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Santa Monica Daily Press

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Henna artists stuck in city political warfare

Santa Monica City Council ban strips Henna artists of their livelihoods

BY DAN DUNN
Daily Press Correspondent

Henna artist Fulya Okatar has been working steadily for nearly three years on the Santa Monica Pier. On a good day, she'll draw about 30 to 35 temporary tattoos — at $5 to $10 a pop — mostly on the arms and legs of young tourists.

"This is about how yuppie or not this community is going to be. We had a very contentious summer and it became a competition about who can win on the council."

— MICHAEL FEINSTEIN
Santa Monica Mayor

But not anymore. Starting next week, Okatar is out of a job, thanks to the Santa Monica City Council.

"It's a decent living," said Okatar, a Turkish immigrant who usually leaves her Culver City apartment at 4 a.m. every day to secure a prime space on the busy pier. "It's hard to believe soon I cannot be here anymore."

Last month, the Santa Monica City Council voted to amend the street performer ordinance and ban henna artists from the Third Street Promenade and the pier. Henna is a non-permanent dye used in tatooing.

"It's ridiculous, honestly," said Okatar of the revised ordinance. "I wish someone could explain to me what is this really all about?"

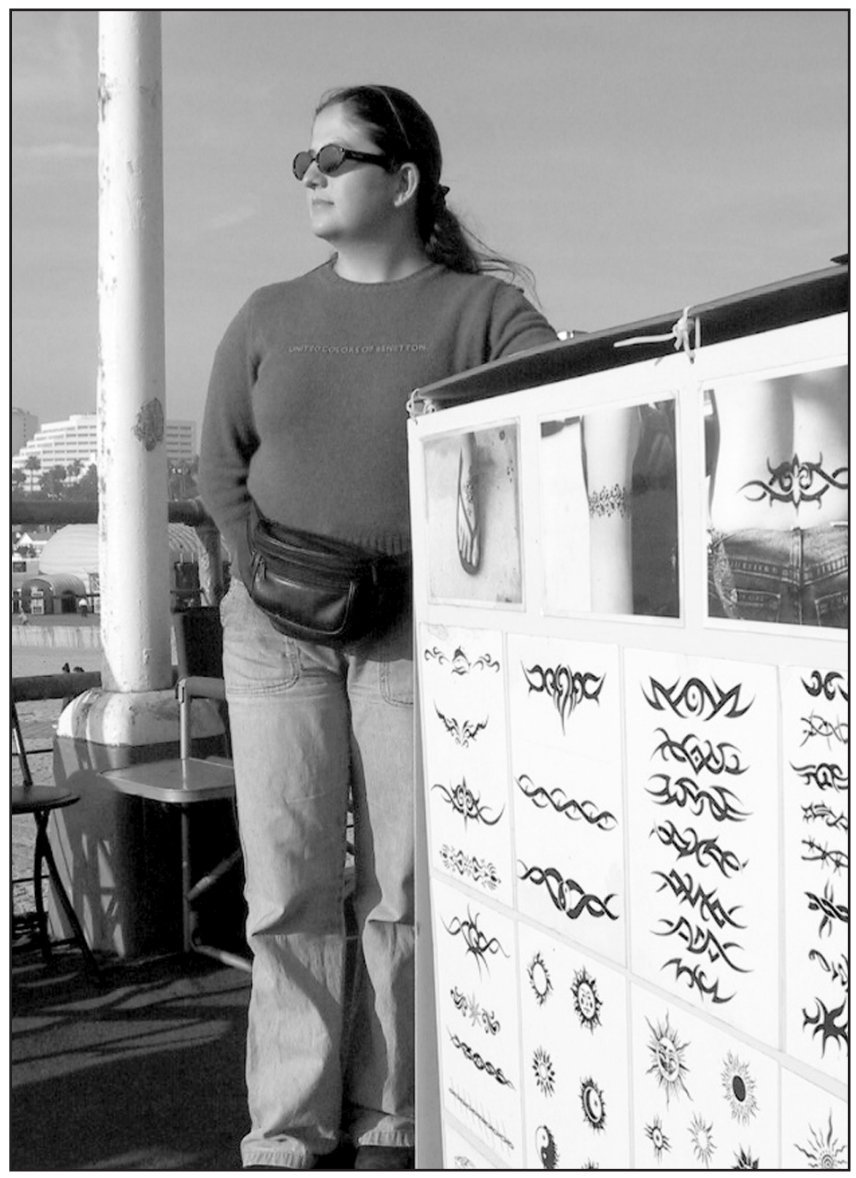
The answer is varied, depending on who you ask. Some contend henna artists were shown the door in the interest of public safety. Others, including the city's mayor, claim the artists are just the latest victims in a turf war between community leaders with intensely conflicting visions of the future of the city's commercial core.

Following a spirited debate at an Oct. 9 meeting, the council voted 4-3 to amend Santa Monica Municipal Code Section 6.112.020 to define a henna tattoo as a "tangible art object" like a painting or a sculpture.

But the staff report on the issue indicates that the henna-related revisions to the street performers code were necessary to insure public safety.

"The City has received complaints of skin

See HENNA, page 4



Dan Dunn/Special to the Daily Press

Henna artist Fulya Okatar looks out onto the Santa Monica Pier, where she has been a henna tattoo artist for almost three years. Because of a recent city council action, Okatar is no longer able to work in Santa Monica.

'Priceless' package worth $100 in judge's eyes

Fed Ex not liable for lost package

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Copywriters, save or copy your work. And ask Santa Monican Gregg Rosen what can happen if you don't.

Rosen recently won a paltry $100 from Fed Ex on a $5,000 claim after a package containing his only work samples was lost on its way back to him. A judge reviewing his case said Rosen was unable to either prove the value of his work, or that he'd lost $5,000 worth of business because he no longer had it.

Rosen, who writes copy for various publications, sent his package to a prospective client in San Francisco. When the client sent it back without insuring it, however, Fed Ex was legally off the hook.

Andrea Jodlowski, a Fed Ex administrative manager, told Santa Monica pro tem judge Norman Axe in small claims court that if the sender doesn't deem the package an "item of extraordinary value" by buying insurance on it, the company isn't liable. Senders are bound by the contract they accept with Fed Ex when using the firm to send packages, she noted.

Axe suggested Rosen might have prevailed had he been able to present concrete proof that the loss, called a "misdelivery" by Fed Ex, resulted in lost income for Rosen.

"The question I have is how do you prove damages?" Axe asked. "I don't think you proved enough of a loss of income. A lot of things are priceless but other than your word, you have nobody proving the value."

Axe added that Rosen's loss of income could be a direct result of the economy's nose dive rather than the bungled delivery.

Rosen argued that because he has no "portfolio," he can't show future clients the work he's done in the past. He noted he has no back up copies of his work because it's produced as a final product such as an original brochure, which then goes in his portfolio.

Asking him why he doesn't get copies of his work "is like saying to the L.A. Times, 'I didn't get my copy today; can you re-produce it?'" he told Axe. "The costs (of going to press for a single additional paper) are phe-

See FED EX, page 4

Where there is dirt, there may be fire

Arsonist may be targeting 'untidy' Santa Monica alleys

See story, page 3

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LOCAL

Big Blue Bus free during December weekends

By the Daily Press staff

In an effort to beef up the local economy, city officials want to make holiday shopping easier for area residents by offering free bus shuttles around town.

For the first four weekends in December, the Big Blue Bus' TIDE Shuttle will become the Santa Monica Shopping Shuttle offering free rides every 15 minutes across an extended route in the city's most popular commercial areas including the Santa Monica Place Mall, 3rd Street Promenade, Montana Avenue and Main Street.

The shopping shuttle will be free beginning at 4 p.m. Fridays through 10 p.m,. Sundays. Here is the schedule:

- Friday, Nov. 30-Sunday, Dec. 2
- Friday, Dec. 7-Sunday, Dec. 9
- Friday, Dec. 14-Sunday, Dec. 16
- Friday, Dec. 21-Sunday, Dec. 23

The regular TIDE route serving Ocean Ave. and Main Street will be extended via Fourth Street north to Montana Avenue. The shuttle will stop at all Big Blue Bus stops along Fourth Street and Montana Avenue, up to 15th Street. The TIDE shuttles are the lightest buses in the fleet and run on electricity.

For more information, call (310) 451-5444, or go to bigbluebus.com.

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csackariason@yahoo.com

WEATHER

Today ... Patchy low clouds and dense fog in the morning...Otherwise mostly sunny. Highs in the upper 60s to mid 70s

Friday Night through Saturday ... Areas of night through morning low clouds and fog...Otherwise variable high clouds. Lows in the 50s. Highs in the upper 60s to mid 70s.

Extended ... Variable throughout the week.

QUOTE of the DAY

"What a waste it is to lose one's mind, or not to have a mind as being truly wasteful, how true that is."

— Dan Quayle

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LOCAL

Fire officials warn apartment residents to keep carport storage areas secure

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Apartment owners beware: Clean your storage areas or they may go up in flames.

Officials are investigating a rash of arson fires that have been set in outdoor carports throughout alleyways in Santa Monica neighborhoods during the past year. The latest arson incident happened early Monday morning in a 10th Street apartment building where all of the residents were left without power and some with major smoke damage to their units.

Santa Monica Fire Department spokeswoman Jill Barnes said a fire was intentionally set in a small storage area underneath the 824 10th Street apartment building shortly before 4 a.m. Monday.

Fire department investigator Joe Paneno said several other apartment buildings have been targets of arson in a corridor between Montana and Broadway Avenues, and Second and 14th Streets. And it appears in many cases the areas around the storage lockers are cluttered with combustible material and are unkempt.

"There has been a fair amount of them," Paneno said. "We've tracked them all and we've documented them. It's something that we are taking a close look and establishing a pattern here."

Earlier this summer an apartment building at 1234 11th Street was damaged by fire after a carport storage area was set ablaze. That fire caused three cars to be totaled; burned out the center of a 12-vehicle carport, and created extensive smoke and fire damage to apartments directly above the storage locker.

"There was all sorts of combustibles and junk there," Paneno said.

He added that while some of the fires are small, the latest one at 824 10th Street was problematic because the fire separation — which is usually plaster or drywall — in the building had a hole in it. As a result, the fire shorted a main electrical circuit and wiped out all the power to the apartments.

"It really caused them some problems," Paneno said.

Building owner Dana Pascoe said her 10 tenants have had to temporarily relocated because she still cannot get the power running in the apartments.

Paneno said it could have been much worse if the fire department's response time hadn't been so swift. He warns building owners to make sure their fire separation walls are sound. "That's a life-saving barrier," he said.

A task force comprised of fire and police officials has been set up to investigate the fires. Paneno said if anyone sees suspicious activity in their neighborhoods they should either report it to his office at 458-8915 or the police department. He also suggests that building owners and residents should keep their alleys free of debris.

"Secure anything they possibly have and minimize any clutter around it," he said.

Barnes suggests that residents keep an eye out in their neighborhoods and on their belongings.

"Residents may want to keep those storage areas locked and report any suspicious activity," she said.



Nikki Pedersen/Special to Daily Press

Firefighter Fred Roberts surveys the damage at an apartment building on 10th Street, where a deliberate fire was set. The building's tenants had to temporarily move out because the building lost its power.

Pilot doomed in Cessna 340A at Santa Monica Airport identified

By the Associated Press

The pilot of a small plane that crashed and caught fire at the Santa Monica Airport Tuesday has been identified as Richard Runyon, a Santa Monica resident and graphic designer who created the Federal Express logo.

Runyon, 63, was one of two people killed when a Cessna 340-A failed to take off, apparently because a pin designed to keep it on the ground wasn't removed before takeoff was attempted.

The other victim was identified by Runyon's friends and business associates as Kathleen Vanis, 49, of Marina Del Rey, a longtime friend and former employee.

Friends and associates said Runyon had 45 years of flight experience, making it hard for them to comprehend how he could have failed to remove the control pin.

Normally these pins keep smaller planes from even starting, but it had been rigged so the engine could start without the pin being removed, a crash investigator told Mary Wilson, Runyon's daughter.

"I don't think he would have jury-rigged anything like that," she said. "The investigator couldn't believe the pin was still in." Runyon "was really, really procedure-conscious, an excellent pilot," said Clay Lacy, a friend and fellow pilot.

Runyon, who owned his own design firm, was the creator of some of the world's most visible corporate product packaging and advertising. He was also the lead designer of the Spruce Goose exhibit in Long Beach.

Runyon's twin-engine plane roared down the runway shortly after 6:30 p.m. Tuesday and went into a skid when it failed to lift off. It crashed into a guardrail and burst into flames.

He and Vanis both died at the scene.

Friends said Runyon was planning to fly Vanis on a short trip to the San Fernando Valley so she could look after his dog while he was out of town. He was planning to leave for England on Wednesday.

Two miles of beach closed after sewage spills

By the Associated Press

LOS ANGELES — Two separate sewage spills forced the closure of about two miles of Southern California coastline to beach goers on Thursday.

Almost 50,000 gallons were released in the two spills, and all but 5,000 gallons were contained, said Larry Honeybourne, who works in the water quality section of the Orange County Health Care Agency.

Still, the spills were expected to keep beaches in Huntington Beach, Newport Beach and Dana Point closed until Sunday, Honeybourne said.

The failure of a pipe line at a sewer pump station in the Newport Slough caused raw sewage to enter the mouth of the Santa Ana River, which runs into the Pacific Ocean between the cities of Huntington Beach and Newport Beach, Honeybourne said.

As a result, a half-mile of beach is closed in both cities.

Meanwhile, a blocked pipe sent almost 6,000 gallons of raw sewage through a manhole in Mission Viejo and into San Juan Creek, which empties into the ocean at Doheny State Beach in Dana Point. A one-mile stretch of that beach was closed.

The closures were the 44th and 45th of the year, compared with 40 at this time last year.

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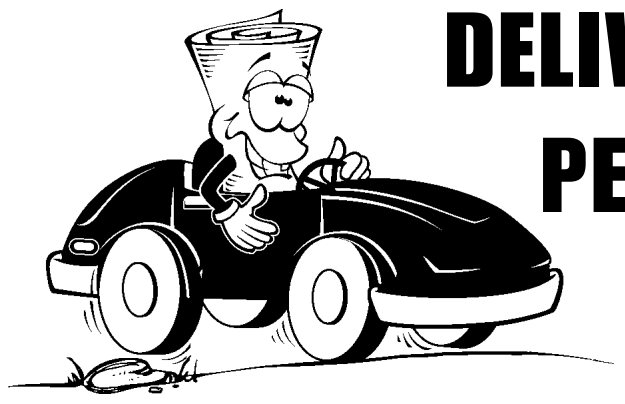
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LOCAL

Other options not considered before Henna ban was enacted

HENNA, from page 1

rashes and other adverse reactions. One person, who received a henna tattoo after being told that it was temporary, sued the city for permitting the activity months later because the tattoo could not be removed. These events raised concerns among staff members about the advisability of continuing to permit these activities as performance," the report reads.

Skin rashes and other complications are caused by "black henna," or phenylenediamine, a hair dye. The black hair dye is cheaper than traditional henna dye, which is red, and has been used for skin decoration and body art for thousands of years.

Santa Monica Mayor Michael Feinstein believes the "black henna" argument was nothing but smoke and mirrors — a scare tactic designed to mask the ban's true intent.

"This is about how yuppie or not this community is going to be," said Feinstein. "We had a very contentious summer and it became a competition about who can win on the council." He vowed that he would bring the issue back to council next year, when and if new councilmembers are elected.

"Because I really do think it was an ugly class warfare thing," he said.

Councilman Ken Genser, who along with Herb Katz, pushed hard for the amendment, argued, "If we let (henna) go forward, we might as well let hair braiding and other cosmetology on the Promenade … I think what really matters is it's not a performance."

Judging from the wording of the amendment, and Genser's statements at the October meeting, it appears as though the intention of the new law is to mollify rent-paying business owners on the pier and Promenade who feel henna artists have been getting a free ride. (Street performers pay a $37 annual licensing fee.)

According to Steele Smith, the city's street performer liaison, concerns about "black henna" are valid. By allowing henna to continue without a safety testing procedure in place, the city would be opening itself up to additional lawsuits.

Smith claims the city doesn't have the money to allow for ink testing. He suggested a plan that would allow henna artists to remain on the pier and Promenade if they obtained their own liability insurance. However, the plan was not mentioned at the October meeting.

"There were plenty of alternatives to simply banning henna that were never considered," said Linda Sullivan, a board member of the Pier Restoration Corporation, which manages the pier. "Instead of looking at this as people's livelihoods they were taking away, the council chose to go with the simplest solution for themselves, which was just getting rid of the henna artists and moving on."

Sullivan expects the loss of the henna artists to have an adverse affect on local businesses, since henna has traditionally been a big draw on the pier and the Promenade. She's also discouraged by the "over-regulation" of public space, the venue for street performers.

"Our public spaces are being turned into shopping malls," said Sullivan. "Each and every one of us has been reduced to being nothing more than consumers" in some government officials' eyes.

As for Fulya Okatar, she says she has "no idea" where she'll take her henna once the Santa Monica ban goes into effect. She's tried securing space in Venice, but claims it is simply too crowded.

"They're saying this is not an art, and that is just wrong," said Okatar. "They're getting rid of us and this beautiful art for all the wrong reasons."

"There were plenty of alternatives to simply banning henna that were never considered. Instead of looking at this as people's livelihoods they were taking away, the council chose to go with the simplest solution for themselves, which was just getting rid of the henna artists and moving on."

— LINDA SULLIVAN
Board member of the Pier Restoration Corporation

Insure it if it's valuable

FED EX, from page 1

nomenal," he added.

The judge was so sympathetic to Rosen's plight that he offered him additional time to present proof of the value of his loss. But Rosen declined the offer in favor of a quick decision.

"Prior to this happening, I was able to get a new project every six weeks," noted the frustrated copywriter. "All I can do is point to the general abruptness in not being able to muster up business."

The stoppage wasn't enough to convince Axe, however. He noted the insurance argument put forth by Fed Ex's Jodlowski. Of the millions of packages delivered annually by Fed Ex, some are bound to get lost or "misdelivered," she said. If the sender has any qualms about a loss in case his package disappears, he should insure it, she noted.

Though the maximum value of an uninsured and lost package is $100, Jodlowski said she would try to get more money from Fed Ex for Rosen.

And the judge had some succinct advice as well. He suggested Rosen use the United States Postal Service in the future.

NATIONAL

Airbus hit turbulence before crashing

BY LARRY NEUMEISTER
Associated Press Writer

NEW YORK — American Airlines Flight 587 twice ran into turbulence left by a jumbo jet, including a blast of air that sent it careening sideways seconds before it crashed, investigators said Thursday.

The doomed plane's flight data recorder indicates the Airbus A300 had two turbulent "wake encounters" during its three-minute flight, said Marion Blakey, chairwoman of the National Transportation Safety Board.

"The second was similar in intensity to the first," she said.

She and other investigators cautioned that they were not ready to conclude turbulence caused Monday's crash, which killed all 260 people aboard the jet bound for the Dominican Republic and five more people on the ground in Queens.

But investigators have swiftly focused on why the tail fin broke away before the crash, looking at its composition and whether the wake of the Japan Air Lines jumbo jet played a role. The JAL 747 left from the same runway at Kennedy Airport less than two minutes earlier.

Flight 587 began banking hard with its left wing down within eight seconds of the second wake encounter, said Tom Haueter, the NTSB's deputy director of aviation. The flight data recorder cut off at that point.

"Obviously, the whole time we're talking about is the last eight seconds," he said. "We have eight seconds we're going to be looking at in extreme detail."

Earlier, NTSB investigator George Black Jr. said investigators were almost certain the tail broke off before the jetliner's twin engines. While cautioning that investigators are not ready to rule out sabotage, he said the tail "doesn't appear to have been sabotaged in any way."

Black also said the pilots of Flight 587 were probably unaware its tail fin had broken off as they struggled to control the plane.

"They don't have a rearview mirror," he told The Associated Press. "They have no idea they've lost a tail.'"

In Washington, the Federal Aviation Administration was preparing to order inspections of Airbus A300s, focusing on the tail. The order would cover 90 of the European-built planes used by three U.S. airlines — American, FedEx and United Parcel Service. American has already agreed to do voluntary inspections of its 34 remaining A300s.

"We understand that American Airlines is inspecting their fleet as a very precautionary measure," said a spokeswoman for Airbus in Toulouse, France. "We do not yet know what went wrong."

The tail assembly on the Airbus A300 includes a tail fin and rudder; without those parts, the jetliner would have suffered a loss of stability and turning control.

Besides the effects of turbulence, investigators are looking at the tail's makeup. It is made of composites, or carbon-fiber reinforced plastic that is incredibly strong.

Composite materials started being used for major structural parts in commercial jets in the late 1970s and early '80s. Black said there haven't been any problems with the material, ``but then we also haven't lost any tails."

Maintenance records indicate that before the plane was delivered to American Airlines in 1988, one of the six fittings that hold the tail to the fuselage had to be repaired by the manufacturer. The fitting's thickness was increased and it was reinforced with rivets.

The cockpit voice recorder, the plane's other black box, has offered potential clues to investigators.

For example, the co-pilot calls for maximum power about two minutes after takeoff, just after a pair of jet frame rattling noises are heard in the cockpit. Seconds later, the pilots indicate they were losing control.

"When they start talking about max power ... they've gone into recovery mode," Black said. "And they might be recovering from the wrong thing, because they don't know" about the missing tail.

The voice recording ends 19 seconds after the call for maximum power.

With much of its work on the ground done, the NTSB planned to shut down its main investigation in New York by Saturday and return to Washington, Black said.

At the crash site Thursday, large pieces of shattered wreckage were pulled from the neighborhood where Flight 587 plunged to earth and workers with pitchforks and rakes moved methodically through smaller piles of rubble. The crash destroyed or damaged 11 homes.

The airline has changed the flight number from 587 to 619. The flight from Kennedy to the Dominican Republic was so well known among Dominicans that it was referenced in a popular song, "El Avion (The Plane)."

Mayor Rudolph Giuliani said a memorial service will be held Sunday for victims of the crash, but specifics were not immediately disclosed.

Why competitors are largely quiet on Microsoft settlement

BY MATTHEW FORDAHL
AP Technology Writer

SAN JOSE, Calif. — Not many high-tech companies talk openly about the proposed Microsoft antitrust settlement. Even fewer criticize the deal in public, despite private misgivings.

They still, after all, must work with the world's largest software maker, which controls the operating systems of more than 90 percent of desktop computers and can play a big role in the fate of their businesses.

The exceptions are the usual suspects — mainly those companies that possess enough clout, money and muscle to risk a run-in with the software giant.

The most outspoken critics include database powerhouse and Oracle Corp. and Unix server king Sun Microsystems Inc. Both dominate their core markets despite Microsoft's efforts.

Larry Ellison, Oracle's billionaire chief executive, told a crowd at the Comdex computer show in Las Vegas this week that the settlement is "a complete victory for Microsoft, a complete defeat for the government. I give Microsoft credit for keeping a straight face."

Sun's chief, Scott McNealy, also expressed outrage that the Department of Justice — after winning the case — seemed to snatch defeat from the jaws of victory.

It's not just provisions riddled with loopholes or toothless enforcement. The deal indicates an unwillingness of the government to police antitrust crimes, critics say.

"The only thing I can conclude is either the Justice Department didn't know what it was doing or they did know and just decided to give up," said Michael Morris, Sun's vice president and general counsel.

Microsoft declined to answer specific questions about the deal, but co-founder Bill Gates has said the company will accept its strictures.

Most companies that must work with or compete against the software giant either refused to elaborate beyond short written statements, or remained silent altogether.

Real Networks, which makes streaming media software, declined to comment beyond a short statement, which called the settlement a reward not a remedy. Ditto for AOL Time Warner, Palm and Novell. Others, including software-maker Adobe Inc., computer-maker Apple Computer Inc. and chipmaker Intel Corp. refused to make any statements at all.

Major PC manufacturers also were silent.

Only a handful of other high-tech companies would answer discuss specific reasons for their opposition to the settlement.

Opera Software ASA had little to lose.

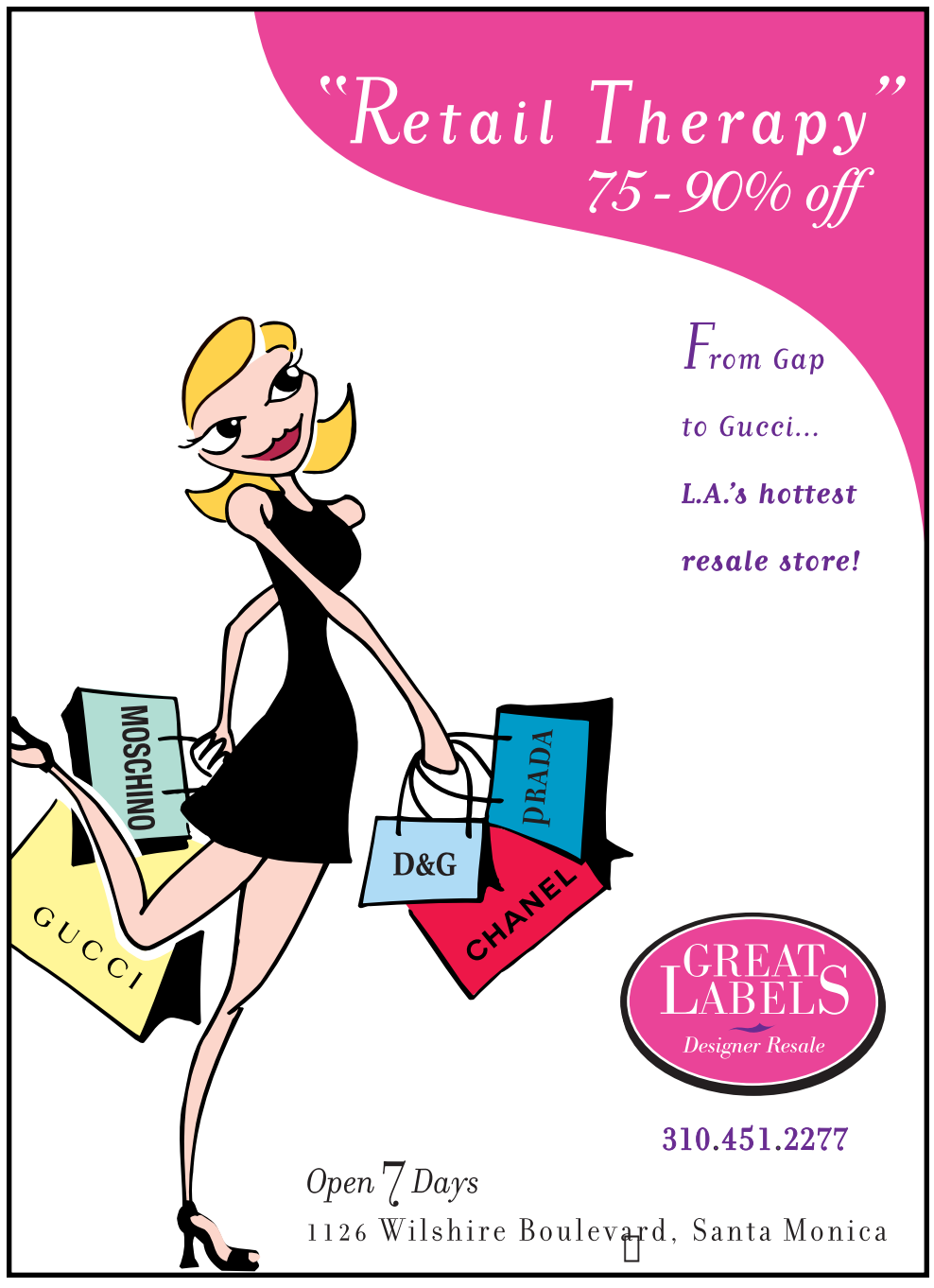
The Norway-based company long ago gave up on persuading PC makers to install its critically acclaimed Web browser on new PCs. Microsoft's exclusive deals had already shut it out of the market.

Opera might benefit from the settlement under some provisions that allow computer makers to install non-Microsoft "middleware" such as Web browsers. But only the links to Microsoft software could be removed, not the programs themselves. That means Microsoft could set itself up as the default system despite any agreements with PC and software makers.

"We're not being extremely hopeful that this is going to open up a lot of doors in the PC marketplace," said Jon S. von Tetzchner, Opera's chief executive.

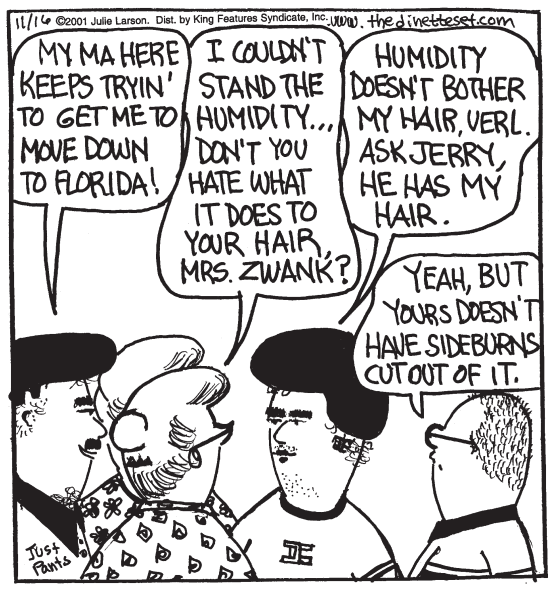
At any rate, the same PC makers that won't comment on the settlement probably aren't interested in raising the ire of Microsoft, even if retribution is barred in the settlement.

"There are loopholes," von Tetzchner said. "And there's the practice of life. All of those companies will think twice before upsetting Microsoft."



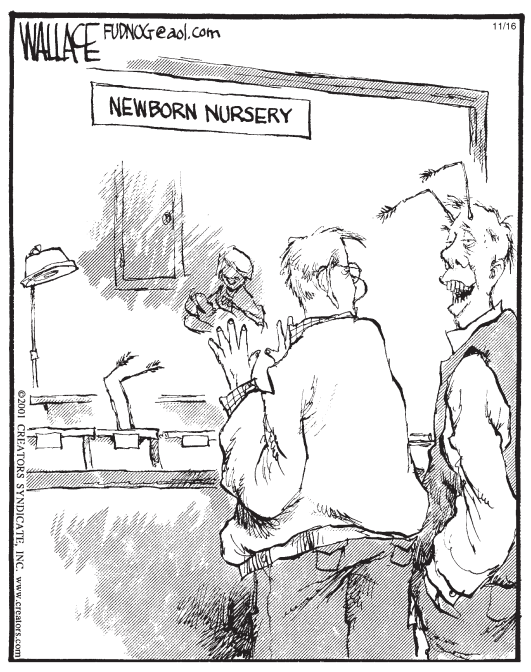
COMICS

The Dinette Set by Julie Larson



Natural Selection®

By Russ Wallace



"Guess which one is mine?"

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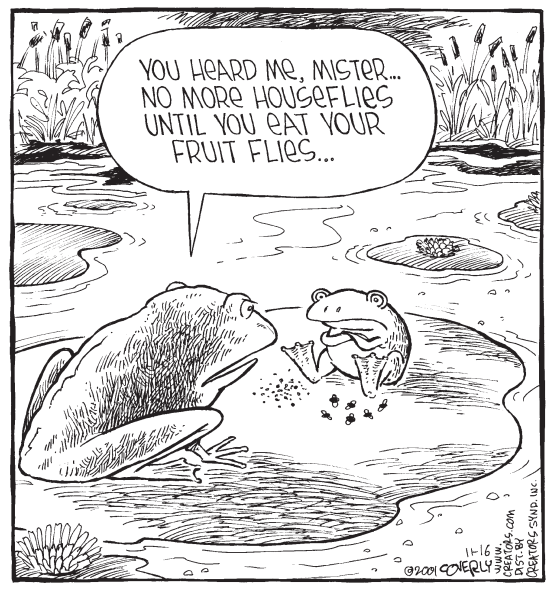
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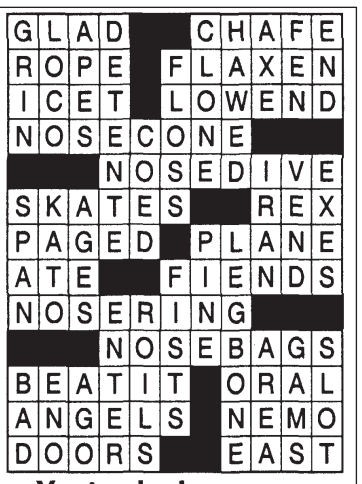
By THOMAS JOSEPH

ACROSS

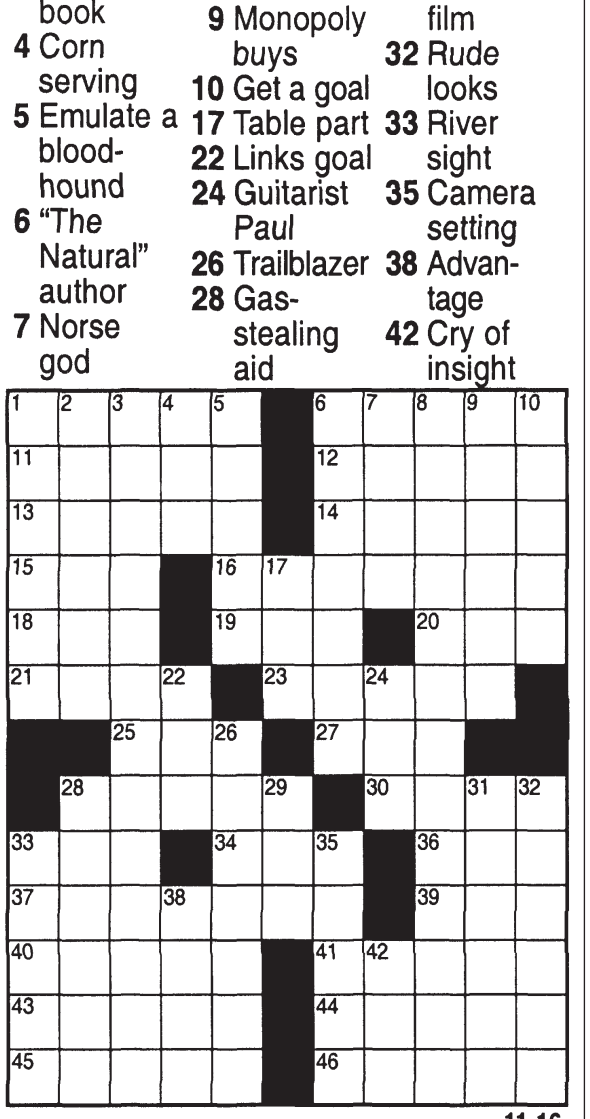
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19 Not masc.
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21 Grating sound
23 Shore fliers
25 Spigot
27 Singer Shannon
28 Temporary currency
30 Letter opener
33 Life story
34 Clumsy fellow
36 Squirrel's treat
37 Tacks on
39 Student's avg.
40 — Island
41 Circus worker
43 Extort
44 Chicago airport
45 Stage direction
46 Suit piece

DOWN

1 Parish leader
2 Wise goddess
3 Mickey Spillane book
4 Corn serving
5 Emulate a bloodhound
6 "The Natural" author
7 Norse god
8 Mickey Spillane book
9 Monopoly buys
10 Get a goal
17 Table part
22 Links goal
24 Guitarist Paul
26 Trailblazer
28 Gas-stealing aid
29 Tablet
31 Everett of film
32 Rude looks
33 River sight
35 Camera setting
38 Advantage
42 Cry of insight

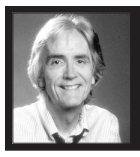


Yesterday's answer



11-16

STUMPED? For answers to today's crossword, call **1-900-454-7377**! 99¢ per minute, touch-tone/rotary phones. (18+ only.) A King Features service, NYC.



NEWS OF THE WEIRD by Chuck Shepard

Knife trouble in the workplace

— London's Daily Telegraph reported in July about a recent job opening in Exeter, England: The Austern Electric Circus' knife-thrower Jayde Hanson's assistant had just walked off the job after being nearly hit in the foot, which would have been her third serious wound this season, which is also the number of wounds Hanson's former girlfriend took before she walked off the job last year.

— Nolan Lett was awarded $17,000 from his former employer, Aramark Corp. (Oak Brook, Ill.), in October. He had fallen and broken his wrist after being chased by a goose as he arrived for work one day at Aramark's building, which he proved in court was a "high-goose" area, encouraged by the company's elaborate pond and garden. "It was very ferocious," Lett said. "It started acting crazy."

— Municipal clerk Anne Frank filed a lawsuit against Greenwich, Conn., in August for back pay owing to her boss's having had an 11-year affair with his secretary. According to the lawsuit, the trysting couple were so often going at it that much of the secretary's work was passed down to Frank, and it was work that she was expected to complete in uncompensated overtime.

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010	Meetings	250	Wanted	600	Services
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100	Employment	400	Real Estate		

BACK PAGE

HP, Compaq CEOs reject $22 million in potential merger bonuses

BY MICHAEL LIEDTKE
AP Business Writer

SAN FRANCISCO — Facing a potential shareholder revolt against the proposed marriage of their companies, Hewlett Packard Co. CEO Carly Fiorina and Compaq Computer Corp. CEO Michael Capellas have withdrawn from a bonus program that would have paid them $22.4 million for completing the merger.

Fiorina would have received $8 million, or two times her annual salary and target bonus, upon completion of the deal, according to a merger prospectus filed Thursday with the Securities and Exchange Commission. Capellas would have been paid $14.4 million _ three times his annual compensation package.

The documents didn't explain why the CEOs turned down the offers from their respective boards of directors. Both CEOs wanted to avoid the appearance of potential conflicts of interest, according to company officials.

The disclosure of their decision comes at a time when both companies are fighting to hold together the $23.7 billion deal amid opposition from some family members of HP's founders, William Hewlett and David Packard.

The family members, who are major HP shareholders, are trying to rally more opposition to the deal, much to the dismay of Fiorina and Capellas.

Other key HP and Compaq executives would collect huge paychecks if HP fulfills its goal of taking over Compaq by June 30.

Ten HP executives would receive a total of $33.1 million during 2002 and 2003, according to the SEC filing.

Palo Alto-based HP also would award new contracts granting raises to six of its executives, including Fiorina. In addition, HP would pay an unspecified number of other key employees bonuses equal to 50 percent of their annual salaries and bonuses if the deal is completed, according to the SEC documents.

An unspecified number of Compaq executives would be paid a total of $22.4 million if they remain with the combined company through the first anniversary of the deal.

Although he turned down the merger bonus, Capellas would receive a $14.4 million severance payment if he loses his job during the first year after the deal closes, the SEC filing said.

Besides outlining the financial interest of key executives in the deal, Thursday's filing also provides details about the events leading to the endorsement of the merger in September by the companies' boards.

Concerned about tougher competition, HP began exploring potential takeover candidates in 1999 and first considered a marriage with Houston-based Compaq then, according to the SEC documents. Early this year, HP hired business consultants McKinsey & Co. to assist in its quest.

The Compaq talks grew serious in June after Fiorina contacted Capellas about Compaq's potential interest in licensing HP's UNIX operating system, according to the filing. Capellas broached the idea of a broader relationship, triggering more than two months of back and forth negotiations, according to the documents.

The deal nearly fell apart Aug. 5 when Compaq instructed Capellas to halt the talks, based on the offer at that time. At an Aug. 6 meeting, though, HP's board concluded a Compaq takeover still represented the company's best option and advised Fiorina to continue pursuing the deal, the documents said.

The two sides cleared up their differences in an Aug. 10 meeting, clearing the way for the companies to return to the negotiating table.

HP and Compaq also used the prospectus to restate the reasons why the two technology giants are better off together. The companies said the deal would boost the combined entity's operating profit by $2.5 billion by April 2004.

If the companies had been united in the current fiscal year, they would have lost $614 million on revenue of $62.6 billion during the nine months ended July 31, according to the SEC documents.

DEA agents arrest 144 people in drug probe

By the Associated Press

WASHINGTON — Drug agents have arrested 144 people, seized $3 million in cash and confiscated cocaine and heroin during a 17-month probe of a drug trafficking network operating in New York, New Jersey and Florida, the Drug Enforcement Administration said Thursday.

The agents were initially going after low-level distributors in Boston, but then began investigating the Boston distributors' sources. More than 2,700 kilograms of cocaine and 17 kilograms of heroin were seized.

Several agencies were involved in the investigation, including national and state officials.



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