAN ROBERTSON
AP Technology Writer

SAN FRANCISCO Sun Microsystems Inc. plans to eliminate up to 3,000 jobs as it awaits a takeover by Oracle Corp., a deal that is being held up by antitrust regulators in Europe.

The layoffs Sun outlined Tuesday in a regulatory filing amount to about to 10 percent of the company's 29,000 workers and will happen over the next year.

They are the latest rounds of cuts at the struggling server and software maker, which reached the $7.4 billion deal with Oracle in April after nearly a decade of wobbly financial performance.

Sun said in its filing that the layoffs would come from all its major regions, including North America, Europe, Asia and emerging markets. The company expects to incur $75 million to $125 million in restructuring charges over the next several quarters.

Oracle's purchase of Sun is being held up by European antitrust authorities who are concerned about possible harm to the database software market. The deal has been approved by U.S. regulators.



Real Estate 101

Mike Heayn
Send comments to editor@smdp.com

The flavor of home

I WENT TO GET ICE CREAM THE OTHER NIGHT and had to decide which flavor to get. Should I buy the cake batter or vanilla cinnamon flavor? What about peanut butter chocolate? Then I had to decide which "mixings" to get, which opened up a whole new can of worms. Luckily I was decisive and figured out what flavor worked for me. However, figuring out what type of home flavor works for you is quite another matter entirely.

Deciding to take the plunge and purchase a home is a difficult choice, especially in this economic climate. However, with the right information and help, purchasing a home can be done in an efficient manner. One of the first decisions to make is what type of home to purchase. Two main types exist for homeowners — single family residences, also known as houses, and condominiums or condos.

The largest difference between a house and a condo is land. When you purchase a home, you are buying the land, everything under the land, the structure on the land, which is the house, known as the improvement and the rights to the air above it, known as air rights. One benefit to owning a house over a condominium is not having to share any amenities such as a pool, laundry room, etc. The downside with a single family residence is maintenance.

Many first-time home buyers who purchase houses do not use realistic numbers when running a maintenance budget. This can lead to problems down the road, as a homeowner is responsible for the structure. If the toilet overflows, the homeowner needs to fix the problem or call a plumber. If the roof leaks, it is the homeowner's responsibility. No longer is the homeowner able to contact the manager of the building to have the repair completed because the homeowner becomes the manager of the property and all the responsibility that comes with it. New owners will also find that single family residences cost a premium over condominiums, but they also tend to hold value better in declining markets when compared to condos.

Just as a house has benefits, so does a condominium. A condominium is a structure or series of structures on a plot of land, where each owner has individual ownership of their property, but shared interest in the land and common areas such as exterior walls, pool, laundry area and other shared amenities. Since the structure, or outside walls, are owned together with other condo owners, the building maintenance, property insurance and other costs are shared amongst all the owners in the form of monthly assessments, also known as condo fees or dues or home owner association fees (HOA fees).

The benefit to having dues is to enable recurring building maintenance such as pool maintenance, elevator repair, weekly landscaping, etc. to be done without having to contact each owner every time recurring maintenance is completed. These recurring costs are taken out of the account which holds the monies collected from the owners' monthly dues.

Many buildings keep a surplus of money for large improvements such as exterior painting or a new roof every 20 years. A well run condominium will plan and assess the owners accordingly. Of course, not all condominiums are run the same and some are in desperate need of repairs, which can lead to large increases in monthly fees when work is completed. Of course, owners vote for these repairs and subsequent increases. Many homeowners in Southern California find that condos are far more affordable versus single family homes, but homeowners must understand how lenders, especially banks, view condominiums and their associated dues when requesting financing.

Many times a house with the same square footage as a condominium located in the same neighborhood will cost more money. However, it is important to understand how the financing works for both types of properties. A lender, specifically a bank, will calculate the condominium fees or dues when running the numbers for a loan. Condo fees affect the loan amount a person can afford. For example, at 5.25 percent, a $400 monthly condo fee would equal $72,000 in loan dollars. If you were prequalified to get a loan on a condo of $550,000, you would most likely qualify for a loan of $622,000 for a house, continuing with the same example. Of course all lenders are different and debt-to-income requirements along with loan and credit requirements may and often do change when increasing loan dollars. The best thing to do is speak with a loan officer about a specific scenario.

Deciding which type of property to purchase will most likely depend on how much you can afford and where you want to live. Even in a down market, a home can give you tax benefits that few other non-real estate investments can. Furthermore, a home is a place to call your own, so regardless of what flavor you choose, if you can afford it, a home may be the best financial and emotional investment of your life.

MIKE HEAYN is a real estate investor and can be e-mailed at maheayn@yahoo.com.

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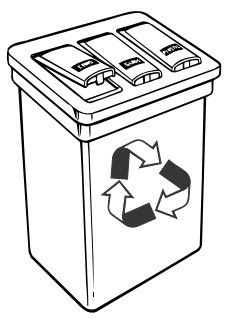
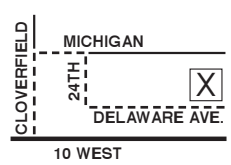
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MEDIA

Internet advertising appears to begin awaited comeback

MICHAEL LIEDTKE
AP Technology Writer

SAN FRANCISCO After bogging down in the recession, Internet advertising is regaining the momentum that has made it the decade's most disruptive marketing machine.

The signs of an online revival are emerging even while advertising in print and broadcasts remain in a slump that has triggered mass layoffs, pay cuts and other upheaval.

Internet advertising was just about the only bright spot in the third-quarter reports of two major newspaper publishers, Gannett Co. and McClatchy Co. Meanwhile the companies still are dealing with steep declines in print ads — an imbalance most analysts predict will take years to address.

The harsh reality is that much of the advertising in long-established media, particularly in the classified sections of newspapers, will never rebound to pre-recession levels, said Lauren Rich Fine, a longtime media analyst who is now a professor at Kent State University.

That grim outlook contrasts with the fact that advertisers are increasingly allocating more of their budgets to the Web. That's where their customers are spending more of their free time. On top of that, Internet ad rates are less expensive, and the returns on online ad investments are easier to quantify.

Even when they buy time in other media, advertisers are realizing they need to be promoting their wares on the Internet too.

"You can draw a straight line from the time when people hear an ad on the radio or television to when they search for that company on the Internet," said David Karnstedt, chief executive of Efficient Frontier, which helps manage ad campaigns on search engines.

These trends will give Internet advertising 19 percent, or nearly $87 billion, of the worldwide ad market in 2013, up from just 4 percent, or about $18 billion, in 2004, according to PricewaterhouseCoopers and Wilkofsky Gruen Associates.

That would make the Internet the third-largest marketing medium. Television is expected to remain on top, with $168 billion, or 36 percent of the global ad market, down from 35 percent in 2004. Newspapers would still be No. 2, but their $92 billion in advertising revenue is projected to account for 20 percent of the global ad market, down from 28 percent in 2004.

For now, though, some types of Internet advertising — real estate, travel and help-wanted, in particular — remain in the funk they fell into in the first half of the year, when U.S. ad revenue on the Web fell 5 percent. (That was still far better than the 12 percent to 29 percent declines suffered by U.S. newspapers, radio stations and television broadcasters.)

David Hallerman, a senior analyst at eMarketer, thinks it's too early to conclude the entire Internet advertising market is on the upswing. "It's more like the patient had a 105-degree temperature and now it's down to 100 degrees," he said.

EMarketer expects Internet ad sales in the U.S. to fall by nearly 3 percent in the second half of this year, slightly less than in the first half. The research firm expects a 6 percent increase next year followed by a 7 percent gain in 2011.

The most compelling evidence for an online recovery is being made by Google Inc., whose search engine powers an online network that has grown from $411 million in worldwide ad revenue in 2002 to more than $22 billion annually now. The company's ad revenue rose 7 percent in the third quarter, the fastest pace so far this year, and Google's executives indicated they are gearing up for even more rapid growth in the months ahead.

Google could be an anomaly because its specialty — selling ads tied to online search requests — tends to be the last thing cut from marketing budgets and the first thing to attract more money in the early stages of a recovery.

The reason: Search requests have proven to be a highly effective way to identify consumers shopping for a specific product or service. And the ads typically cost advertisers only when the links are clicked on.

For instance, a Google ad tied to a search request containing the word "shoes" currently costs about $6.80 per click, while an ad generated by a request with the term "car parts" costs just 48 cents per click. Buying ads in major newspapers or on TV can easily cost thousands of dollars with no assurance the investment will deliver customers.

Besides the Internet's lower prices, the Web's tracking technologies make it easy to measure whether a search ad campaign is yielding adequate sales to justify the expense. If their online spending isn't paying off, advertisers typically can pull the plug more quickly than in print and broadcast, which often require financial commitments that last several months.

The greater flexibility online makes it easier to gauge the mood of consumers by buying Internet search ads before ramping up spending in other areas, Fine said.

"I think a lot of (advertisers) are experimenting right now, hoping they can stimulate a little more demand," she said. "Some of this could be wishful thinking."

It might take longer to see an ad rebound at Yahoo Inc., which runs the Internet's second-most widely used search engine. Yahoo's forte is "display advertising" — online billboards and other more visual forms of marketing.

Companies still seem reluctant to spend on those more elaborate campaigns, partly because they tend to be more expensive and not as well-aimed as search ads. The reticence is the main reason Yahoo reported its third-consecutive quarterly decline in ad sales Tuesday. Yahoo's ad revenue fell 12 percent after declining 13 percent in the first half of the year.

Even so, Yahoo isn't being hit as badly as newspaper publishers; McClatchy's print advertising, for instance, plunged 32 percent in the third quarter. Its online ad sales, on the other hand, increased 3 percent.

INTERESTED IN YOUR DAILY FORECAST?
CHECK OUT THE HOROSCOPES ON PAGE 17!

WALL STREET

Stocks fall on heels of housing report

TIM PARADIS
AP Business Writer

NEW YORK A disappointing report on housing starts made investors nervous about the economy Tuesday and sent stocks lower even as profits at many companies exceed expectations.

Stocks fell from 2009 highs after the Commerce Department said home building rose less than expected in September, a discouraging signal for future construction activity.

The market will get another measure of the housing market's health Friday with a report on existing home sales. After several months of encouraging data on housing, investors have become disappointed in recent weeks with signs that a recovery in home building and home sales is starting to falter, which could bode poorly for the broader economy.

A rebound in the dollar from a 14-month low against other major currencies also hurt stocks by driving down commodity prices and, in turn, hurting energy and materials companies.

The housing data and the stronger dollar overshadowed strong earnings reports from Apple Inc., Caterpillar Inc. and health insurer UnitedHealth Group Inc.

There was more trouble for stocks from a Labor Department report finding that energy prices pushed U.S. wholesale prices lower in September, leaving a larger-than-expected monthly drop in the producer price index. That report helped lift the bond market, however, which tends to rise on signs of muted inflation and slow economic growth.

But Schaeffer's Investment Research analyst Todd Salamone said the market's ability to avoid a big slide is an encouraging sign.

"We've got a report that's disappointing and the bears haven't really gained control here," he said. "It's a good excuse just to take a breather."

According to preliminary calculations, the Dow Jones industrial average fell 50.71, or 0.5 percent, to 10,041.48.

The broader Standard & Poor's 500 index fell 6.85, or 0.6 percent, to 1,091.06, and the Nasdaq composite index fell 12.85, or 0.6 percent, to 2,163.47.

Treasury prices rose, pushing their yields lower, after the drop in producer prices. Inflation is a worry for bond investors because rising prices can eat into returns. The yield on the 10-year Treasury note fell to 3.34 percent from 3.39 percent late Monday.

The dollar and gold rose. Crude oil lost ground for the first time in a week, falling 52 cents to settle at $79.09 a barrel on the New York Mercantile Exchange. Oil rose to $80.05 during the day, its highest level in a year.

The day's slide came as investors navigate a busy week of corporate earnings reports for signals about the economy. Profits have topped expectations but many companies have relied on slashing costs to boost profits as they did in the first half of the year. That has some analysts worried.

Dan Cook, senior market analyst at IG Markets in Chicago, is concerned that companies aren't bringing in more revenue. He noted that reducing costs by laying off workers adds to the problems facing the overall economy.

"We call it cost-cutting because that's kind of the nice term, but in reality a lot of those are consumers," he said.

Cook said companies won't be able to keep coming up with earnings that top expectations if improved profits don't translate to a stronger economy.

"Right now we're on a divergent path," he said, referring to earnings and the economy. "It's only a matter of time before that has to catch up."

Russell Croft, portfolio manager at Croft Leominster Investment Management in Baltimore, contends that for now, any improvement in profits are good.

"In these tough times any kind of earnings power that these companies are talking about whether it's revenue growth or cost-cutting — we're happy about it," he said.

Apple reported much stronger profits after the markets closed on Monday, citing big gains in sales of iPhones and Mac computers. Texas Instruments' results came in above the improved forecast the chip maker issued last month.

Apple closed up $8.90, or 4.7 percent, at $198.76, after trading at a 12-month high of $201.75. Texas Instruments rose 14 cents to $23.66.

Caterpillar rose $1.76, or 3 percent, to $59.61, while UnitedHealth Group jumped $1.04, or 4.2 percent, to $25.96.

Two stocks fell for every one that rose on the New York Stock Exchange, where volume came to 1.2 billion shares compared with 1.1 billion Monday.

The Russell 2000 index of smaller companies fell 8.93, or 1.4 percent, to 613.41.

Overseas, Britain's FTSE 100 fell 0.7 percent, Germany's DAX index lost 0.7 percent and France's CAC-40 fell 0.5 percent. Japan's Nikkei stock average rose 1 percent.

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Affordable housing builder and tree activists partner to save plants

FROM **TREES** PAGE 3

concerted effort to preserve or relocate trees on their property, said Walt Warriner, the community forester.

The most recent example would be Nordstrom, which paid about $20,000 to move more than a dozen paperbark and coral trees that sat in planters on the perimeter of its building at Santa Monica Place. The department store, which was previously occupied by Robinsons-May, is undergoing renovation. The trees moved to Virginia Avenue Park and Olympic Boulevard.

"I think people are going to be more encouraged doing this because they are going to see the success and see exactly how it's done," Warriner said.

Construction for CCSM's latest development will begin toward the end of next year with a completion date of early 2012. The project is estimated to cost $15-$20 million, including land, construction and soft costs.

"This is why we have community design meetings," Joan Ling, the executive director of CCSM, said about the partnership with Treesavers. "They had a suggestion and we looked at it and were able to accommodate them and we're more than happy to do it."

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>
> **Cosmo Bua**
> Santa Monica Treesavers



Project involves debris removal along bluffs

FROM **BLUFFS** PAGE 1

border near Entrada Drive.

The stabilization project involves the installation of 82 horizontal drains north of the California Incline to remove groundwater that accumulates behind the bluff face to minimize future landslides. The project also involves debris removal at several locations, and a limited demonstration of surface grouting and soil nailing methods within a section of the bluffs that is visually hidden from PCH.

The project is 80 percent funded by federal funds, with a 20 percent local match from Redevelopment Agency funds. The total project cost including construction and contingencies is estimated to not exceed $2,380,983, according to a city staff report.

For more information on the project or road closures, call the project hotline at (866) 755-7679 or visit www.PCHPartners.org. PCH Partners consists of representatives from the cities of Los Angeles, Malibu, Santa Monica, and Caltrans working together to coordinate construction projects to minimize traffic impacts on PCH. Sign up for project news via the PCH Partner's Twitter site at www.twitter.com/pchpartners.

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UGLY SIGHT

Brandon Wise *brandonw@smdp.com*

Water and debris flows out from a storm drain just north of the Santa Monica Pier on Tuesday.

Malibu man pleads guilty in Swiss bank account case

THE ASSOCIATED PRESS

LOS ANGELES A California man on Tuesday formally pleaded guilty to failing to report more than $1 million he transferred to a Swiss bank account.

John McCarthy of Malibu was the first person to be named publicly after the Swiss and U.S. governments reached a deal in August to settle American demands for the identities of suspected tax dodgers.

McCarthy's attorneys signaled his intention to plead guilty in previous filings. A plea agreement unsealed in court Tuesday showed that McCarthy pleaded guilty to one count of failing to file a Foreign Bank and Financial Accounts report. He faces up to five years in prison and fines totaling $250,000 when he is sentenced Jan. 28.

His attorney, Steven Toscher, said McCarthy accepted responsibility for his conduct.

"He made a serious mistake regarding the use of foreign bank accounts and will be making every effort to right the wrong he committed," Toscher said.

Prosecutors said McCarthy funneled the money to a UBS account with the help of a Swiss lawyer and bank officials between 2003 and 2008.

The attorney, who wasn't identified in court documents, told McCarthy he would create two entities that "would allow for an extra layer of privacy and help to conceal defendant's liability."

By transferring more than $1 million to the Swiss bank account, McCarthy failed to pay at least $200,000 in federal income taxes, prosecutors said.

McCarthy has agreed to cooperate with the U.S. attorney's office, the plea agreement said.

In February, the IRS asked a federal judge in Miami to force Zurich-based UBS AG to turn over names of some 52,000 American clients believed to be hiding nearly $15 billion in assets in secret accounts. UBS and the Swiss government resisted, arguing it violated Swiss banking confidentiality laws that date back centuries.

But UBS paid a $780 million penalty earlier this year and also agreed to disclose to the U.S. the names of 4,450 wealthy Americans.

Three bank customers whose names were divulged under the prior agreement also have pleaded guilty to tax charges in federal court. Three Swiss bankers and a Swiss lawyer are facing U.S. criminal charges as well.

The IRS also started a six-month amnesty program that sweetened the offer with reduced penalties for people with undeclared assets. The response was unprecedented, but it wasn't known how many people have applied.

Swiss banks hold an estimated $2 trillion of foreign money, and financial services add about 12 percent of GDP to the national economy.

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Santa Monica Collection subject of federal lawsuit

FROM SUIT PAGE 1

manently sidelined in 2004 following a car accident, bounding her to a wheelchair.

Fino continued to pay her rent using disability income and savings but exhausted those resources in June 2008, when she applied for the Santa Monica Housing Authority to participate in Section 8, a federal Housing and Urban Development program that subsidizes rental living expenses for very-low income residents.

According to the lawsuit, she soon became eligible to receive federal housing assistance but the defendants allegedly denied the voucher. As a result, she struggled to pay her rent February through July of this year and received a "3-day notice to pay rent or move out."

The lawsuit also states that the plaintiff last month attempted to remit the August rent but the defendants refused to accept it without a payment for September, giving her until the 20th of that month to pay. The defendants later agreed to accept payment directly from the Santa Monica Redevelopment Agency to cover the rent in full for August, September and October, the lawsuit states.

The complaint also quotes local attorney Kevin Kozal, who represented the Santa Monica Collection in the voucher issue, as stating that the company has a policy of not participating in the Section 8 program.

Julie Lansing, the housing administrator for City Hall, said that landlords voluntarily participate in the program in which the Department of Housing and Urban Development subsidizes the rent for low-income tenants through the Housing Authority, which distributes the checks to property owners.

Units must be at or below $1,352 for a one-bedroom or $1,843 for a two-bedroom to qualify. The Housing Authority determines what the tenant's share of the rent will be based on their total household income.

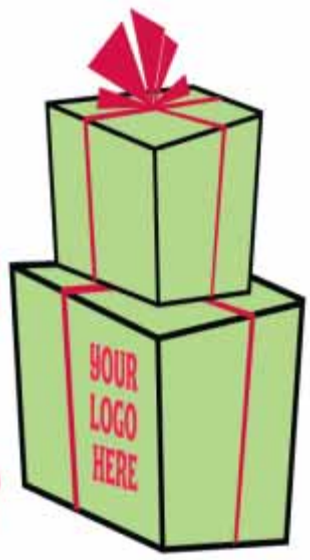
"It's pretty popular with the owners," Lansing said. "On the first of the month, they can count on a subsidy."

Denise McGranahan of the Legal Aid Foundation, said the defendants discriminated against Fino because they refused to make a reasonable accommodation to a person with disabilities.

> **"WE ARE ASKING THAT THE LANDLORD MAKE A SINGLE EXCEPTION TO AN OTHERWISE VOLUNTARY RULE."**
>
> **Denise McGranahan**
> Legal Aid Foundation of Los Angeles

"We are asking that the landlord make a single exception to an otherwise voluntary rule," she said. "We're not asking the landlord to take everyone as Section 8, just asking Nadia's Section 8 voucher as reasonable accommodation to her disability."

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CITY OF SANTA MONICA
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NOTICE IS HEREBY GIVEN that the City of Santa Monica invites qualification statements for the:
Palisades Garden Walk & Town Square Project (SP2115)
In Santa Monica, seven acres of land are ready to be developed for public enjoyment as two new parks: Palisades Garden Walk and Town Square. The City of Santa Monica seeks qualifications from innovative teams interested in partnering on the creation of gathering spaces that will enliven the Civic Center through design of the highest caliber.
Qualification statements shall be delivered to the City of Santa Monica, Architecture Services, Attn. Jean Bellman, 1437 Fourth Street, Ste. 300, Santa Monica, California, 90401 not later than **5:00 p.m. on November 20, 2009**.
RFQ documents may be obtained by logging onto the City's Finance website at: http://www.smgov.net/finance. Please contact Erin Hamant if you experience problems downloading the documents, (310) 458-2205 ext. 5473.


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STATE BRIEFS

LOS ANGELES

Seafood guide combines human and ocean health

The Monterey Bay Aquarium's newest "Seafood Watch" guide is out with what's called a "super green" focus on species that both benefit human health and are captured or farmed in sustainable ways.

Executive Director Julie Packard unveiled the list and the aquarium's "State of Seafood" report Tuesday at the California Science Center in Los Angeles.

Packard says ocean life remains under threat but she is optimistic because of new scientific consensus on how to manage fisheries and bring back those that are depleted.

The respected guide, in its 10th year, is aimed at consumers, chefs and distributors.

The "State of Seafood" report asserts that this year, for the first time, people will eat more farmed fish than wild-caught fish.

ASSOCIATED PRESS

LOS ANGELES

Metrolink union sues to deactivate train cameras

The union representing Metrolink engineers is suing the Southern California rail authority to deactivate video cameras in its commuter trains.

Metrolink said Tuesday the cameras are intended to increase safety after one of its passenger trains collided with a freight train in September 2008, killing 25 people. The engineer was text-messaging seconds before the crash.

The Brotherhood of Locomotive Engineers and Trainmen says the cameras are an invasion of privacy and has filed lawsuits in federal and superior courts in Los Angeles.

Metrolink says it activated the in-cab video cameras on Oct. 5. The union wants the cameras turned off and proposes a cell phone jamming system that blocks all incoming and outgoing cell phone calls and texts.

AP

LOS ANGELES

Oscars tap studio vet Mechanic, director Shankman

"Hairspray" director Adam Shankman and former 20th Century Fox studio boss Bill Mechanic have been named producers of the Academy Awards, saying they hope to inject more fun and restore TV ratings glory to Hollywood's biggest party.

Tuesday's announcement marked the second year in a row that organizers have picked a pair of rookie Oscar producers to oversee the show. Last season's Oscars were produced by filmmakers Bill Condon and Laurence Mark.

Oscar organizers are trying to put more razzle-dazzle into the show, whose TV ratings generally have declined over the last two decades. Instead of the usual standup comic, the Oscars called on song-and-dance man Hugh Jackman to host the show this past year.

Mechanic and Shankman said they plan to build on the changes Condon and Mark brought to February's Oscars, which tinkered with the way awards were presented and featured Broadway-style musical interludes.

"We're hoping to bring it the highest ratings in years, and we're hoping every academy member thinks it's the best show in years," said Mechanic, whose tenure at Fox included a co-production with Paramount on blockbuster Oscar champ "Titanic" from 1997, when the awards had their all-time best TV audience.

AP

LOS ANGELES

Arrest warrant for second man in baby shooting

Los Angeles authorities have issued an arrest warrant for a second suspect in the killing of a 4-month-old boy shot while being bottle-fed in a parked car.

Police said Tuesday that 23-year-old Ricardo Hernandez is believed to have fired the shots that killed Andrew Garcia on Sept. 27.

Another suspect ,17-year-old Alfonzo Landa, pleaded not guilty last week to murder.

The shooting came after a family baptism celebration at a San Fernando Valley banquet hall. Police say Garcia died of a bullet to the head after Landa argued with a gang member standing outside the car and opened fire.

Landa remains in jail on $9 million bail.

AP

LOS ANGELES

Psychiatrist: Anna Nicole Smith was addict

A psychiatrist who treated Anna Nicole Smith for drug dependency testified Tuesday the former Playmate fit the legal definition of an addict.

However, under questioning by a judge, Dr. Nathalie Maullin said she never used the words "addict" or "addiction" when discussing the celebrity model's problems with her, her personal doctor Sandeep Kapoor or her boyfriend-lawyer Howard K. Stern.

Stern, Kapoor and Dr. Khristina Eroshevich are charged with conspiring to provide controlled substances to Smith. All have pleaded not guilty.

The charging document in the case specifically states that Stern, Kapoor and Eroshevich "acted with knowledge that Anna Nicole Smith was an addict." Prosecutors are trying to prove the defendants had that knowledge.

Smith died in February 2007 of an accidental overdose.

Maullin, who treated Smith during a brief hospital stay when she was pregnant in April, 2006, was quizzed by Superior Court Judge Robert J. Perry on the addiction issue.

"She was never trying to get high?" he asked.

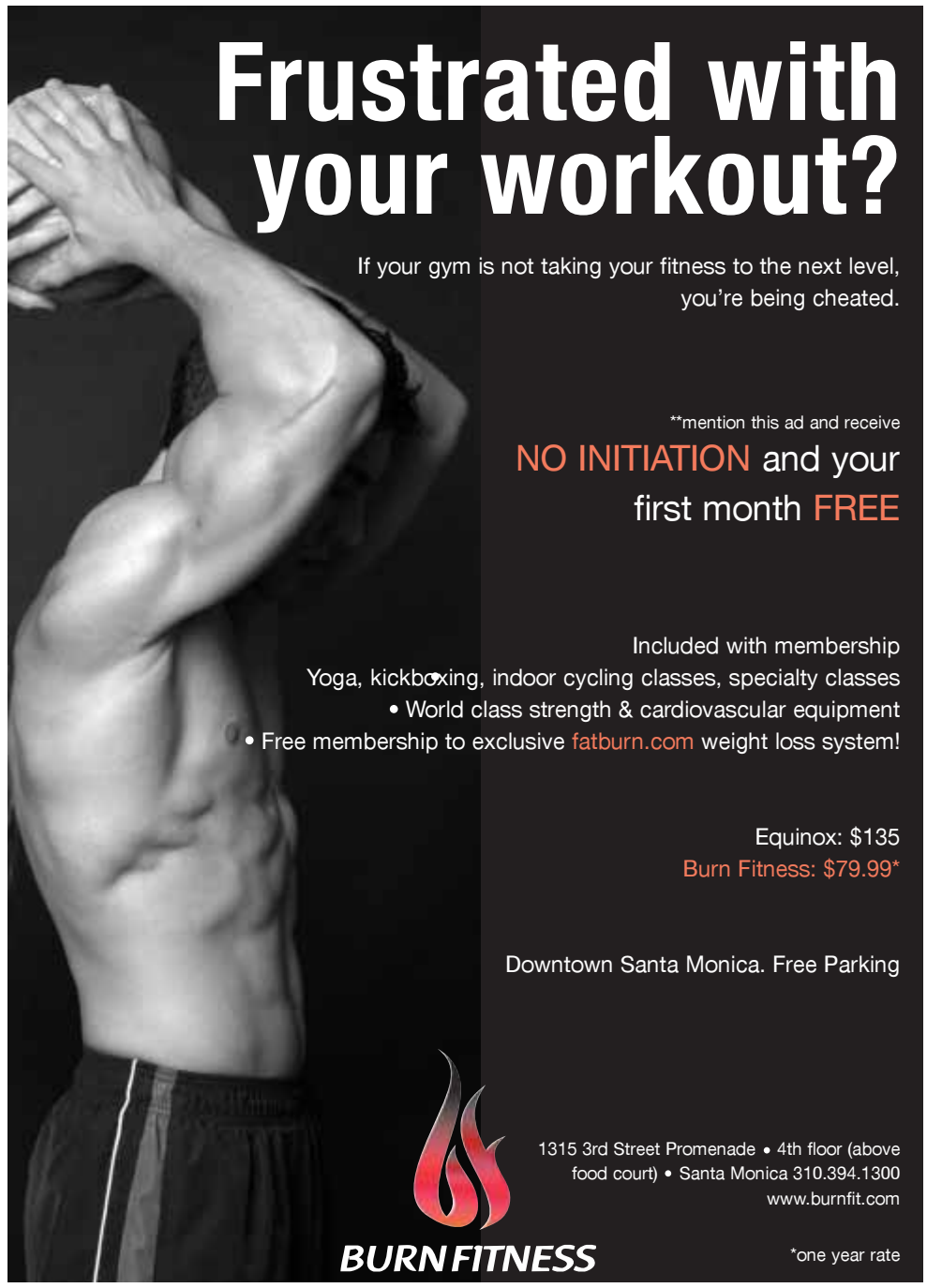
"I never thought she was trying to get high. I think she wanted to tune out," the psychiatrist said.

Maullin said she treated Smith when she was in apparent withdrawal from pain and anti-anxiety medications. Smith had legitimate pain issues that were being treated with a combination of drugs, she testified.

Maullin previously testified that she tried to set up a program to wean Smith off prescription painkillers but found her uncooperative and hostile during her stay at Cedars-Sinai Medical Center.

The testimony was part of a preliminary hearing to decide whether Stern and the doctors should stand trial.

AP





Obama has hope for Afghan democracy

ROBERT BURNS
AP National Security Writer

WASHINGTON President Barack Obama on Tuesday applauded Afghan President Hamid Karzai for accepting election fraud findings that invalidated nearly a third of the votes cast for him in August.

Obama said the breakthrough offers new hope that a credible Kabul government will emerge to partner with the U.S. and NATO in battling a resurgent Taliban insurgency and blocking al-Qaida's return.

Obama told reporters that he spoke by phone with the Afghan president after Karzai bowed to U.S. pressure and announced that he agreed to a runoff election Nov. 7, acknowledging that he fell short of a majority in the first balloting.

The original vote count had put Karzai well above the 50 percent mark he needed to be declared the outright winner, but a U.N.-based investigation determined that hundreds of thousands of his votes were tainted. Until Tuesday it was unclear whether Karzai would accept the findings and agree to a runoff.

"President Karzai and the other candidates have shown that they have the interests of the Afghan people at heart," Obama said. "This is a reflection of a commitment to the rule of law and the insistence that the Afghan people's will should be done."

In his remarks at the White House, Obama praised the work of U.S. Ambassador Karl Eikenberry, who was joined in talks in Kabul over the weekend by Sen. John Kerry, the Massachusetts Democrat who heads the Senate Foreign Relations Committee. Obama also acknowledged the work of American troops fighting in Afghanistan.

"President Karzai's constructive actions established an important precedent for Afghanistan's new democracy," Obama said in a statement issued earlier Tuesday. "The Afghan constitution and laws are strengthened by President Karzai's decision, which is in the best interests of the Afghan people."

In reviewing its strategy for the war in Afghanistan — including contemplation of sending tens of thousands more U.S. troops next year — the White House has publicly questioned whether the Afghan government is too corrupt to serve as a worthwhile partner in the fight against a Taliban insurgency.

Administration officials on Tuesday appeared to signal that Karzai had taken a step in the right direction.

Secretary of State Hillary Rodham Clinton welcomed Karzai's announcement as a boost for Afghan democracy. She made no direct mention of the fraudulent Karzai votes that were thrown out, although she referred to "a rough and contentious" election and weeks of "debate over the flaws in the vote."

"We remain committed to partnering with the Afghan people and their government on our shared objectives of strengthening good governance, tackling corruption, increasing economic opportunities and improving security for all Afghans," she said in a written statement.

Obama remains under pressure from some Republicans to complete his strategy review and decide on troop levels.

Sen. John McCain, R-Ariz., a leading advocate of bolstering U.S. troop levels, said Tuesday he was pleased by Karzai's decision and argued that improved security is the key to building a credible Kabul government.

"It is unrealistic to expect Afghan governance to improve significantly without improved security," McCain said. "That is why it is essential to implement the properly resourced counterinsurgency strategy that Gen. Stanley McChrystal and our senior commanders have called for, and that is why I continue to urge President Obama to provide our military and civilian leaders in Afghanistan with the resources they need as quickly as possible."

The White House said Obama also called Eikenberry to thank him for his collaborative work with Kerry and to get an update on the election situation. Obama also called Abdullah Abdullah, the former Afghan foreign minister who came in second in the August vote and will face off against Karzai on Nov. 7.

Eikenberry and Kerry had been deeply engaged with Karzai and other Afghan government officials over the past several days, apparently succeeding in persuading Karzai that he must accept the fraud probe results.

Kerry, who had met with Karzai at least four times before the announcement, was at the Afghan president's side when the announcement was made in Kabul.

In interviews over the weekend from Kabul, Kerry said the election process had to be settled before the Obama administration could make a reasoned decision about whether to send additional troops and to commit other resources to stabilizing Afghanistan.

Defense Secretary Robert Gates, meanwhile, said the Obama administration needs to decide on a war strategy and not "sit on our hands" waiting for election results and a government to emerge in Kabul. In remarks to reporters traveling with him to Asia, the Pentagon chief said Obama will have to make his decisions in the context of "evolving" issues.

White House press secretary Robert Gibbs said it has not been determined whether Obama will wait to announce an Afghan strategy until after the results of the runoff. Gibbs told reporters he still expects that announcement to be made in "the coming weeks."

Regardless of the election's outcome, Gibbs said, "We've got to make sure we're making progress with a partner in that government." He also said the next U.S. strategy meeting on Afghanistan may be pushed back until early next week because Gates and Vice President Joe Biden are traveling abroad.

Obama was widely expected to decide on the next steps in Afghanistan before he begins an extended trip to Asia next month.

Santa Monica Daily Press
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Alien Halloween costume spooks immigrants

LAURA WIDES-MUNOZ
AP Hispanic Affairs Writer

MIAMI Immigrant advocates are urging retailers to pull a Halloween costume depicting a space creature in orange prison garb emblazoned with the words "illegal alien," while a group that supports strict immigration laws says such a move impinges on freedom of speech.

Beyond the holiday uproar, the dispute highlights the controversial nature of the phrase illegal alien — still the government's official term for those in the country without a visa, though many national politicians and media increasingly avoid using it.

Since Friday, when the Coalition for Humane Immigration Rights in Los Angeles first raised the issue, companies including Target, Walgreens and eBay have removed the costume from their inventory. Still, many local retailers continue to stock the costume that also comes with a "green" card — which technically makes the alien legal.

At costume stores in Miami, the responses have been mixed.

Don King, whose mother immigrated from Cuba, bought pirate and Homer Simpson costumes Tuesday at Halloween USA in midtown Miami, where the costume is on sale but has attracted few customers. "It's a joke," King said. "I really don't think much of it."

A few miles away in the Little Havana neighborhood, workers at a popular costume store said it was not something they would carry because it was discriminatory. They do stock a human taco costume, replete with a Mariachi hat.

Cashier Carmen Torres, who recalled facing discrimination after arriving from Cuba as a young girl in the 1960s, said the costume was tasteless. "They haven't done anything bad. you can punish those who are criminals, but not people who are trying to, trying to work," Torres said.

Target has said it sold the costume online only and was posted by accident because it did not meet the company's standards. eBay said it asked sellers to remove the costume because it "does not allow items that promote or glorify hatred, violence, racial, sexual, or religious intolerance, or promote organizations with such views."

Jorge-Mario Cabrera, a spokesman for the immigrant coalition, said the costume "perpetuates this idea we have about undocumented immigrants as alien foreigners, strangers, scary."

Cabrera said he knew the costume could be taken as a play on words but the jumpsuit was too close to what many immigrants must wear in detention centers, "where they can spend months at a time, and where there is a lot of suffering."

"That the creature was holding a green card was a stab at a (broader) community," he said, because it suggests even with a legal document, immigrants are still scary criminals.

But William Gheen, head of the North Carolina-based political action committee Americans for Legal Immigration, said efforts to get stores not to sell the costume amounted to an attack on freedom of speech. He urged Americans to buy the costumes in protest.

"I looked at the costume and thought it was kind of funny. The only thing that wasn't funny was how many illegal immigrants are in this country," said Gheen, who has given speeches suggesting Latin Americans are bringing an epidemic of tuberculosis to the U.S., despite government figures showing the illness is at an all-time low.

Gheen said he didn't understand why people would have a problem with words used in federal law.

"This is a battle over psycholinguistics," he said, referring to the study of the relationship between language and the psychology or behavior of those who use it. "Nobody is supposed to be able to use the words 'illegal aliens' ... except in the government literature."

There's a big difference between how words are used officially and what people say in popular language, said Charleton McIlwain, professor of race and media at New York University.

"When people (informally) talk about immigrants, the term aliens seems to almost exclusively get used for Mexicans or other Latin Americans. We don't talk about Canadian aliens," he said, adding that the prison jumpsuit creates an association with more serious crimes like drug dealing, rape and murder.

Many major media organizations, including The Associated Press, no longer use the term "Illegal Alien" unless quoting an individual or official statute.

During the 2008 election, presidential candidates Barack Obama and John McCain rarely used the term, opting for "illegal immigrants" instead. More recently, though, Obama has picked up the phrase again, something Cabrera said he's concerned about as the debate over immigration reform heats up.

The illegal alien prisoner costume is not the only one out there. Another illegal alien mask recently on the market sported a baseball cap and a black mustache. Rich Zagone, whose company produced the mask as a joke to tweak people he calls "xenophobes," has pulled the product since the controversy began.

If he does sell it again next year, he says he'll have the words "Xenophobe's nightmare" stitched to the cap.

But Zagone added: "More than likely we will not sell it next year as we have learned that rubber masks do not make a good medium for social commentary."

Associate of balloon boy's father questioned

P. SOLOMON BANDA
Associated Press Writers

FORT COLLINS, Colo. An investigation into possible criminal charges for a Colorado couple who told authorities their son floated off in a balloon shaped like a flying saucer has spread to those who worked with them.

Robert Thomas told sheriff's investigators about what he observed between amateur storm chasers Richard and Mayumi Heene when he helped record the husband's ideas earlier this year, said Thomas' attorney, Linda Lee. Thomas earlier sold his story to the Web site Gawker.com.

Lee said Richard Heene was "obsessed" with trying to land a TV show and become famous.

"Heene believes the world is going to end in 2012," she said. "Because of that, he wanted to make money quickly, become rich enough to build a bunker or something underground, where he can be safe from the sun exploding."

Thomas told the "Today" show on NBC on Tuesday that he had nothing to do with the hoax and didn't know about the balloon being launched until he saw it on television. Asked whether he should be profiting by selling his story, Thomas, who described himself as an entrepreneur and a college student, said he was told that people sell their stories to the media and that he was paid "way less than most people think."

Larimer County investigators have been poring over e-mails, phone records and financial documents from the Heene home as they ponder charges against the Heenes.

The Federal Aviation Administration has opened its own investigation into the balloon flight, spokesman Mike Fergus said Tuesday. He said the inquiry began either Friday or Monday, but he didn't know how long it would take.

Fergus said the FAA investigates only civil allegations, rather than criminal ones. He declined to provide details.

The balloon landed near Denver International Airport, and some flights had to be changed to a different runway for 20 minutes.

The sheriff's office said its findings will be forwarded to prosecutors next week to decide if the Heenes should be charged with falsely reporting that their 6-year-old son, Falcon, had drifted away in a large home-built helium balloon to drum up publicity for a reality TV show.

AP says artist made up story about iconic Obama poster

HILLEL ITALIE
AP National Writer

NEW YORK In court papers filed by The Associated Press, the news organization said Shepard Fairey concocted the story that he was mistaken about which photo he used to create the famous Obama HOPE poster and disputed his contention that he has not personally profited from the iconic red, white and blue image.

Days after Fairey acknowledged trying to destroy potentially damaging evidence in his legal battle with the AP, the news agency filed amended papers in Manhattan federal court, accusing the Los Angeles-based poster artist of deliberate deception.

Until recently, Fairey had claimed his image was based on a 2006 photo of then-Sen. Barack Obama, seated next to actor George Clooney. Fairey now says that he was in error and that he used a solo, close-up shot of Obama, as the AP had long alleged.

"It is simply not credible that Fairey somehow forgot in January 2009 which source image he used to create the Infringing Works, which were completed only a year earlier in January 2008," according to the papers filed Tuesday.

"It also strains credulity that an experienced graphic designer such as Shepard Fairey misremembered cropping George Clooney out of a source image and making other changes ... when no such cropping or other changes were ever made."

Calls and e-mail messages to Fairey's lead counsel, Anthony Falzone, and Fairey's publicist, Jay Strell, were not immediately returned.

Fairey's attorneys filed amended court papers Friday night, saying the artist had fabricated information and destroyed material to cover up evidence of which picture he used. Falzone, executive director of the Fair Use Project at Stanford University, and the other lawyers plan to seek permission from the court to withdraw from the case.

Fairey and Falzone have both said that regardless of Fairey's action, his work is still protected by fair use.

Fairey sued the not-for-profit news cooperative in February, arguing that he didn't violate copyright law because he dramatically changed the image and thus was protected by "fair use" guidelines. The AP countersued in March, saying the uncredited, uncompensated use of an AP photo violated copyright laws and signaled a threat to journalism.

"Fair use" is determined, in part, by how much a new work changes an older one. The photo that Fairey acknowledges using appears closer to the "HOPE" artwork than does the picture of Obama and Clooney.

Fairey has long contended that he did not make money off of the image, which has appeared on posters, buttons, shirts and stickers, in books and in museums, including the National Portrait Gallery in Washington. But the AP alleged Tuesday that Fairey, through his Obey Clothing store, has "generated substantial revenue from the commercial exploitation of the Obama posters on T-shirts and other merchandise."

The AP cited published reports in estimating that profits from the Obama image had topped $400,000 as of September 2008, and now far exceeded that thanks to "the publicity generated by this lawsuit."

In the papers filed Tuesday, the AP added Obey Clothing as a counterclaim defendant.

Last summer, the image appeared on the cover of Robert Kuttner's "Obama's Challenge," a call for liberal policies that was released by Chelsea Green, a Vermont-based publisher. Chelsea Green President Margo Baldwin told the AP earlier this year that Fairey, who claimed sole copyright, did not ask for money, only that the publisher make a donation to the National Endowment for the Arts.

The AP plans to donate any proceeds received for past use of the photo to the AP Emergency Relief Fund, which assists staffers and their families around the world who are victims of natural disasters and conflicts.

Fairey has said that he first designed the image in early 2008, after he was encouraged by the Obama presidential campaign. The photo of Obama and Clooney was taken in April 2006 by Mannie Garcia, on assignment for the AP, at the National Press Club in Washington. Garcia, who also shot the solo picture, filed his own suit in July claiming he owned the copyright.



SURF REPORT

Surf Conditions **Water Temp:** 67°

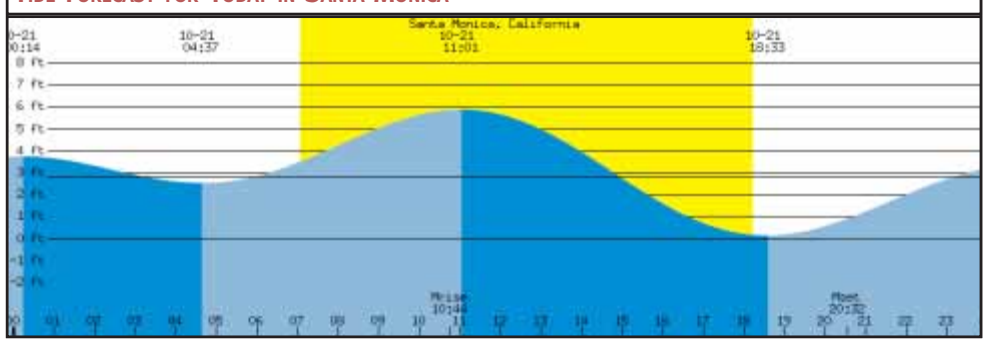
Swell Forecast

The New Zealand SW should peak at chest high or so around most south facing breaks. Swell from Rick should be in the water as well. Combined, standout south facing breaks can expect some head high set waves.

Long Range Synopsis

THE NW SWELL SHOULD INCREASE, PUTTING MOST WEST FACING BREAKS IN SETS RUNNING HEAD HIGH.

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 four weeks up to the ending date of **October 14, 2009**

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

QUICK STATS (for the last 28 days)

- Number of sewage spills -- 1
- Number of beach closures due to a sewage spill -- 1
- Number of wet days -- 2
- Number of A grades for dry/wet weather -- 41 / 14
- Number of (C,D,F) grades for dry/wet weather -- 4 / 9

The Beach Report Card is made possible by simplehuman, Goldhirsh Foundation, the James Irvine Foundation, Ford

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 Alisos creeks.	A+	A+
Encinal Canyon at El Matador State Beach.	A+	A+
Broad Beach at Trancas Creek mouth.	A+	ns
Zuma Beach at Zuma Creek mouth.	A+	ns
Walnut Creek, projection of Wildlife Rd. (private).	A+	A+
Paradise Cove Pier at Ramirez Canyon Creek mouth.	A+	ns
Escondido Creek, just east of Escondido State Beach.	A	A+
Latigo Canyon Creek mouth.	A+	ns
Solstice Canyon at Don Blacker County Beach.	A	A+
Puerco State Beach at creek mouth.	A+	ns
Marie Canyon storm drain at Puerco Beach, at 24572 Malibu Rd..	A	F
Surfrider Beach at Malibu Colony fence.	C	ns
Surfrider Beach (breach location)- daily.	A	C
Malibu Pier - 50 yards east.	F	ns
Carbon Beach at Sweetwater Canyon.	A+	A+
Las Flores State Beach at Las Flores Creek (point zero).	A+	A+
Big Rock Beach at 19948 PCH stairs.	A	ns
Pena Creek at Las Tunas County Beach.	A+	A+
Tuna Canyon.	ns	ns
Topanga State Beach at creek mouth.	A	F
Castlerock Storm Drain at Castle Rock Beach.	ns	ns
Santa Ynez Storm Drain at Castle Rock Beach.	D	ns
Will Rogers State Beach at 17200 PCH (1/4 mile east of Sunset drain).	A	ns
Will Rogers State Beach at Bel Air Bay Club drain near fence.	A+	ns
Will Rogers State Beach at Pulga Canyon storm drain.	A+	A+
Will Rogers State Beach at Temescal Canyon drain.	A+	ns
Will Rogers State Beach at Santa Monica Canyon drain (Chautauqua).	A+	F
Santa Monica Beach at Montana Ave. drain.	A+	ns
Santa Monica Beach at Wilshire Blvd. drain.	A+	ns
Santa Monica Municipal Pier.	F	F
Santa Monica Beach at Pico/Kenter storm drain.	A	F
Santa Monica Beach at Strand St. (in front of the restrooms).	A+	ns
Ocean Park Beach at Ashland Ave. drain.	A+	F
Venice City Beach, at the Rose Ave. storm drain.	A+	A+
Venice Beach at Brooks Ave. drain.	A+	ns
Venice Beach at Windward Ave. drain.	A	A+
Venice Fishing Pier - 50 yards south.	A+	ns
Venice Beach- projection of Topsail St..	A+	ns
Marina del Rey, Mothers' Beach- lifeguard tower.	A	F
Dockweiler State Beach at Ballona Creek mouth.	B	F
Dockweiler State Beach at Culver Blvd. drain.	A+	A+
North Westchester Storm Drain at Dockweiler State Beach.	A+	A+
Dockweiler State Beach at World Way (south of D&W jetty).	A	ns
Dockweiler State Beach at Imperial Hwy drain.	A+	A+
Dockweiler Beach- opposite Hyperion Treatment Plant.	A+	ns
Dockweiler State Beach at Grand Ave. drain.	A+	ns

LEGEND

DRY -- each location is graded on an A – F scale based on bacterial pollution levels present in the surf zone
WET -- grades for days of recorded rainfall and the following 3 days
ns -- no sample taken

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

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.

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

Heal the Bay

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MLB

Dodgers, Colletti agree to extension

LOS ANGELES Ned Colletti agreed to a long-term extension Tuesday to stay on as general manager of the Los Angeles Dodgers.

Under him, the team has reached the postseason in three of his four seasons, the first time a Dodgers GM has accomplished that feat. Colletti joins New York's Brian Cashman and Boston's Theo Epstein in doing so among active GMs.

Los Angeles trails the Philadelphia Phillies 3-1 in the best-of-seven NL championship series, with Game 5 on Wednesday.

During Colletti's tenure, the Dodgers' .539 winning percentage is the second-highest in the NL behind the Phillies' .554. Los Angeles had the best record in the NL this season for the first time since 1983 and won its second consecutive West title.

"The stability and continuity that extending his contract provides will further help us achieve the goal of being a consistent winner," owner Frank McCourt said in a statement.

Colletti has added Manny Ramirez, Jim Thome, Casey Blake, Vicente Padilla, George Sherill, Ronnie Belliard and Jon Garland as key contributors during the past two years.

His first trade as GM brought Andre Ethier to the Dodgers. He also retained All-Star pitchers Chad Billingsley and Jonathan Broxton, as well as Matt Kemp, James Loney, Russell Martin, Clayton Kershaw and Hong-Chih Kuo.

"I'm very proud of what our baseball operations staff has accomplished over the last four years and I'm grateful for the support of the fans who have truly made me feel at home," Colletti said in the statement. "I'm hopeful that we can bring them the championship they deserve in the very near future."

Colletti has focused on developing talent through an offseason player development program that began last year, and has renewed the team's focus in Asia, signing free-agent pitchers Hiroki Kuroda and Takashi Saito.

SOCCER

Donovan wins Honda award as player of year

THE ASSOCIATED PRESS

LOS ANGELES Landon Donovan has won the Honda player of the year award as the best player on the U.S. national soccer team for a record-breaking sixth time.

Donovan received the award and a new car Tuesday in Los Angeles.

He earned a total of 424 points in voting by U.S. sports media. Goalkeeper Tim Howard finished second with 267 and forward Jozy Altidore was third with 175.

Donovan has scored a leading 42 goals during his 120 games with the U.S. national team.

The 27-year-old Los Angeles Galaxy forward first won the award in 2002 and repeated the next two years. He won again in 2007 and 2008.

SUMMER GAMES

IOC confident in Rio despite latest wave of violence

STEPHEN WILSON
AP Sports Writer

LONDON The IOC expressed confidence Tuesday that Brazil will deliver a safe Olympics in 2016 despite the weekend violence between rival drug gangs that killed 21 people in Rio de Janeiro.

The firefight, which brought down a police helicopter, took place in the Morro dos Macacos ("Monkey Hill") slum about five miles southwest of one of the zones where Olympic events will be held.

The violence came two weeks after the International Olympic Committee voted to award the 2016 Games to Rio, taking the event to South America for the first time. Rio defeated Madrid, Tokyo and Chicago.

"Security is of course a very important aspect of any Olympic Games no matter where it is in the world," IOC spokesman Mark Adams said. "This is of course entirely under the national, regional and city authorities.

"We have confidence in their capacity to deliver a safe games in seven years' time."

Several IOC members said the violence in Rio brought back memories of the bomb attacks that rocked London a day after the British capital was awarded the 2012 Olympics in 2005 in Singapore.

Fifty-two people were killed when four suicide bombers attacked London's subway and bus network on July 7, 2005.

"In a sense it's a little bit like what happened after Singapore," senior Canadian member Dick Pound said. "You don't reach a conclusion on an event seven years away on the basis of some uncomfortable stuff in the interim."

Executive board member Gerhard Heiberg of Norway said there was no reason to be overly concerned.

"There are seven years to go," he said. "This came now. Hopefully they can clean that up. I'm not too worried."

In an evaluation report issued a month before Rio's victory in Copenhagen, the IOC said Rio faced "safety challenges" but that community police programs had produced "positive results" in reducing crime.

"IOC members voted on the basis of an evaluation commission report that invited them to disregard (crime) as a serious factor," Pound said. "It was basically telling the membership not to worry about that."

MOVIE TIMES

Aero Theatre
1328 Montana Ave.
(323) 466-FILM

Call for information.

AMC Loews Broadway 4
1441 Third Street Promenade

Black Dynamite (R) 1hr 30min
2:15, 4:30, 6:50, 9:20

Capitalism: A Love Story (R) 2hr 7min
1:30, 4:20, 7:10, 10:00

A Serious Man (R) 1hr 45min
2:00, 4:40, 7:20, 9:50

Whip It (PG-13) 1hr 51min
1:45, 4:20, 7:00, 9:30

AMC 7 Santa Monica
1310 Third St.
(310) 289-4262

Cloudy With a Chance of Meatballs (PG) 1hr 21min
1:30, 4:10, 6:40, 9:00

Invention of Lying (PG-13) 1hr 40min
2:10, 4:40, 7:20, 9:50

Paranormal Activity (R) 1hr 39min
12:10, 2:20, 4:30, 7:00, 9:30

Toy Story & Toy Story 2 in 3D Double Feature (G) 2hr 49min
1:00, 4:45, 8:30

Where the Wild Things Are (PG) 1hr 34min
12:00, 12:45, 2:30, 3:15, 5:00, 5:45, 7:30, 8:15, 10:00

Zombieland (R) 1hr 21min
12:30, 2:40, 4:50, 7:15, 9:40

Laemmle's Monica Fourplex
1332 Second St.
(310) 394-9741

Inglourious Basterds (R) 2hr 48min
9:40

Bright Star (PG) 1hr 59min
1:20, 4:10, 7:00

Good Hair (PG-13) 1hr 50min
1:40, 4:40, 7:30, 10:00

More Than A Game (PG) 1hr 42min
9:45

The Boys Are Back (PG-13) 1hr 55min
1:30, 4:20, 7:10

New York I Love You (R) 1hr 58min
1:50, 4:30, 7:20, 9:55

Mann's Criterion Theatre
1313 Third St.
(310) 395-1599

Couples Retreat (PG-13) 1hr 47min
11:40, 2:20, 5:00, 7:40, 10:20

Couples Retreat- Digital Projection (PG-13) 1hr 47min
1:10, 3:50, 6:40, 9:20

The Informant! (R) 1hr 48min
11:30, 2:00, 4:50, 7:30

Law Abiding Citizen (R) 1hr 48min
12:30, 1:30, 3:30, 4:30, 6:30, 7:30, 9:30, 10:15

The Stepfather (PG-13) 1hr min41
12:20, 2:50, 5:20, 7:50, 10:00, 10:30

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

Where there is music, Aries

ARIES (March 21-April 19)
★★★★ Someone clearly is going out of his or her way for you. Be willing to break past your self-imposed restrictions and greet new or different thinking. At first, you might be uncomfortable, but a risk could have very pleasing results. Open up to new thinking. Tonight: Where there is music.

TAURUS (April 20-May 20)
★★★★ Listen to news from another party. How you handle a personal matter could redefine your relationship. A caring attitude from this person or associate is heartfelt. Respond accordingly. Nothing less than authentic works. Tonight: Dinner for two.

GEMINI (May 21-June 20)
★★★★★ Deferring to someone happens with ease if this person is all smiles and charming. The issue remains, Do you really want to defer and let someone else control the situation? Only you can answer this question. Tonight: Out and about, a force to be dealt with.

CANCER (June 21-July 22)
★★★ Your willing attitude brings only good will to you. Listen to what is happening with a coworker. You might need to know what is being shared. Learning through others is much easier! Tonight: Find something relaxing, whatever that looks like to you.

LEO (July 23-Aug. 22)
★★★★ A child, new friend or loved one continues to reach out to you. Understand what is happening with this person. Get into the good feelings, and make plans for later. Meanwhile, finish off what you must. Tonight: Fun and games.

VIRGO (Aug. 23-Sept. 22)
★★★ Stay centered on your priorities. Someone clearly cares about you, and deeply at that. Listen to news that heads in your direction. Consider working from home more. You feel more centered than you have in a while. Tonight: Order in.

LIBRA (Sept. 23-Oct. 22)
★★★★★ Keep reaching out for someone who can be and has been oblivious. You know how to make inroads, and you have every chance to break a stalemate. A little caring goes a long way, as you will see. Tonight: Be with favorite people.

SCORPIO (Oct. 23-Nov. 21)
★★★ Curb a possessive tendency that really does very little to help you. Relax and understand more of what you have to offer, and don't let the green-eyed monster get to you. People don't appreciate that attitude. Tonight: Spruce up your wardrobe.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Others respond, and in a way that can only make you smile. You seem to be a natural at bringing people together. Meetings and crowds benefit you when you are like this. Tonight: All smiles.

CAPRICORN (Dec. 22-Jan. 19)
★★★★★ You might want to rethink a situation; you might have missed a key point. You have someone you look up to who often serves as a trusted adviser. Brainstorming with this person can never hurt. Tonight: A little solitude works.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ A meeting could evolve into more, at least with one of the parties. You could see a friendship in the making. Both of you are willing to break past present thought patterns and grow. Your willingness to identify with others tosses you into the limelight. Tonight: Having fun.

PISCES (Feb. 19-March 20)
★★★★ Someone who is very important reaches out to you. You can work directly with people and draw extremely positive results. One person would like to be your partner in many different ways. Tonight: Dinner out.

Happy birthday

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

This year, you make waves, and others naturally respond to your beat. Your instincts come through for you more often and need to be listened to, especially when dealing with money. Observe a tendency to spend your anxiety away, which could be extremely damaging. Good financial sense is imperative this year. Take up a stress-buster or some habit that will allow a new venue to work through your feelings other than spending. If you are single, you could meet someone who might cause you some problems, as he or she might not reveal his or her true self. This behavior might not be intentional and will reveal itself in the dating process. If you are attached, the two of you need more time alone together. Your relationship warms up and becomes more bonded. SAGITTARIUS can help you spend your money!

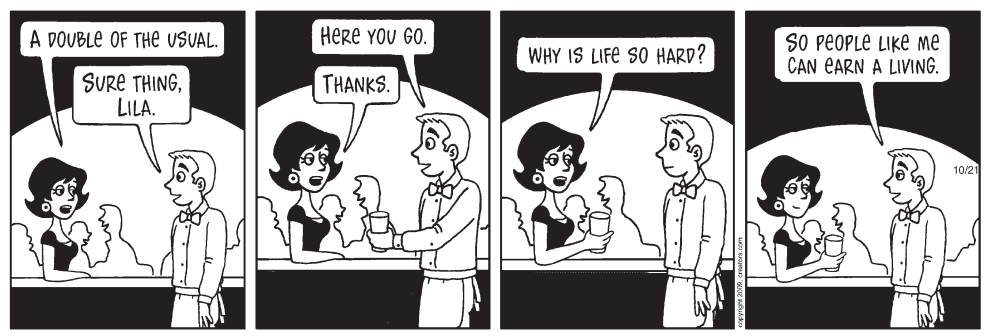
Girls and Sports

By Justin Borus and Andrew Feinstein



The Meaning of Lila

By John Forgetta & L.A. Rose



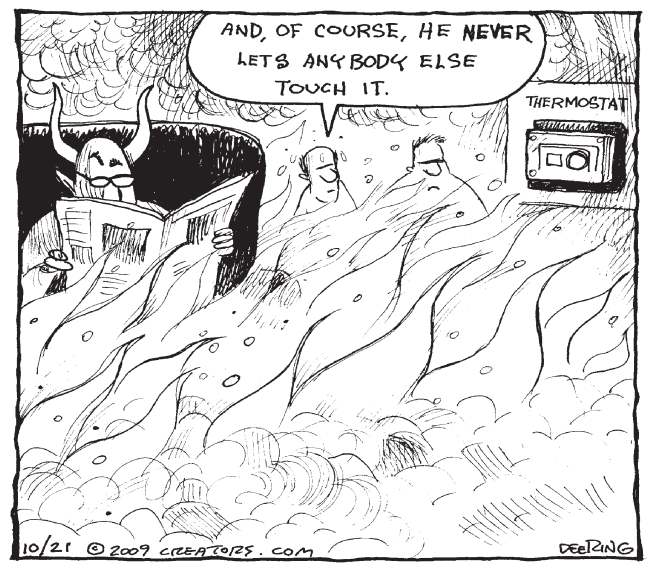
Garfield

By Jim Davis



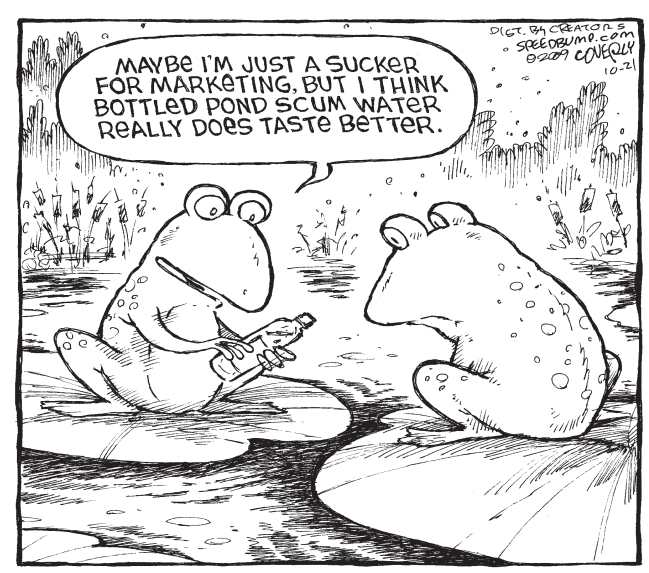
Strange Brew

By John Deering



Speed Bump

By Dave Coverly



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Sudoku

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

Difficulty Level ★★★

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

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

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

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MYSTERY PHOTO

Maya Sugarman *news@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*.

CROSSWORD

By THOMAS JOSEPH

ACROSS

1 Strands
6 Golf bunker
10 Increase
11 Scarlett's last name
12 Distrustful
13 Aspirin targets
14 Highway division
15 Court sport
16 Last part
17 Possess
18 Glimpse
19 Became fainter
22 Walked over
23 Tiny amount
26 Constrained
29 Owns
32 Golf support
33 Hot drink
34 Require
36 Optimal
37 Pueblo material
38 Factory worker
39 Attempts
40 Jim Croce's "I Got —"
41 Splinter group
42 Bet

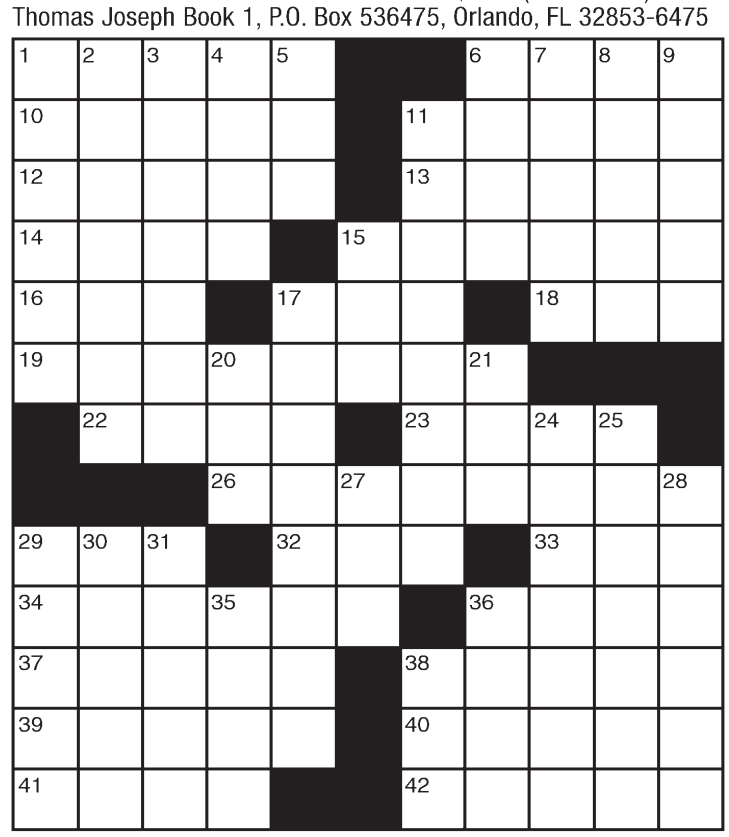
DOWN

1 Enclosed, in a way
2 "Don't test me!"
3 Unthrifty one
4 Undiluted
5 Secret agent
6 Compared with
7 Monsoon weather
8 Palmer, to his fans
9 Out of fashion
11 Dentist's request
15 Binary base
17 Anomalies
20 Period
21 Tacit approval
24 Carryall's kin
25 Remarkable
27 Snaky fish
28 Talk casually
29 Track trials
30 Tennis star Agassi
31 Impassive
35 Assist in crime
36 — fide
38 Crude

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

Yesterday's answer

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



10-21

DAILY LOTTERY

MEGA MILLIONS: 10 13 18 33 51
Meganumber: 43
Jackpot: $12M

SUPER LOTTO PLUS: 3 6 8 36 47
Meganumber: 13
Jackpot: $9M

Fantasy 5: 18 29 31 35 39

DAILY 3: MIDDAY: 0 8 8
EVENING: 0 2 6

DAILY DERBY:
1st: 05 California Classic
2nd: 02 Lucky Star
3rd: 05 Whirl Win
RACE TIME: 1:44.64

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

■ Child "Protection" Caseworkers: (1) In November 2008, the Illinois Department of Children and Family Services returned an infant to her mother's care two weeks after the woman had, according to police, left her in a toilet bowl. (Three months later, following further investigation, the woman was charged with attempted murder, and the baby was taken away.) (2) Texas child agency caseworkers assigned a low priority (non-"immediate" risk) after a home visit in May in Arlington revealed that a violent, long-troubled mother routinely left three children, ages 6, 5 and 1, home alone all day while she was at work. In September, the 1-year-old was found dead.

■ On Aug. 28, a suicide bomber approached Saudi Prince Mohammed bin Nayef, intending to kill them both using a new, mysterious device that an al-Qaida video had earlier proclaimed would be impossible to detect. The terrorist blew up only himself, though, and security investigators concluded that his "bomb" was a 3-inch-long explosive hidden in his rectum. A Transportation Security Administration official downplayed the puny power of such a small device (but its effectiveness in bringing down an airplane is still an open question).

TODAY IN HISTORY

1973 John Paul Getty III's ear is cut off by his kidnappers and sent to a newspaper in Rome; it doesn't arrive until November 8.

1973 Fred Dryer of the then Los Angeles Rams becomes the first player in NFL history to score two safeties in the same game.

1977 The European Patent Institute is founded.

1978 Australian civilian pilot Frederick Valentich vanishes in a Cessna 182 over the Bass Strait south of Melbourne, after reporting contact with an unidentified aircraft.

1979 Moshe Dayan resigns from the Israeli government because of strong disagreements with Prime Minister Menachem Begin over policy towards the Arabs.

WORD UP!

milieu \meel-YUH; meel-YOO\ , noun: 1. Environment; setting.

Santa Monica Daily Press

Classifieds

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SALES REPRESENTATIVE-INDEPENDENT Mitchell 1, The leader in providing business software solutions for the auto repair industry, seeks an independent contractor to sell/support our products in the Santa Monica area. Candidates should possess a solution based selling approach & Windows-based software skills. Exp in the auto repair industry &/or strong understanding of business management is a plus. We offer a lucrative commission structure. Send resume: jobs@mitchell1.com or fax 858-746-8910. For more info about Mitchell 1, visit www.mitchell1.com EOE

UPSCALE ASSISTED living facility is looking for medication technicians for afternoon shifts from 2-10:30pm part time on weekends. Previous experience a must. If interested, please come by to fill out an application at 2107 Ocean Ave. Santa Monica, CA 90405. Must be drug free and have clear criminal background. EOE

Help Wanted

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For Rent

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501 N. Venice unit 12 single, $1025/mo $500 off move-in stove, fridge, carpet, utilities included, laundry, parking, no pets. (310)574-6767 www.jkwproperties.com

833 5TH St. SM unit 101 2+2 $2295 stove, carpet, blinds, swimming pool, laundry, granite countertops, wood/tile floors, intercom entry, gated parking, no pets. (310)393-2547 www.jkwproperties.com

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L.A. 1523 Holt Ave unit 1+1 large lower unit stove, fridge, hardwood, parking, cat OK with deposit, $1195, $500 off move-in (310) 578-7512 www.jkwproperties.com

L.A. GROVE area 428 N Orange Grove unit 101 1+1 stove, fridge, blinds, tile bathroom separate tub/shower hardwood/ vinyl floors, on-site laundry no pets $1195/mo $500 off move-in (310) 578-7512 jkwproperties.com

L.A. GROVE area 458 N Curson unit 103 1+1 stove, fridge, blinds, tile bathroom separate tub/shower hardwood/ vinyl floors, on-site laundry no pets $1175/mo $700 off move-in (310) 578-7512 jkwproperties.com

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PALMS 3540 Overland 1+1 unit 2 $895 Stove, fridge, carpet, blinds, laundry, street parking, no pets. $700 off move-in special. (310)578-7512 www.jkwproperties.com

PALMS ADJ/ LaCienga Hghts. $925.00 1 Bdrm, 1Bath, NO PETS, stove, refrg, parking 2009 Preuss Rd., #10 Open daily 8am-7pm . Additional info in unit

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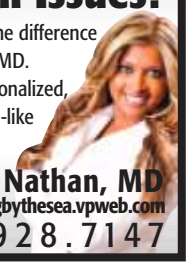
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	Single Family Homes	Condos & Townhomes
Santa Monica Canyon	$2,522,500	$4,810,000
North of Montana	$2,995,000	$1,300,000
Between Wilshire & Montana	$1,988,000	$919,000
South of Wilshire	$849,000	$624,500
Sunset Park	$1,249,000	$549,000
Ocean Park	$1,469,000	$1,049,000

Statistics Updated Every Monday

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