



Santa Monica Daily Press

SOCIALITE SUED FOR SLANDER
INSIDE SCOOP ON PAGE 3

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**NEWS OF THE WEIRD**
BY CHUCK SHEPARD

Since 1999, News of the Weird has reported stories of perhaps the same man who, posing as a cop, made periodic phone calls to managers of fast-food restaurants in several states demanding that a young female employee be interrogated about a crime while he listened in and steered the questioning to sex. Last year, police finally made an arrest after identifying the purchaser of a calling card used to phone a Kentucky McDonald's as David R. Stewart, 39, of Fountain, Fla. (The caller had demanded that the employee undress and jump up and down so that the manager could sniff her sweat for traces of drugs.) However, a jury in Shepherdsville, Ky., acquitted Stewart in October. The employee still has a lawsuit pending, and authorities in other states want to talk to Stewart.

TODAY IN HISTORY

Today is the 340th day of 2006.
There are 25 days left in the year.

1889 Jefferson Davis, the first and only president of the Confederate States of America, died in New Orleans.

1921 British and Irish representatives signed a treaty in London providing for creation of an Irish Free State a year later on the same date.

WORD UP!

dictum \DIK-tuhm/, *noun*:
1. An authoritative statement; a formal pronouncement. 2. Law) A judicial opinion expressed by judges on points that do not necessarily arise in the case, and are not involved in it.

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Gay marriage bill sparks a heated debate

BY MELODY HANATANI
Daily Press Staff Writer

CITYWIDE — Already expected to be one of the most contentious issues in the new legislative year, a proposed bill to legalize same-sex unions in the state of California has aroused interest within Santa Monica's religious community.

Assemblyman Mark Leno (D-San Francisco) reintroduced an assembly bill on Monday that would amend Section 300 of the Family Code to define marriage as a civil union between two people rather than between a man and a woman. The new bill, called the "Religious Freedom and Civil Marriage Protection Act," is nearly identical to AB849 — another bill introduced by Leno that passed in both state legislative houses in 2005, but was later vetoed by Gov. Arnold Schwarzenegger.

The bill is expected to spark a battle between religious groups and conservative organizations like the Campaign for Children and Families, a Sacramento-based group whose president, Randy Thomasson, has spoken out against the proposed legislation.

"To continue to push for full-blown 'gay marriage' licenses is unlawful, unconstitutional and undemocratic," Thomasson said.

Locally, the religious community in Santa Monica seems divided on the issue, with some churches supporting and others opposing a legal definition to allow same-sex unions.

"The Catholic Church [believes] that marriage is for one man and a woman," said Jason Farmer, communications coordinator for Saint Monica's Parish Community, on Tuesday.

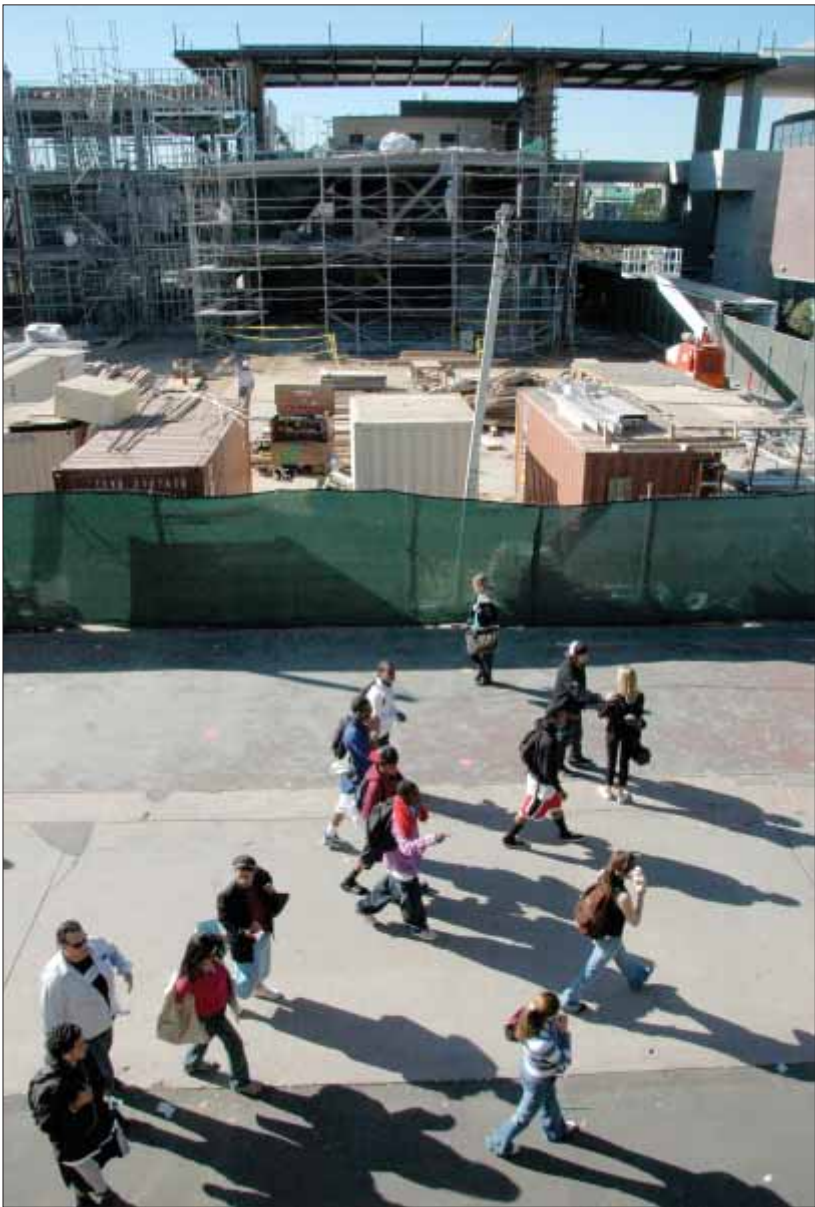
Despite its stance on gay marriage, the church is accepting of all parishioners, regardless of whether they are gay or straight. As part of its efforts to remain open-minded, the local Catholic church has established Gay and Lesbian Outreach, providing a safe place for gay and lesbian parishioners to practice spiritual

See GAY MARRIAGE, page 10

SEE RELATED STORY

■ Gay marriage at legislative level PAGE 10

To your health



Fabian Lewkowicz fabianl@smdp.com

IN THE AIR: Students walk past a construction site as crew members work on the new Humanities and Social Science Building at Santa Monica College on Tuesday.

See AIR POLLUTION, page 8

Air pollution from construction may lead to lung illness

BY KEVIN HERRERA
Daily Press Staff Writer

CITYWIDE — Residents of Santa Monica and surrounding communities are at a higher risk of developing life-threatening respiratory illnesses because of the increased level of development in the region, according to a report released Tuesday that measured the impact of construction-related pollution in California.

The report, released by the Union of Concerned Scientists (UCS), estimated that in 2005, pollution created by dirty diesel engines in bulldozers and other heavy equipment was responsible for 700 premature deaths, 1,700 cases of acute bronchitis and close to 300,000 days of lost work and school absences in Southern California.

This loss of life and productivity cost south coast residents an estimated \$5.9 million, according to the report "Digging Up Trouble: The Health Risks of Construction Pollution in California."

The report used diesel emission studies by government agencies and combined city population densities with a statewide database of construction permits to come up with a "conservative" estimate of the damages to public health, said Don Anair,



Photo courtesy

ACTIONS SPEAK: Jake Bloch, now 17 and a Samohi senior, made a contribution to the study of airport air quality when still in the seventh grade.

Part of the solution

Boy's project spawned airport studies

BY MELODY HANATANI
Daily Press Staff Writer

SANTA MONICA AIRPORT — It's somewhat surprising that a seventh grader said to have made a significant contribution to the scientific study of airport air quality would grow up to be a jazz musician.

"I always loved science, and still

do," said Jake Bloch, now 17. "I made some really good friends in middle school and continued to stay friends with them through high school. We grew up together playing jazz and I came to appreciate music."

"There is nothing better."
Bloch had a more scientific career

See BLOCH, page 9



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Eddie Guerboian

Calendar

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Santa Monica Daily Press

A newspaper with issues



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THE WESTSIDE TODAY

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1711 Stewart St., 7 a.m. — 8 a.m.

Latin-style aerobic program includes pilates, stretch and yoga, cardio and muscle training. You'll also receive a nutritional meal plan to help with your success. Classes are \$99 for a 10-week course or \$12 per class. Westside Academy of Dance.

For more information, call (310) 515-4840.

Winterlit Best Gift Ever gift drive

Third Street Promenade, 10 a.m. — 6 p.m.

New, unwrapped gifts of any size or value are being accepted at the Winterlit Playhouse on the 1300 block of the Third Street Promenade and at Guest Services at Santa Monica Place, from Nov. 24 through Dec. 21.

The Santa Monica Police Activities League (PAL) will be distributing the gifts to children who might otherwise go without presents this holiday season.

Enchanted Lunchtime Theatre

1211 Fourth St., 11:30 a.m. — 1 p.m.

A 90-minute Wednesday Mommy (or Daddy) and Me theatre experience for kids ages 3 to 5 and their parents, with story-telling, sing-a-longs, handicrafts, and enactment of a fairy tale. Also includes lunch.

Reservations are a must, at least 24-hours in advance. Call the Playhouse Box Office at (310) 394-9779 ext 2 or visit www.SantaMonicaPlayhouse.com.

Kiwanis Club Weekly Meeting

1332 Sixth St., noon — 1:30 p.m.

The Santa Monica Kiwanis Club weekly luncheon with guest speakers.

For more information, call (310) 828-1766.

Santa Monica Fitness Group for Women

6:30 p.m. — 7:30 p.m.

Free Santa Monica-based women's group that meets every Monday and Wednesday night for either running, hiking, rollerblading, Santa Monica stairs, and power walks. On the weekends, there are hikes and other activities as well.

For more information, visit www.health.groups.yahoo.com/group/SantaMonicaFitness/.

Dianetics & Scientology

2716 Wilshire Blvd., 7 p.m. — 8:30 p.m.

Free introductory lectures every Wednesday. Topics vary. For more information, call (310) 460-2342 or visit santamonica@scientology.net.

THURSDAY, December 7, 2006

Weekly LeTip Business Networking Group

11th Street and Wilshire Boulevard, 11:30 a.m. — 1 p.m.

Weekly networking over lunch at El Cholo to provide additional lead and referrals to your line of work. Only one person per profession may join. To reserve a spot, call (310) 356-7519.

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.

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CORRECTION In the story "Leaving the Hollywood scene to empower women a world away" (Dec. 4, page 1), a photo caption incorrectly stated that Kristen Kosinski left her job as a Paramount executive eight years ago. Kosinski left her position a year and a half ago.



New Mayor

File photo

Richard Bloom, seen here in Palisades Park in 2003, was selected by his fellow city council members on Tuesday to serve as the next mayor of Santa Monica. Bloom previously served as mayor from December 2002 to December 2004. Councilman Herb Katz, selected as mayor pro tem, will serve as mayor the following year. By majority vote, the council chooses the city mayor, who is charged with presiding over council meetings and is recognized as the head of city government for ceremonial purposes. Bloom was first elected to the council in 1999.

That's not so hot

Hotel heiress Hilton accused of slander

BY KEVIN HERRERA

Daily Press Staff Writer

SM COURTHOUSE — Hotel heiress Paris Hilton has talked her way out of a lot of jams on her hit reality show "The Simple Life," but the celebrity socialite may not be able to finesse her way out of a \$10 million defamation lawsuit filed against her by actress Zeta Graff, who claims Hilton planted a bogus story in the gossip pages of the New York Post last summer.

During a hearing Tuesday, Santa Monica Superior Court Judge Gerald Rosenberg set a schedule for attorneys to conduct interviews with witnesses in anticipation of a Feb. 5 trial.

In previous statements, Graff, who was once romantically linked to Hilton's former fiancée, Paris Latsis, said she had no intentions of settling the case.

"(Hilton) made a number of false statements about me, and she repeatedly lied under oath during her recent deposition,"

Graff said. "I look forward to her explaining all of this to a jury."

Attorneys for both sides spent less than 10 minutes in court Tuesday setting a pre-trial schedule. Judge Rosenberg ordered all depositions, including an interview with Graff, to be completed by Jan. 19.

"I look forward to her explaining all of this to a jury."

ZETA GRAFF
ACTRESS

Graff, who had a small role as a princess in the 1997 film "The Fifth Element," claims Hilton conspired with her spokesperson to spread a false story about their June 30 run-in at the London nightclub Kabaret.

The article that ran in gossip columnist Richard Johnson's Page Six section on July 2 said Graff was seen attacking Hilton on the club's dance floor in a jealous rage over Latsis, a Greek shipping heir. At the time, Hilton, 24, was engaged to Latsis, 22. According to reports, Latsis dated Graff for two years before hooking up with Hilton and having a "Z" tattoo removed from his wrist.

When Graff saw Hilton and her former beau dancing to Barry Manilow's "Copacabana," the Post reported, she went "berserk" and appeared to lose her mind, just as the song's heroine Lola does over the loss of a lover.

The article goes on to report that Graff tried to snatch a \$4 million diamond necklace off Hilton's neck, and had to be physically restrained by security guards before she was booted out of the club.

An unnamed source is quoted as saying she witnessed Graff screaming and trying to

See HILTON CASE, page 6

STATE

Number of teens abusing cough syrup on the rise

BY MARCUS WOHLSEN

Associated Press Writer

SAN FRANCISCO — The number of California teenagers using over-the-counter cough medicines to get high has soared in recent years, mirroring a national trend, an American Medical Association journal reported Monday.

Cases of abuse reported to California's poison control system among adolescents increased 15-fold from 1999 to 2004, according to a study published in the Archives of Pediatrics & Adolescent Medicine.

"I think a lot of people may have a false

See MEDICINE ABUSE, page 7



Feeling winter's KOHL

A model struts down the catwalk (at left), showing off the season's winter wear on the Santa Monica Pier during the KOHL's Pop Up Fashion Show on Saturday. UCLA carolers — (left to right) Julian Arsenault, 18, Dory Schutz, 18, Elyse Marchant, 19, and Leslie Cook, 20 — belt out Christmas songs.

Fabian Lewkowicz fabianl@smdp.com



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LETTERS TO THE EDITOR

Keeping control of the airport
Editor:

Regarding the Nov. 29 article, “Jetting off to sustainability at SM Airport” (SMDP, page 1):

Health risks to the surrounding communities from Santa Monica Airport operations are not adequately addressed in the draft presented to both the Santa Monica Task Force on the Environment and to the Santa Monica Airport Commission. It is essential that Santa Monica supports the communities’ demands for a health risk assessment, and that the collection of a complete set of data logging the ground operations of jets and turbo props be commenced ASAP so that proper modeling studies can be performed. It is also time for Santa Monica to meet with community leaders from both Santa Monica and Los Angeles to take advantage of their valuable knowledge. Otherwise, the City of Santa Monica’s efforts completely miss the mark and their program is an insult to those who suffer from harmful jet exhaust, unhealthful amounts of noise, and stress of these and safety concerns as the airport has inadequate safety runoff areas.

Maybe Santa Monica should not sustain the airport if it cannot bring it under control and make it sustainable to the communities that are so greatly impacted by the uncontrolled growth of jet operations. The facts speak for themselves. How Santa Monica addresses this will speak volumes to those who are interested.

Martin Rubin
Director of Concerned Residents Against Airport Pollution

Homeless proposal is on target
Editor:

Dr. David Sirkin’s letter of Dec. 1 (“A helpful plan for the homeless,” page 4) quite eloquently sums up what could be done to resolve the issue of homelessness in this country. Unfortunately, a number of homeless people themselves have certain issues they are unwilling to address. For example, among some homeless people discussion of mental illness is off-limits as is the issue of drinking alcoholic beverages or the use of other substances. Indeed, there exists a rather sizable proportion of homeless people who seek to distance themselves from other homeless people who they refer to as the “crazies” or the “drunks.” I suspect that those that pursue that strategy believe that the others among them who are psychologically disturbed or substance dependent are less deserving of assistance. This is not a helpful attitude.

And Dr. Sirkin is quite correct in his observation that his proposed interventions will not be cheap. It will require, at the very least, an expansion of the number of qualified and committed social service workers in every category as well as the expansion shelters, clinics and transitional housing facilities. Many homeless people, quite simply, exhibit what social service workers refer to as “problems with living,” which include overt psychological disturbances and substance dependence as well as marked difficulties with interpersonal communication and relationships and problems dealing with the various agencies in the social service network. Such people will need assistance and mentoring in order that they may make a successful transition from the streets to permanent housing.

Dr. Sirkin is right on target with his proposals. That is indeed how it should be.

Rick Reutter
Santa Monica

GUEST COMMENTARY BY JOHN W. WHITEHEAD

Police overkill leaves
behind a trail of dead

Once upon a time, the motto emblazoned on police cars was “To Protect and Serve.” However, as police forces are transformed into pseudo-SWAT teams, complete with riot gear and a take-no-prisoners attitude, the fear that cops are overstepping their limits is on the rise.

For example, an 88-year-old woman was recently shot and killed when policemen barged unannounced into her home. Police officers broke down Kathryn Johnston’s door while serving a “no-knock” warrant to search her home on a dangerous, run-down Atlanta street known for drugs and crime, prompting the woman to fire at the “intruders” in self-defense. The officers returned fire, killing the octogenarian. According to initial police reports, the officers had been tipped off to search Johnston’s home for cocaine. However, the police have since reportedly acknowledged that the raid may have been the result of a mistake.

According to a televised interview with a man claiming to be the police’s informant, he never purchased drugs at Johnston’s home and the police had asked him to lie about providing the information. No cocaine was found.

In another incident, a 23-year-old man died on his wedding day when New York policemen fired 50 bullets at his car. According to news reports, Sean Bell and two friends were leaving a strip club after Bell’s bachelor party when an undercover officer, who was part of a larger operation at the club, thought he heard one of Bell’s group say, “Yo, go get my gun.” When the officer approached Bell’s car, an altercation erupted and police started firing. It remains unclear whether the officer identified himself as a policeman or what prompted the gunfire. However, New York City Mayor Michael Bloomberg agreed that the police response seemed excessive. As Bloomberg stated, “I can tell you that it is to me unacceptable or inexplicable how you can have 50-odd shots fired.”

Bell, the father of two, was to have married his high school sweetheart that day. His two companions were seriously injured. All three men were unarmed.

Last but not least, police tasered and gunned to death Derek Hale, a decorated 25-year-old U.S. Marine who had served two tours of duty in Iraq, as he sat talking to a woman and two children in front of a house

in a Delaware neighborhood. Police swarmed Hale in front of the suspected home of a member of an outlaw motorcycle gang that is notorious for violence and drug offenses. Upon engaging Hale, who was sitting with his hands in his sweatshirt, the officers insisted he place his hands in view. Immediately after that, according to independent witnesses, the police tasered him three times and fired three .40-caliber rounds into his chest, ultimately leading to his death. Hale had no criminal or arrest record in Delaware, and witnesses to the shooting insist that he was no threat to the police. In fact, after police tasered Hale the second time, one of the independent witnesses yelled at the police that what they were doing was “overkill,” to which one of the officers responded, “Shut ... up or we’ll show you overkill.”

Sadly, more and more police actions like these are resulting in the deaths of innocent civilians. In fact, over the past 25 years, there has been a disturbing change in the way many law enforcement officials approach their jobs. The result has been overaggressive police actions, or what some call overkill.

The militarization of civilian law enforcement, along with a dramatic and unsettling rise in the use of paramilitary units (known as SWAT teams) for routine police work, has also contributed to the alarming use of deadly force by the police. The most common use of SWAT teams today is to serve narcotics warrants, usually with forced, unannounced entry into homes. As Radley Balko of the Cato Institute writes: “These increasingly frequent raids, 40,000 per year by one estimate, are needlessly subjecting nonviolent drug offenders, bystanders, and wrongly targeted civilians to the terror of having their homes invaded while they’re sleeping, usually by teams of heavily armed paramilitary units dressed not as police officers but as soldiers.”

It’s time for law-abiding Americans to ask themselves how much more innocent blood must be shed before we call a halt to such unnecessarily aggressive police tactics. Indeed, while there may still be many fine law enforcement officials who believe their primary duty is to protect and serve their communities, I fear their numbers are dwindling.

John W. Whitehead is founder and president of The Rutherford Institute. He can be contacted at johnw@rutherford.org.

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Photo courtesy

A LOT LIKE CHRISTMAS: Children — some for the very first time — get a chance to “play in the snow” during last year’s Winterlit celebration. More real snow is in the forecast for this year’s Winterlit Fun Kids Weekend, Dec. 9 and 10, along with Breakfast with Santa and holiday entertainment.

Let it snow

The Winterlit Fun Kids Weekend invites area families to breakfast with Santa, and then an afternoon of holiday arts and crafts facilitated by The Children’s Museum of Los Angeles on Saturday, Dec. 9.

On Sunday, Dec. 10, real snow, a petting zoo, pony rides, interactive booths and musical entertainment provide hours of holiday entertainment for kids of all ages.

The breakfast will be held in Santa Monica Place in the Community Focus Gallery. Sunday’s event will encompass all three blocks of the Third Street Promenade.

For more information, call Rocco Pavone at (310) 394-5451.

DAILY PRESS

Screen Actors Guild launches children’s writing contest

The Screen Actors Guild Foundation introduces its first annual children’s writing contest, sponsored by Zimand Entertainment, to promote and encourage literacy amongst children in LA.

Children are urged to enter the contest – “Love Equals” – which runs through Dec. 31, culminating with a party next year for the winners, who will receive prizes and cash awards.

Children between the ages 6 and 11, within the public and private schools of greater Los Angeles, are invited to send letters, essays and poems expressing what “Love” means to them. Prizes will be given to 60 young authors, as well as their teachers and schools, and all the winning writing samples will be published in a book. Entries will be read by a team of professional writers and celebrity judges, including Jane Kazcmarek (“Malcolm in the Middle”), Masiela Lusha (“The George Lopez Show”), Rain Wilson (“The Office,” “Six Feet Under”), JoBeth Williams and K.J. Steinberg (writer and producer on ABC’s “The Nine”).

The SAG Foundation is looking to counter the youth illiteracy rate across America and plans to hold the writing contest on an annual basis.

For more information, visit www.loveequalscontest.com

DP

Horror for the holidays

Even though Halloween is long gone, horror films are popular year-round.

The 2006 Tabloid Witch Award-winning horror films will screen at the Santa Monica Public Library’s Main Branch on Saturday, Dec. 9, from noon to 5:15 p.m.

Filmmakers and actors will participate in a follow-up audience question-and-answer session. The event is free and open to the public.

The Tabloid Witch Awards, now in their third year, is a film contest sponsored by the HollywoodInvestigator.com online tabloid. Neither filmmakers nor audience members are ever charged to participate. Winners are announced every October to coincide with the Halloween season, and screened some time thereafter.

Seven films will be screened at the Santa Monica Public Library’s Main Branch, 601 Santa Monica Blvd. The two feature films are Rolfe Kanefsky’s “Nightmare Man” and Eric Morgret’s “Strange Aeons.” The five shorts include Mike Flanagan’s “Oculus” and four honorable mentions. “Oculus” stars Scott Graham (Best Actor).

For more information about this free public program, contact the Santa Monica Public Library at (310) 458-8600; or visit the library’s web site at www.smpl.org.

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The Q-Line

Christmas on the comeback trail ...

This year, Wal-mart switched policy from the generic, PC friendly, all-encompassing “Happy Holidays” greeting back to “Merry Christmas.” Meanwhile, the makeshift Christmas trees on the Third Street Promenade and the traditional nativity scenes set up along Ocean Avenue promote a traditional, Christian version of Christmas across the city.

This week’s Q-Line question asks:

Should businesses and communities try to encompass all religious beliefs by using generic slogans like “Happy Holidays” or is it fine to appeal to the majority with tidings of “Merry Christmas?” Is there a way to make all religions feel accepted while maintaining tradition?

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Hilton accuses Graff of trying to strangle her

HILTON CASE, from page 3

strangle Hilton. The source went on to say that Graff, who is reportedly in her mid-30s, was "a woman who is older and losing her looks, and she's alone. She's very unhappy."

A Hilton spokesperson is quoted as telling

Page Six that "Paris and Paris just want to be left alone. This woman keeps turning up wherever they go, almost like a stalker." Hilton is quoted telling Page Six that she would not press charges, and just wants Graff "to go away."

Graff said that it was Hilton who came up to her and whispered in her ear, "You are a f---

ing bitch. I'm going to destroy you," according to the model/actress/producer's complaint.

Graff alleges that she asked Hilton what she was talking about, but Hilton did not respond, instead sauntering over to a promoter at Kabaret to demand that Graff be removed from the club.

Hilton's accusations that the actress attacked her and tried to rip the jewels from her neck are not supported "by even a scintilla of truth," Graff's complaint states.

"Ms. Hilton, her spokesman, and others acting on her behalf concocted a baseless story about Ms. Graff and ... fed it to the gossip columnists at the New York Post for immediate publication, and then watched as media outlets picked up and republished the malicious falsehoods and outright fabrications to millions of people around the world," the suit says.

As a result, "Ms. Graff's reputation and good name, as well as her present and future earning potential, have been irreparably harmed throughout Los Angeles, New York and elsewhere around the world," the com-

plaint states.

In addition to the \$10 million, Graff is asking that punitive damages be awarded.

British media outlets The Sunday Mail and The People ran brief stories about the alleged catfight, but then later published formal apologies to Graff, announcing that the incident never occurred, and that they had agreed to pay Graff damages.

Rob Shuter, Hilton's former publicist, testified in a sworn deposition that Hilton had called him shortly after the altercation in the club and instructed him to plant a story in the Post.

She was the sole source for the story, providing quotes by "unnamed sources," Shuter said, including one quote which read, "It's one thing to lose your boyfriend to Paris Hilton ... it's another to find her wearing your family jewels."

Graff is the ex-wife of diamond heir Francois Graff.

Attorneys from both sides are expected back in court Dec. 12 to discuss the deposition schedule.

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Monkey see, monkey do

Fabian Lewkowicz fabianl@smdp.com

Zuni, a 15-year-old capuchin monkey decked out in his holiday best, shakes hands with Anthony Haznedar, 4, on the Third Street Promenade over the weekend. The monkeys' moniker derives from their coloration, which resembles the cowls worn by the Capuchin order of Roman Catholic friars.

STATE

Retailers limit drug sales

MEDICINE ABUSE, from page 3

perception that it's safe because it's available over the counter," said Dr. Ilene B. Anderson, senior author of the University of California, San Francisco, study and a toxicologist with the California Poison Control System.

A survey of data compiled by the American Association of Poison Control Centers cited in the study showed a parallel increase in the number of cases being reported nationwide.

Dextromethorphan, or DXM, the active ingredient in some of the most popular non-prescription cough suppressants, can produce euphoric highs and intense hallucinations when taken in significantly higher doses than what's recommended. Serious side effects can also include increased heart rate and blood pressure, loss of muscle control, seizures and psychosis.

Researchers blamed the jump on easy access to information on the Internet about DXM — also known as Dex, Robo, Skittles, CCC and Triple C — especially Web sites promoting its use. The drug is also cheap, with one package of cough medicine costing a few dollars providing enough DXM to produce a hallucinatory high similar to the effects of PCP.

And because cough medicines are legal and safe to use for their intended medical purpose, they are less likely to arouse suspicion among parents, the study said.

"It's not like it's a little bag of marijuana or a bag of white powder they could find," Anderson said.

Of the 1,382 cases of DXM abuse included in the study, nearly 75 percent involved adolescents, defined as ages 9 to 17. The highest number of cases involved 15 and 16-year-olds.

The effects of additional ingredients such as decongestants and antihistamines can increase the dangers of deliberate overdosing. The painkiller acetaminophen, for example, can lead to delayed liver failure in high doses, the study said.

No fatalities were reported among California dextromethorphan abuse cases. Seven users experienced severe breathing difficulties, possibly as a result of mixing

DXM with other drugs, including alcohol.

In a majority of cases, the brand of choice for abuse was Coricidin HBP Cough & Cold Tablets, an over-the-counter medication designed for people with high blood pressure. Researchers said the product's high DXM content could be a factor, and the fact that it comes in a tablet form, which is easier to swallow in large quantities than a syrup. But they said the frequent promotion of Coricidin on pro-DXM Web sites was the main source of its popularity.

The second most popular brand was Robitussin products, according to the study.

Efforts to keep DXM out of the hands of minors have proved difficult, with products containing the ingredient still legal and easy to buy in pharmacies and convenience stores across the country.

A California state Senate bill that would have banned the sale of products containing DXM to anyone under 18 stalled in the Legislature earlier this year.

Lack of awareness among adults of the scale of the problem, coupled with "vigorous opposition" from pharmaceutical companies and retailers, stymied the legislation, said state Sen. Joe Simitian, D-Palo Alto, who introduced the bill.

Several retailers have put voluntary restrictions into place, including Walgreen Co., which has a policy prohibiting the sale of DXM-containing drugs to minors, and CVS Corp., which limits Coricidin sales.

The study recommends pharmacies put medications containing DXM behind their counters to limit teenagers' access to the drug. Similar federal restrictions on non-prescription cold medicines containing pseudoephedrine, a key ingredient for making methamphetamine, went into effect earlier this year, pleasing law enforcement officials.

Future restrictions on cough medicines could face the same consumer complaints that followed the new rules on pseudoephedrine.

"They're sick. They want to go in there and get their medicine. And they don't like standing in line at the counter," said U.S. Drug Enforcement Administration spokesman Steve Robertson.

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City Hall doing what it can to clean air, make city sustainable

AIR POLLUTION, from page 1

author of the report and a clean vehicles engineer at UCS's Berkeley office.

"Construction pollution is taking a heavy toll on the health of all Californians," Anair said. "Construction equipment being used to build our hospitals shouldn't be responsible for filling them up."

UCS was founded in 1969 by faculty members and students at the Massachusetts Institute of Technology who were concerned about the misuse of science and technology in society. Their statement called for the redirection of scientific research to pressing environmental and social problems.

Anair said UCS is concerned about construction because it is one of the largest sources of diesel pollution in the state, but yet many people are unaware of its ill effects.

"This is the first statewide analysis of construction-related pollution," Anair said. "We see (tractor-trailers) every day on the street and when we are stuck on the freeway, but most see construction equipment only occasionally. One month it's here, another month it's somewhere else."

When a person is exposed to particulate matter released by the burning of diesel fuel, lungs can become irritated to the point that they lose their ability to function, said Kevin Hamilton, a registered respiratory therapist and director of the Asthma Education and Management Center at Fresno Community Hospital.

"It's like razor blades going down into the lungs," Hamilton said. "Everybody is impacted by this type of pollution. I cannot emphasize how this type of pollution has no regard for age"

With development coming at a rapid pace, Santa Monica and the rest of Los Angeles County were labeled "high risk" zones by UCS and experienced the greatest degree of statewide health and economic damage from construction equipment emissions.

During the last fiscal year, 2,800 construction permits were issued in Santa Monica, ranging from small water heater replacements and home remodeling to large-scale projects, city officials said.

Santa Monica has experienced an abnormal level of development in the last few years, both private and public, with the expansion of Santa Monica College and large-scale construction projects such as the Main Library, Public Safety Building, RAND Corp. headquarters, Civic Center Parking Structure, Santa Monica-UCLA Medical Center and several mixed-use developments in downtown.

"For at least the last five years, there has been a very high level of development activity within Santa Monica. I would even say that is has been unprecedented ... (and) we are still getting a very high level of projects for review and approval," said Craig Perkins, director of environmental and public works management for City Hall.

"We are certainly seeing a peak period, but to be fair, a lot of that development is redevelopment of sites. Property values are high and there is a strong desirability to be here," Perkins added. "People want to improve their homes."

A NEED FOR GREEN MACHINES

City Hall has tried to maintain "peace and quiet" in neighborhoods as well as pro-

tect the environment by regulating the number of construction projects that can proceed simultaneously. There are also regulations restricting hours of operation and the delivery of materials so that trucks are not left idling for long periods of time, creating traffic problems.

As part of the Green Building Program, contractors are required to minimize stormwater runoff and are encouraged to salvage reusable materials and divert at least 60 percent away from landfills.

That said, municipalities are prevented from regulating emissions.

"Santa Monica can do some things with the elements we do control, but most of it is obviously not controlled by Santa Monica," Perkins said.

The Environmental Protection Agency adopted emissions standards for new engines in 2004, but benefits from federal regulations will not be fully realized until some time after 2030 because construction equipment lasts for decades, according to scientists with UCS, which is calling for construction companies to phase out the oldest, most polluting equipment, and install new engines and retrofit others with clean technologies.

The City Council has asked that the use of best management practices be mandatory for all city-funded projects and has been willing to pay for the added expense, however, equipment using alternative fuels is hard to find and there is a concern no firm could be found to complete projects, Perkins said.

"What we have done is encourage and support efforts by the (South Coast) Air Quality Management District (AQMD) to

continue with their programs regionwide that look to improve air quality," Perkins said.

District officials said construction equipment is a significant concern because dirty diesel engines have a long life. At least 60 percent of today's heavy duty construction equipment fleets were manufactured before 1988 and produce higher emission than do later models.

District officials have been asking the California Air Resources Board to approve the AQMD's air quality management plan, which would require companies to replace or retrofit older engines. The plan would have to be approved by the EPA as well, said Sam Atwood, a spokesman for the AQMD.

"If we can get that to happen, the plan would have a lot more teeth than a simple request from this agency or anyone else," Atwood said.

In the meantime, the AQMD has used more than \$108 million in Carl Moyer Program funds to cover diesel engine upgrades for construction equipment, forklifts, marine vessels, irrigation pumps and locomotives.

Representatives with the construction industry have raised concerns about the cost of replacing or retrofitting equipment.

"Cost has always been an issue," said Jack Kyser, chief economist for the Los Angeles County Economic Development Corp. "Firms will probably try to pass this on somewhere. The bottom line is, if we want cleaner air, it's something we'll have to pay for ... It's worth it."

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NOT SWEET: Sparked by the smell outside his Sunset Park home, Jake Bloch, then in seventh grade, embarked on a project to gauge the particles emitting from aircraft at nearby Santa Monica Airport.

Bloch spurred more studies

BLOCH, from page 1

in mind when his seventh grade science fair project to measure ultra-fine particles emitting from aircraft at Santa Monica Airport grabbed the attention of local environmental scientists, begetting more studies on airport air quality issues.

Today, the Santa Monica High School senior is putting the final touches on his college applications to the University of Southern California, Indiana University and Julliard School in New York in the hopes of being admitted to one of the schools' prestigious music programs.

Bloch's seventh-grade study — one of the first to examine ultra-fine particles at a small airport like that in Santa Monica — helped spur additional studies at LAX, Van Nuys Airport and Vancouver Airport, according to his mother Ping Ho, who is a member of the Friends of Sunset Park Airport Committee, which deals with issues related to Santa Monica Airport, including noise violations and environmental issues.

Ultra-fine particles are the smallest and most toxic of the three different categories of air pollution particles. The other two categories include coarse and fine particles. The ultra-fine particles are small enough to enter cells, have been associated with heart disease, and can penetrate the brain and produce inflammatory responses, said John Froines, a professor of Toxicology at UCLA and director of the Southern California Particle Center.

"All the research going on in our center over the last seven years would indicate ultra-fine particles are particularly toxic," Froines said on Monday.

Froines is currently working on a study on the emissions of particles from jet aircraft at LAX, downwind of LAX, around Aviation Boulevard and in the community on the other side of the 405 Freeway. He could not comment on the findings on the study since the Environmental Protection Agency and the California Air Resources Board have yet to review the final report. The two agencies are expected to review the report in January.

The South Coast Air Quality Management Board has conducted its study for about a year and is still in the field monitoring phase, according to Sam Atwood, spokesman for the SCAQMD.

Atwood could not confirm whether Bloch's study had any weight in the board's decision to conduct a study on air quality, specifically focusing on lead levels in the air, at Santa Monica and Van Nuys airports.

"We want to make sure there is no com-

munity impact," Atwood said on Monday. The study is expected to be completed next year.

EXHAUSTIVE SITUATION

Rather than make a telegraph machine or another typical science fair project, Bloch decided in the spring of 2002 to investigate air quality at the airport — located about two blocks away from his home in Sunset Park.

"Back when I was in seventh grade, I used to often smell the airport exhaust at the house," Bloch said. "I wondered whether that would be harmful to my health or anyone's health later down the line."

Borrowing a P-Track particle counter, which measures ultra fine particles, from Froines, a family friend, Bloch spent a few months gathering data at various locations around the airport. The measuring spots were taken less than 100 meters from airport activity and away from vehicular traffic when possible.

"I'm proud I could help the community and help spur all these other studies that are leading to cleaner air."

JAKE BLOCH

The "hot spots," as Bloch called them, included the intersection of Sardis and Armacost avenues in West Los Angeles, and a gate east of the Museum of Flying, where Bloch found jets taxiing.

While those around Bloch told him he would not be able to gather significant results from his study, he was surprised by the findings. They showed there was an unhealthy level of ultra-fine particles emitting from the airport, the highest levels being produced from jet aircraft idling and taxiing, the report found.

"Santa Monica Airport is surrounded by heavy traffic roads. He had to try and separate vehicle emission from aircraft emission," Froines said. "It's amazing a seventh grader would have awareness. This is not one of those projects that the parents got the A plus for the study."

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One of first same sex ceremonies in California performed in SM

GAY MARRIAGE, from page 1

activities in peace.

But because it believes that marriage is defined as a union between a man and a woman, marriage ceremonies are not performed for same sex couples hoping to solidify the relationship with a blessing by the priest.

Several churches in Santa Monica, however, support same-sex marriages and believe Leno's proposed bill is a step in the right direction in a state where voters passed a proposition in 2000 to limit the definition of marriage as a union between one man and one woman.

"We believe in the inherent worth and dignity of every person and the right people have to their commitment to someone they love and have that be blessed by the church," said Rev. Judith Meyer of the Unitarian

Universalist Community Church of Santa Monica, on Tuesday.

The Unitarian Universalist Church has been on the record as being in favor of same-sex marriages since the 1960s. One of the first same-sex union ceremonies in California was performed in the 1960s by former Rev. Ernie Pipes, who is now a minister emeritus at UUCC of Santa Monica, according to Meyer.

The church performs marriage ceremonies for both same-sex and heterosexual couples, with the only difference being the former is not recognized by the state.

At Saint Augustine By the Sea, an Episcopalian Church in Downtown Santa Monica, Rev. Hartshorn Murphy performs same-sex commitment ceremonies rather than same-sex marriage ceremonies, only because the latter is not legally recognized.

The two ceremonies are similar, but referred to by different names. Both same-sex and heterosexual couples have to go through the same preparatory procedures before engaging in a commitment or marriage ceremony.

If the same sex unions are legalized, Saint Augustine By the Sea would be supportive, said Murphy. In fact, John Bruno, the Episcopal bishop of the Los Angeles Diocese, performed a same-sex union ceremony for two men a few years ago.

"What happens in both marriage and commitment ceremonies is people exchange vows to live with stability and faithfulness," Murphy said on Tuesday. "We are asking God to bless that."

TAKING A STANCE

Some churches, like the First Presbyterian Church of Santa Monica, have not adopted

an official stance on same-sex marriage, partially because its parishioners are all over the map on the issue.

The current hot issue in the national church is not same-sex marriage, but whether the national Presbyterian Church should allow its local chapters to determine for themselves whether gay and lesbian people should hold leadership positions in their respective churches, such as deacons and ministers of the word of sacrament, said Bill Wood, a minister of the word of sacrament at the First Presbyterian Church of Santa Monica.

Wood personally supports Leno's bill.

"This is the direction both the church and our society needs to move in order to achieve full equality, as well as to promote the faithfulness in covenant," said Wood.

melodyh@smdp.com

Gay marriage reintroduced as new California Legislature is sworn

BY SAMANTHA YOUNG
AND DON THOMPSON

Associated Press Writers

SACRAMENTO — California's newly sworn Legislature on Monday picked up where the old one left off, introducing an emotional bill to legalize gay marriage and delving into a power struggle over Central Valley flooding.

While legislative leaders struck a bipartisan tone for the session that gets under way in January, rank and file members revived bills that have divided the Capitol.

Assemblyman Mark Leno, D-San Francisco, reintroduced legislation that would allow gay couples to marry in the state of California. And Sen. Carole Migden, D-San Francisco, introduced a bill that would let unmarried, heterosexual couples register as domestic partners.

Leno said he hoped the Republican Gov. Arnold Schwarzenegger, who vetoed a nearly identical gay marriage bill in 2005, would change his position on the new bill. Schwarzenegger has said it is up to voters or the courts, not lawmakers, to settle the contentious issue of gay marriage.

California law does not permit gay marriage, but gay couples who register as domestic partners are given most of the same rights as married couples.

A Superior Court in San Francisco ruled last year that having separate rules for gay and straight couples was unconstitutional. But an appeals court reversed that decision in October, saying it was up to the Legislature, not the courts, to decide whether to change the traditional definition of marriage.

Randy Thomasson, president of the conservative Campaign for Children and

Families, urged Schwarzenegger to veto both bills.

"These bills abolish marriage. They destroy the institution of marriage," Thomasson said at a press conference outside the Capitol.

For their part, Assembly and Senate leaders sought to emphasize bipartisanship in the ceremonial festivities, despite their differing agendas.

Assembly lawmakers unanimously elected Fabian Nunez, D-Los Angeles, to his third term as speaker, making him the longest serving speaker since Willie Brown.

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City retains water

MAKING AMENDS: Mayor sends water back to Owens River

BY NOAKI SCHWARTZ

Associated Press Writer

LOS ANGELES — William Mulholland is remembered as the visionary who helped transform Los Angeles from a coastal pueblo into a metropolis by building a 240-mile aqueduct in 1913 that brought water from the Sierra Nevada to the city.

In the Owens Valley below the eastern Sierra Nevada, though, he is bitterly regarded as the villain who stole farmers' water and drove them to ruin.

On Wednesday, after decades of legal battles, Los Angeles will make amends, in a modest way, for what Mulholland and the city did.

Mayor Antonio Villaraigosa will turn a valve and raise a steel gate to send water spilling once more into a 62-mile stretch of the Owens River, which was a rushing stream generations ago before the aqueduct diverted its flow and reduced it to a pathetic trickle.

The farmers and ranchers who were ruined by the Los Angeles Aqueduct are long gone, and there is little hope the water will ever turn all of the scrubby, rocky landscape green again. But businesses hope the revitalized river will breathe life into the area's struggling towns by attracting more tourists.

"The water we took from the Owens Valley was emblematic of an era of pioneers and trailblazers that felt they had almost a God-given right to the resources and land in the West," Villaraigosa said. "My focus will be in putting that period in perspective, acknowledging the broken promises of the last 90-some odd years and a vision for a better future."

The move is not expected to significantly affect Los Angeles' water supply or cost consumers anything extra. The water diverted represents only about 1/20th of the amount originally in the Owens River. And at the end of the stretch of river, the redirected water will reach a storage pond, where four huge pumps will send it back into the aqueduct and on its way to Los Angeles.

Nevertheless, the diversion of the water has an unmistakable symbolic significance.

"It's been such a battle over every little thing for these projects," said former resident Karen Piper, author of "Left in the Dust," a book about the effects of siphoning off the valley's water. "Every drop of water that seems to go back was disputed."

Around Owens Valley, old-timers still grumble about the way Los Angeles snapped up nearly all the land and water rights — sometimes by bribery and political chicanery of the sort dramatized in the 1974 movie "Chinatown."

Locals whose cattle ranches and apricot and apple farms were threatened with ruin responded by dynamiting the aqueduct, committing other acts of sabotage and engaging in armed standoffs that altogether became known as California's Water Wars.

To this day, Mulholland, an engineer and the first superintendent of the city's water utility board, is seen in the Owens Valley as the bad guy in the drama. Last winter, a theater troupe there produced a version of "A Christmas Carol" in which Scrooge was Mulholland, stealing the area's water. It got a standing ovation.

The redirection of the water will come as a result of more than 30 years of legal battles waged by Inyo County officials, residents and environmentalists.

The Los Angeles Department of Water and Power finally agreed in 1997 to restore the river by 2003 but repeatedly pushed that deadline back until a judge imposed fines of \$5,000 a day beginning last September. The judge said that if water did not flow by January 2007, Los Angeles would be barred from using a second aqueduct from the Owens Valley.

Earlier this year, the city's board of water and power commissioners visited the area for the first time ever.

"It was very intense," said H. David Nahai, who was elected president of the commission in October. "For the most part, we were welcomed with warmth and hospitality, but in some quarters we were greeted with a fair amount of skepticism."

Indeed, some Owens Valley residents see Wednesday's ceremony as nothing more than a publicity stunt.

Stan Matlick, 73, said his parents and grandparents struggled to irrigate their fields of alfalfa, corn and grain after the soil was drained of water nearly a century ago. Matlick said

the water agreement isn't "worth the paper it's signed on," and he doubts the water will be enough to restore the river.

"I'll watch it on TV. I'm not going to go down and associate with them," said Matlick, who is fiercely proud that his property is not owned by the federal, state or Los Angeles city governments, which control more than 98 percent of all the land in Inyo County.

Eighty-three-year-old Catherine Mulholland, who wrote about her grandfather in the book "William Mulholland and the Rise of Los Angeles," is more measured about the restoration.

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Costs of fires is too much, audit says

BY JEFF BARNARD
AP Environmental Writer

GRANTS PASS, Ore. — A federal audit says the U.S. Forest Service should let more wild-fires burn and demand that state and local governments pick up a bigger share of fire-fighting costs that regularly top \$1 billion a year.

The audit released Wednesday by the U.S. Department of Agriculture's inspector general said protecting private property where cities meet forests, known as the wildland-urban interface, is the major factor driving up Forest Service firefighting costs. They exceeded \$1 billion in three of the past six years.

The report, which was requested by the Forest Service, said that by picking up so much of the cost of fighting wildfires, the Forest Service was taking away incentives homeowners would have to take responsibility for protecting their homes in the woods.

State and local governments should bear more of the costs because they control construction in the wildland-urban interface, the audit said.

Causing a buzz

BUSY BEES: Honey and oranges not in perfect harmony anymore

BY JACOB ADELMAN
Associated Press Writer

VISALIA — In this patchwork of fruit and nut fields in California's citrus belt, honey and oranges don't mix anymore.

Growers of Clementines and other seedless oranges gaining popularity among consumers say cross-pollination by bees is creating unwanted seeds in their crops. They want to establish no-fly zones to end the apian invasions.

But beekeepers aren't buzzing off. For decades, their bees were tolerated in the sprawling orchards as they turned orange blossom nectar into dependable honey crops. The beekeepers fear no-fly zones — established by keeping hives miles from orchards — could put them out of business.

"Half of my honey income is what I make in the oranges," David Bradshaw, 50, said at the honey-processing operation started by his father, Howard Bradshaw, in the early 1970s. A couple miles away are newly planted Clementine orchards.

The conflict comes as growers try to cash in on the growing national hunger for the

convenience of seedless produce, and beekeepers struggle to recover from years of erratic production caused by bad weather and mite-infested hives.

Watching nervously from the sidelines are growers of other crops who need healthy bees to pollinate their plants.

On Dec. 12, Central Valley beekeepers will meet with the trade group California Citrus Mutual to hear the organization's proposal for bee-free areas.

"I sort of dread the conflict between the beekeepers and citrus growers," Tulare County Agriculture Commissioner Gary Kunkel said. "You get strong feelings on both sides."

During most years, California competes with North Dakota to lead the nation in honey production. But the industry in general is having trouble keeping up with national honey consumption, which jumped an estimated 10 percent between 2000 and 2005.

Domestic production, however, dipped to about 175 million pounds in 2005 from 220 million pounds in 2000, according to the U.S. Department of Agriculture. Yields in 2006 were expected to be even lower.

National Honey Board chief executive Bruce Boynton said hives have suffered in recent years as dry weather kept flowers from blooming and outbreaks of parasitic mites infested bee larvae.

Losing access to orange groves would decrease honey yields even further and weaken bee colonies needed for pollinating other crops, he said.

"People are kind of watching this one because it could have a devastating effect across the country if beekeepers lose out on this issue," Boynton said.

Major corporate growers such as Paramount Citrus Inc. and Sun Pacific Inc. have invested heavily in Clementine and Mandarin trees to meet demand for the easy-to-peel fruit that doesn't produce mouthfuls of seeds.

In 2005, about 18,500 acres in California were planted with the seedless varieties, up from about 7,000 acres three years earlier, according to the U.S. Department of Agriculture.

Acreage used to cultivate seeded Valencias dropped from 65,000 to about 46,000 during the same period.

"The consumers have said, just like you have seedless watermelons and seedless grapes, they want seedless Clementines, and we're trying to settle that demand," California Citrus Mutual president Joel Nelson said.

However, efforts to meet the demand "are being thwarted by members of the bee industry," he said.

The association wants beekeepers to keep insects away from "Mandarin protection areas" during times when the crops are at risk of being cross-pollinated.

A lawyer for Paramount Citrus, one of world's largest Clementine growers, sent letters threatening to sue if bees were allowed within two miles of crops.

"Paramount will not tolerate any damage caused by bees that trespass and interfere with Paramount's use and enjoyment of its land, and threaten to destroy its crop," attorney Andrew E. Asch wrote in the letter to landowners.

Neither Asch nor Paramount spokeswoman Fiona Possell returned calls seeking comment.

Gene Brandi, legislative chairman for the California State Beekeepers Association, estimated that about 250,000 bee colonies are now located within two miles of Paramount groves.

"I sort of dread the conflict between the beekeepers and citrus growers. You get strong feelings on both sides."

GARY KUNKEL
TULARE COUNTY AGRICULTURE COMMISSIONER

Each can produce as much as 50 pounds of orange blossom honey under ideal conditions during the monthlong season, he said.

Howard Bradshaw, like many beekeepers, said his family moved to the Central Valley from Southern California after residential development led to the bulldozing of citrus orchards.

Beekeepers set up operations near irrigated orange crops because the blossoms are one of the few reliable sources of quality nectar when sage brush and wildflowers dry up in arid years.

David Bradshaw said that 12 of the 15 landowners who allow him to raise bees during honey season got notes from Paramount's lawyer. So far, only two have thrown him off their land, he said.

"I just feel that my area is shrinking," Bradshaw said. "I think, where am I going to put my bees?"

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Run back to the border, E. coli threat passed

BY BETH DEFALCO
Associated Press Writer

SOUTH PLAINFIELD, N.J. — The threat of more E. coli infections linked to Taco Bell restaurants appears to have passed, a health official said, as the company prepared Tuesday to reopen the affected eateries.

At least three dozen people were stricken in New Jersey and New York and apparently all the victims had eaten at Taco Bell restaurants.

Taco Bell closed one New Jersey restaurant in South Plainfield and four in New York's Suffolk County to sanitize them and replace food ingredients.

"We expect all Taco Bell restaurants to be back in operation today," Tim Jerzyk, a vice president at Yum Brands Inc., parent of Taco Bell, told the company's annual investor conference Tuesday in New York.

New Jersey's top health official described the spate of E. coli sickness as "a serious outbreak," but said Monday the

threat seemed to have passed.

"There has not been an outbreak since Nov. 29, so I think that whatever happened went through already," Health and Senior Services Commissioner Fred M. Jacobs said Monday.

E. coli, or Escherichia coli, is a common and ordinarily harmless bacteria, but certain strains can cause abdominal cramps, fever, bloody diarrhea, kidney failure, blindness, paralysis, even death. It is most often spread through contaminated food.

Medical officials in New Jersey and New York were working with the federal Centers for Disease Control and Prevention to try to locate the source of the outbreak that sickened at least 22 people in New Jersey and more than a dozen on New York's Long Island.

"We have to find the food they all had in common," said David Papi, director of health for Middlesex County.

There are 204 Taco Bell restaurants in New York State, and 86 in New Jersey.

All of those who fell ill in New Jersey had eaten at Taco

Bells between Nov. 17 and Nov. 28, authorities said.

All but four of the New Jersey victims are under 18, authorities said. Two employees of the chain also tested positive for the bacteria but they were not sickened.

Five were in the hospital Monday, including a 10-year-old boy and a 5-year-old girl who were diagnosed with hemolytic uremic syndrome, which can permanently damage the kidneys, officials said. The boy was in serious condition, while the girl's status had improved to stable, said Stephanie Brown, the Middlesex County epidemiologist.

E. coli is found in the feces of humans and livestock. Most E. coli infections are associated with undercooked meat. The bacteria also can be found on sprouts or leafy vegetables such as spinach.

Earlier this year, three people died and more than 200 fell ill from an outbreak that was traced to packaged spinach grown in California. The bacteria also can be passed from person to person if they do not thoroughly wash their hands after going to the bathroom.

Consumers warned to stay off the Juice

By The Associated Press

SAN FRANCISCO — Jamba Juice Co. warned consumers Tuesday that a potentially deadly bacterium may have contaminated smoothies that contain strawberries.

The warning, released in consultation with the U.S. Food and Drug Administration, applies to smoothies sold at Jamba Juice stores in Arizona, Southern Nevada and Southern California between Nov. 25 and Dec. 1.

Jamba Juice issued the warning after one of its suppliers — Cleugh's Frozen Foods of Salinas — said that frozen strawberries tested positive for Listeria monocytogenes.

The bacterium can cause sometimes fatal infections in young children, the elderly and others with weak immune systems. Infection can lead to fevers, headaches, nausea, diarrhea and other symptoms in healthy individuals, and cause miscarriages and stillbirths among pregnant women.

Jamba Juice said it halted all shipments from where the Listeria was found and removed all strawberries provided by that facility.

The company said it has not received any reports of confirmed illnesses among consumers. Concerned customers can call the Jamba Juice consumer help line at 1-877-464-5689.

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Study says casino business would be hurt very little by smoking bans

BY MARTIN GRIFFITH
Associated Press Writer

RENO, Nev. — A new study challenges casino industry claims about the number of gamblers who smoke, and suggests the economic impact of smoking bans across the country may not be as great as thought.

Chris Pritsos, chairman of the University of Nevada, Reno's nutrition department, said his study funded by the Centers for Disease Control and Prevention found the number of Nevada gamblers who smoke is similar to the rate for the overall population — about 20.9 percent.

The study found the number of gamblers who smoked was 21.5 percent in Las Vegas, 22.6 percent in Reno, 17 percent at Lake Tahoe and 36.5 percent in rural counties.

The study undercuts industry claims that smoking bans would hurt casinos because as many as 70 percent of gamblers were thought to be smokers, Pritsos said.

"I think it dispels the myth out there that gamblers and smoking go hand and hand," he said. "I think the whole economic argument against smoking bans is going out the window as a result."

But Judy Patterson, senior vice president and executive director of the American Gaming Association based in Washington, D.C., questioned Pritsos' conclusions.

She noted casinos in places where smoking has been banned have suffered major revenue losses.

Patterson cited as an example the Canadian province of Ontario, where casinos have suffered a revenue drop of 10 percent to 20 percent since smoking was banned in public places in May.

"This is a relatively recent change, but clearly it's not something you can ignore," she said. "Like any business, if you lose 20 percent of the customer base, that's a big number."

The casino industry generally has opposed anti-smoking measures and instead favors improving air filtering technology.

Regina Carlson, executive director of the New Jersey Group Against Smoking Pollution, acknowledged some casinos could suffer short-term losses, but said they would rebound because smokers have shown they adjust to no-smoking rules.

Visitation at Ontario casinos also was hurt by high gas prices, a strong Canadian dollar and tougher border security, she noted.

"It behooves them (casinos) to do active marketing and to embrace this and recognize the realities," she said. "It's not a matter of if, but when smoking will be banned in casinos."

Carlson said the new study was the first scientific evidence to challenge the industry's contention that smoking bans hurt casinos because a disproportionate number of gamblers smoke.

"Why aren't they (casinos) concerned that 80 percent of gamblers aren't smokers?" she asked. "I'd be more worried about offending the 80 percent of gamblers who aren't smokers rather than the 20 percent who are."

In New Jersey, GASP is fighting to extend a statewide ban on smoking in indoor, public places to Atlantic City casinos.

In Nevada, voters in November passed Question 5, which will prohibit smoking in restaurants, most bars and in the gambling areas of grocery and convenience stores starting Friday. The new law does not prohibit smoking in gambling areas of casinos.

Pritsos said Nevada Resort Association lobbyists have testified at legislative hearings that up to 70 percent of gamblers smoke.

Thirtsy for relief

Drought caused farmers to lose crops and cattle this year

BY ANGELA K. BROWN
Associated Press Writer

ARLINGTON, Texas — After a devastating year losing crops and cattle to drought or wildfires, farmers and ranchers probably won't see federal relief anytime soon.

"The drought is the worst that's ever happened in my lifetime," said Russell Boening, 47, of Floresville, whose 2,000-acre farm of corn, cotton and wheat sorghum failed to produce any crops this year. "We will be able to farm next year, but we need disaster assistance."

U.S. Sen. Kay Bailey Hutchison, R-Texas, said Monday that obtaining federal drought assistance this year would be an "uphill fight" but promised to keep working for it.

"I have every confidence that... even if we don't get it this year, we will get it next year," Hutchison told a crowd of more than 1,200 at the Texas Farm Bureau's annual convention in Arlington.

The House and Senate, which will return Tuesday for the final week of the lame-duck session, have decided to send an unfinished budget to next year's Democratic-controlled Congress.

This week Congress is expected to approve continued funding for most federal programs at fiscal 2006 levels through mid-February because neither chamber has agreed on any of the new spending bills for the fiscal year that began in October, except those covering defense and homeland security.

Texas, the nation's No. 2 agriculture state, is reeling from the worst-ever drought, which caused an estimated \$2.6 billion in crop losses and \$1.5 billion in livestock industry losses this year.

In addition, more than 21,000 fires burned about 2 million acres in Texas from January through early November, according to the Texas Forest Service. More than half of that acreage was in the Panhandle, where ranchers lost 5,000 miles of fence and 5,000 cattle.

Donnell Brown, who has a 58,000-acre beef cattle farm in Throckmorton, had to borrow \$35,000 this summer to build a pipeline to another lake when his 5-acre lake dried up. He also had to sell 20 percent of his cows and buy hay for the

rest of them after his crop didn't grow.

But he remains optimistic about receiving federal disaster assistance and keeping his farm in business.

"Agriculture is not a great way to make a living, but it sure is a great life," Brown said. "When my wife and I left college 13 years ago, we chose agriculture and we chose a less affluent lifestyle because we believed it was a great way to raise our family, and we feel it is a noble calling."

Farmers want to make hemp happen

By The Associated Press

BISMARCK, N.D. — North Dakota farmers may start applying for state licenses to grow industrial hemp next year but no seed may be sown until federal drug agents approve, Agriculture Commissioner Roger Johnson says.

"We'll see where it goes," said Johnson, who has been pushing industrial hemp as a crop in North Dakota for more than a decade. "Hopefully, North Dakota will be the first state where producers can grow hemp for legitimate uses."

The federal Drug Enforcement Agency remains a major hurdle for would-be growers of marijuana's biological cousin.

Attorney General Wayne Stenehjem said last month that the rules crafted by North Dakota's Agriculture Department comply with state law. A state legislative committee approved the rules on Monday, with no changes, Johnson said.

"Nobody has ever put something like this in front of the DEA," he said. "We want to make industrial hemp happen."

Hemp contains trace amounts of tetrahydrocannabinol, or THC, a banned substance, and it falls under federal anti-drug rules, said Steve Robertson, a DEA special agent in Washington. "There is no differentiation between hemp and marijuana," Robertson said.

The North Dakota rules, which take effect on Jan. 1, require a criminal background check on farmers who want to grow hemp and a \$150 application fee. The sale of hemp and the location of the hemp fields must be documented.

STATE

Court ruled in favor of Hawaiian school admitting natives first

BY DAVID KRAVETS
AP Legal Affairs Writer

SAN FRANCISCO — A divided federal appeals court ruled Tuesday that a Hawaiian private school can favor Hawaiian natives for admission to help a downtrodden indigenous population.

The decision by a majority of a 15-judge panel of the 9th U.S. Circuit Court of Appeals overturned the court's three-judge decision that the Kamehameha Schools policy amounted to unlawful discrimination.

The majority noted that the case, brought by a white student excluded because of his race, was unique because Congress has singled out the plight of native Hawaiians as they have with Alaskan natives and American Indians.

The policy, the court ruled, "further the urgent need for better education of Native Hawaiians, which Congress has repeatedly identified as necessary."

Three of the dissenting judges wrote separately that civil rights law "prohibits a private school from denying admission to prospective students because of their race."

The Kamehameha Schools was established under the 1883 will of Princess Bernice Pauahi Bishop as part of a trust now worth about \$6.8 billion. Part of the school's mission is to counteract historic disadvantages Native Hawaiians face

in employment, education and society.

The trust subsidizes tuition and is designed to reverse the economic and educational plight of Native Hawaiians and to help remedy some of the wrongs done during the U.S.-backed overthrow of the Hawaiian kingdom in 1893.

The nation's largest federal appeals court rehears cases with larger panels if the judges agree to do so.

The decision came a day after the U.S. Supreme Court suggested during arguments in a different case that it might ban the practice of race-based admissions in public schools even if the policy was intended to create racial harmony.

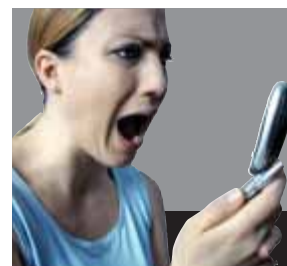
The last time the U.S. Supreme Court ruled on a similar issue was in 2003, when the justices banned the use of rigid formulas that award points based on race for admission to the University of Michigan and its law school.

But the court that same year also permitted colleges to consider race as part of a "holistic review" of every application.

Admission to the elite school is first granted to all qualified Hawaiian students, and non-Hawaiians may be admitted if there are openings available. Only one in eight eligible applicants gets in.

There are roughly 5,400 students enrolled at the school's three K-12 campuses.

The case is John Doe v. Kamehameha Schools, 04-15044.



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Prime minister says Iraq will call for regional conference on stabilizing the country

BY THOMAS WAGNER

Associated Press Writer

BAGHDAD, Iraq — Prime Minister Nouri al-Maliki said Tuesday his government will send envoys to neighboring countries to pave the way for a regional conference on ending the rampant violence in Iraq.

The Shiite leader appeared to back down from previous opposition to handing neighboring nations a say in Iraqi affairs but stressed that the conference would be held in Iraq, and that while his government would welcome help, it would not tolerate interference.

“After the political climate is cleared, we will call for the convening of a regional conference in which these countries that are keen on the stability and security of Iraq will participate,” he said.

In new bloodshed, suspected insurgents set off a car bomb to stop a minibus carrying Shiite government employees in Baghdad, then shot and killed 15 of them, the government said. In another attack in the capital on Tuesday, two car bombs exploded in a commercial district, killing 15 other Iraqis, police said.

The U.S. command said an insurgent attack on an American military patrol in Baghdad on Monday killed one soldier and wounded five. Another U.S. serviceman died in southern Iraq on Monday in an accident involving his vehicle.

Al-Maliki’s statement came a day before the Iraq Study Group, headed by former Secretary of State James A. Baker III and former Rep. Lee Hamilton, D-Ind., is to release recommendations on changing U.S. strategy in Iraq. Those are expected to include a suggestion to engage Iraq’s neighboring nations, including U.S. adversaries Iran and Syria, in the search for an end to the violence in Iraq. It also is expected to recommend gradually changing the mission of U.S. troops from combat to training and supporting Iraqi units, with a goal of withdrawing the Americans by early 2008.

Other Shiite politicians, including Abdul-Aziz al-Hakim, who leads the largest Shiite bloc in Iraq’s parliament, have in recent days rejected a suggestion for an international conference by U.N. Secretary-General Kofi Annan. The outgoing U.N. chief said such a gathering could be useful if the political parties involved met outside Iraq.

Al-Maliki said the proposed regional conference would be held in Iraq at the invitation of his government and would offer help, rather than solutions, to his government’s ongoing efforts to curb spiraling sectarian violence.

Al-Maliki also said a frequently delayed national reconciliation conference designed to rally the country’s various ethnic, religious and political groups around a common strategy for handling Iraq’s problems would be held later this month.

He added that he planned to shortly announce a reshuffle of his six-month-old government “to boost the effectiveness and strength of the national unity government,” but he gave no details.

The latest American deaths came after a weekend in which 13 American service members died in Iraq, including four whose Sea Knight helicopter plunged into a lake in volatile Anbar province, the military said.

The Defense Department identified one of the four dead as Army Spc. Dustin M. Adkins, 22, of Finger, Tenn., who was assigned to the Group Support Battalion, 5th Special Forces Group, Fort Campbell, Ky.

In northern Baghdad, gunmen set off a car bomb to intercept a minibus carrying employees of the Shiite Endowment, a government agency that cares for Shiite mosques in Iraq, to work, the organization said. The gunmen then opened fire on the workers, killing 15 of them and wounding seven, said Salah Abdul-Razzaq, an Endowment spokesman.

AP Television News video showed shattered glass and shoes in the middle of the highway, with the burned-out hulk of the car that exploded on the side of the road.

A similar attack occurred late last month in southern Iraq against the Sunni Endowment, the government agency that cares for Sunni Arab mosques in Iraq.

On Nov. 30, gunmen fired at a convoy carrying an official from that agency, killing him and three of his bodyguards, police said. The attack, which also wounded two bodyguards, occurred in Basra, the largest city in mostly Shiite southern Iraq, a police spokesman said.

House Republicans pull Gulf offshore drilling bill

ABY H. JOSEF HEBERT

Associated Press Writer

WASHINGTON — House Republicans on Tuesday postponed action on what was to be one of last major legislative achievements of this session of Congress, a bill to open a large area of the eastern Gulf of Mexico to oil and gas drilling.

Republicans gave no reason for the decision not to vote on the Senate plan to open 8.3 million acres of the Gulf that is now off limits to drilling and also steer hundreds of millions of dollars of federal royalty payments to four Gulf coast states — a windfall for Louisiana, which would get about half the money.

“The House will revisit the offshore drilling legislation again at some point before the end of this week, though details on the mechanics of how the measure will be considered have yet to be decided,” Kevin Madden, spokesman for House Majority Leader John Boehner, said in a statement.

The drilling bill is one of a string of measures House GOP leaders have readied for this week’s “lame-duck” session under an expedited procedure that bars amendments, but also requires a two-thirds vote for approval.

Environmentalists have lined up against the bill and some Republicans are cool toward the measure, favoring a more expansive offshore energy development plan that passed the House in June that would have lifted drilling bans along both the East and West coasts. Senate leaders said the House bill had no chance in the Senate.

The Senate-passed bill covers an area 125 miles south of the Florida Panhandle and is up to 300 miles from Florida’s Gulf coast. It is believed to contain 1.3 billion barrels of oil and 6 trillion cubic feet of natural gas, enough gas to heat 6 million homes for 15 years. The country uses about 21 million barrels of oil a day.

With an eye toward adjourning the 109th Congress as quickly as possible, lawmakers were putting off for the next Congress final action on most of the spending bills that run the government.

In addition to the offshore drilling measure, other likely action this week includes:

— A move by the Senate to quickly confirm former CIA Director Robert Gates as defense secretary. The Senate Armed Services Committee was to hold a hearing on the nomination Tuesday.

— Approval of a targeted tax package aimed at extending widely supported tax breaks that expired at the beginning of the year, including a credit for college tuition and deductions

of state income taxes.

— A House vote on a bill that would require that women seeking an abortion be told the procedure could cause pain to the fetus. Even if approved, the bill will languish because the Senate has no plans to take it up.

— A bill to normalize trade relations with Vietnam. The offshore drilling legislation has attracted most of the attention and fireworks.

House leaders have been bombarded by calls from a wide range of business groups for the House to accept the Senate-passed bill and send it to President Bush for his signature.

Business groups have argued that new offshore energy development might ease natural gas prices, which have dropped significantly this year but still are three times to four times higher than what they were only a few years ago.

“This vote is the last chance Congress can come through for the American public,” said John Engler, president of the National Association of Manufacturers, urging the House to pass the Senate bill.

“You take what you can get.”

DAVID PALMER
PRESIDENT OF THE AMERICAN GAS ASSOCIATION

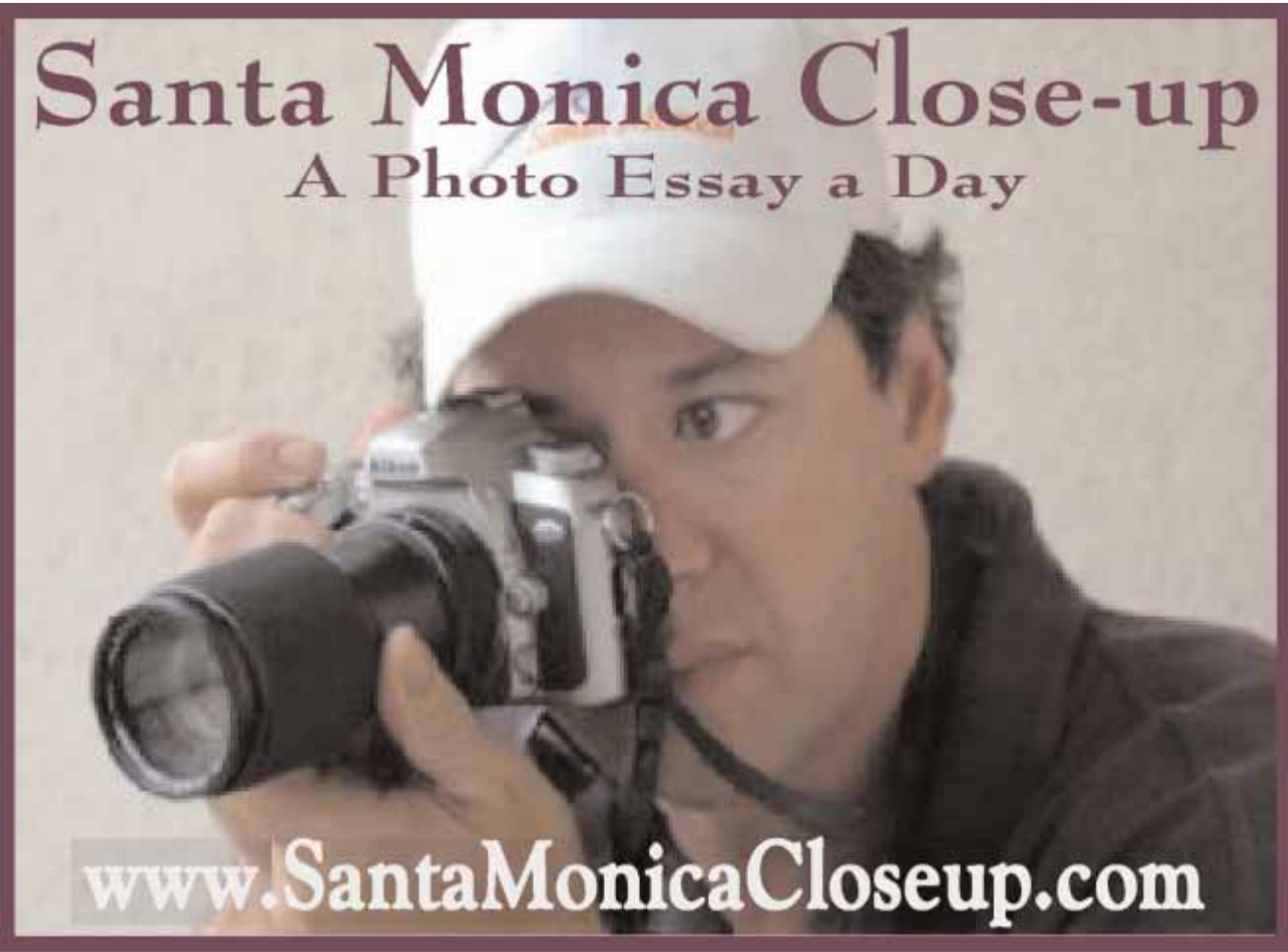
Industry groups had favored the broader House-passed bill, but see the Senate bill as the most that can be expected, and likely more than what can be gotten from the Democratic-controlled Congress next year.

“You take what you can get,” said David Palmer, president of the American Gas Association, which represents gas utilities and has been struggling with high fuel costs.

Environmentalists argued the new Gulf drilling would increase the chance of environmental damage and have little impact on prices.

“Opening our national coastline to destructive drilling will only add to the billions in profits already being made by Big Oil, do nothing to lower gas prices for American families or energy costs for American businesses, and will keep our nation dangerously dependent on oil,” said Athan Manuel of the Sierra Club.

Sen. Mary Landrieu, D-La., who helped craft the Senate bill, said the revamped revenue sharing plan would produce huge environmental benefits to the Gulf Coast by providing money for wetland restoration, levee repairs, flood control and hurricane protection.



Getting the goods on various types of deeds



DAYS ON THE MARKET

BY JODI SUMMERS

A deed is the document that transfers ownership of real estate. It contains the names of the old and new owners and a legal description of the property, and is signed by the person transferring the property. Several different types of deeds can be used to convey real estate.

GRANT DEED

America's most popular type of deed, a grant deed transfers ownership and implies certain promises that the seller makes to the buyer regarding the condition of the title to the property. The grant deed contains three warranties:

1. The Covenant of Seisin — A promise by the grantor that he owns the estate he

is conveying.

2. Covenant Against Encumbrances — A promise by the grantor that the property is free and clear of encumbrances (liens, loans, mortgages, taxes, etc.), other than what has been disclosed by the seller.

3. The Covenant of Quiet Enjoyment obliges the seller to defend the title against future claims on the property.

Insist upon obtaining a grant deed when any of your properties are paid in full.

WARRANTY DEED

A warranty deed transfers your ownership and explicitly promises the buyer that you have clean title to the property, among other promises. A grant deed replaces its use in California.

BARGAIN AND SALE DEED

When a seller uses a bargain and sale deed, the buyer does not get the promises conveyed in a grant deed, and the seller has no obligation to defend the title.

QUITCLAIM DEED

With a quitclaim deed, the grantor disclaims any interest they may have in a piece of property, and passes that claim to the grantee. A quitclaim deed neither warrants nor professes that the grantor's claim is valid. Quitclaim deeds may be used for transfers between family members, gifts, to eliminate clouds on title, or in other special or unusual circumstances — such as selling properties seized for nonpayment of taxes.

The quitclaim deed will not promise that the buyer will obtain clear title to the property. Such assurances must come from a title insurance company or an attorney who performs a title search.

In the Commonwealth of Massachusetts, a quitclaim deed is known as a release deed.

TRUST DEED

A trust deed (a.k.a. deed of trust) is another version of a mortgage. A trust deed transfers title to land to a "trustee," which holds the land as security for a loan. When the loan is paid off, title is transferred to the borrower/buyer.

CONTRACT FOR DEED

Also known as a "contract of sale," "land sale contract" or "installment sales contract," a contract for deed is used with seller financing. The contract for deed states that the seller keeps title to the property until the buyer pays off the loan.

RECORD DEEDS TO ESTABLISH PRIORITY

The person who is transferring the property should take the deed to a notary public, who will verify that the signature on the deed is genuine. The signature must be notarized and stamped before the deed will be accepted for recording.

The deed should be recorded to be valid. Take the signed, original deed to the land

records office in the county where the property is located. The clerk will take the deed, stamp it with the date and record location numbers, make a copy and give the original back to you. In the event of conflicting claims to a property, the first grantee to record their deed usually wins at the courthouse.

"First in time is first in right" is the basic rule.

OWN MARKETABLE TITLE

No matter what type of written real estate deed you receive, insist on obtaining an owner's title insurance policy. The entire title insurance industry depends on interpreting both state recording laws and their application to a specific document affecting a particular property.

"When is the last time you heard of a homeowner encountering a title insurance claim?" asks real estate columnist Bob Bruss. "Although I've been buying and selling real estate almost 40 years, I have never had to file a title insurance claim, nor have I ever heard of a title insurer paying a title policy claim."

For a one-time premium paid at the time of property purchase, the owner's title policy remains in effect as long as the insured owner or the heirs own the property.

If title insurer makes a mistake that isn't discovered until many years later, the title insurer still must pay the insured property owner either (1) the diminished value of the property if the title insurer failed to disclose a recorded document, (2) cost of correcting the error, or (3) the full policy limit if the title was completely defective.

Jodi Summers is Director of the Investment Division at Boardwalk Realty. Contact her at jodis@boardwalkrealty.com or call (310) 309-4219. Visit her Web sites at www.SoCalInvestmentRealEstate.com or www.santamonicalandmarks.com.

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REAL ESTATE 101
BY MIKE HEAYN

Learning lawsuit protection for real estate owners

How do you protect yourself from a lawsuit if you own real estate?

A limited liability company, also known as an LLC, is a legal entity that can conduct business. An LLC is divided into managers and members. Both managers and members can own an interest in an LLC. Normally, the managers run the LLC, while the members own an interest. The benefits to an LLC are that members and managers are personally protected from legal action.

For example, if an LLC holds a piece of property and the company loses the asset due to a lawsuit, the members and managers are only able to lose what they placed into the LLC. If the LLC files for bankruptcy, the creditors cannot go after the members' or managers' personal assets. For this reason, many owners will form multiple LLCs for each property, so they can't lose an entire portfolio due to legal action. Another benefit to an LLC is what is known as a "pass through entity," meaning that the members and managers are not subject to double taxation. With double taxation, an entity, such as a corporation, pays tax on net income and then the shareholders or owners of the corporation pay tax on dividends or income on a personal level.

Corporations can be broken down into different types. Two types are the C-corporation and the S-corporation. The technical definition is that a C-corporation elects not to make the subchapter S election to be taxed as a partnership. So what in the world does that mean? Per the previous paragraph, this means that a C-corporation is subject to two levels of taxation — the first on the corporate level for net profits, the second on the shareholder or personal level for dividends.

An S-corporation makes an election to be taxed like a partnership, meaning it is a pass-through entity for taxes. One of the big differences between an S and C corporation are that an S-corporation can only have a limited number of shareholders and classes of stock. A corporation shares the benefits of an LLC, in that it can do business under its own name because it has its own tax ID, which is like a social security number for entities.

The other type of entity is called a trust. Trusts are entities, which offer protection from liability, but are set up dif-

See LAWSUIT PROTECTION, page 18

Surviving IRS audits



IN YOUR SPACE
BY CHRISTINA S. PORTER

Do you believe the IRS is Santa Claus? If your answer is "no", then read on.

To ensure a successful 1031 Exchange that can survive an IRS audit, investors must understand and follow the rules created by the IRS governing capital gains tax deferral via a 1031 exchange.

The primary causes of unsuccessful exchanges are improper documentation of the identification, failure to provide such documentation within the specified period and identifying unsuitable replacement properties.

Proper documentation should contain a specific description of the replacement property including the street address, city and state. Identification of Tenant In Common (TIC) property must also include the proportionate share of the property that the investor intends to purchase. This information must be given to the Qualified Intermediary on or before the 45th day following the close of escrow of the relinquished property.

Suitability of a property takes into consideration the age and quality of the improvements, the quality of the tenant and how certain an investor is that the close of escrow will occur on time.

Some properties are more suitable than others. Investors involved in a 1031 exchange should look for clear and complete documentation (due diligence) on replacement properties they are considering. This documentation should cite all aspects of the investment, including tenant quality, existing leases and age and condition of the improvements. This allows investors to easily identify risks associated with the property, thus decreasing the chance of unknown obstacles affecting closing and increasing the probability of a successful exchange.

Properties packaged by TIC sponsors and newly developed properties are generally very suitable for exchanges. A property packaged by a TIC sponsor will disclose all aspects of the investment, usually in the form of an offering memorandum or a private placement memorandum. Newly developed property with a credit tenant (usually triple net leased) have a lower risk of an investor encountering obstacles to closing since both the developer and the new tenant will have recently inspected the property, identifying potential concerns and thereby eliminating surprises for the investor.

The high return on value-added or development oppor-

tunities is understandably attractive. However, due to the many moving parts involved, these investments are a much higher risk for a failed exchange. An investor can identify a value added or development property as a possible replacement, however an alternative plan is always recommended, following one of the three methods for identifying replacement properties.

These are: a) Three property rule. Investor can identify a maximum of three properties, without regard to their value. b) Two hundred percent rule: Any number of properties can be identified, so long as their combined fair market value doesn't exceed 200 percent of the value of the relinquished property. c) Ninety-five percent rule: Any number of properties can be identified. The exchanger must close on properties with a value of at least 95 percent of the value of all the properties identified.

OTHER KEY TERMS AND RULES:

■ Qualified Intermediary (QI). A qualified intermediary holds the funds from the sale of the relinquished property. An investor is not allowed to control his/her own funds. There are rules specifying who can and cannot be a QI.

■ Like Kind: The relinquished and replacement properties must have been/be investments and/or used in a trade or business.

■ Of equal or greater value: The purchase price of the replacement property must be equal to or greater than the sale price of the relinquished property.

■ Same party: The tax return selling the relinquished property must be the tax return buying the replacement property. For example, if title to the relinquished property is held in a partnership at the time of the sale, then the partnership must purchase the replacement property.

■ Timing: The replacement property must be identified on or before the 45th day following the close of escrow for the property being sold. The escrow for the purchase of the replacement property must close within 180 days following the close of escrow for the relinquished property.

■ Holding Period: The amount of time a property is owned is used by the IRS as an indication of intent. The rule of thumb is to hold a property for at least a year and a day before selling and using a 1031 exchange to defer taxes. This is to insure that the investor is not in the business of buying and selling property for profit.

An informed investor and a well planned exchange are the best tools to successfully complete a 1031 exchange that can survive even an IRS audit .

You can reach **Christina Porter** at 1-877-4 TM 1031, or e-mail her at christina@tm1031exchange.com to discuss your specific needs. Visit www.tm1031exchange.com for a complete list of investment properties.

MUSM: miss you so much

BF: boyfriend

OLL: online love

POS: parent over shoulder

WTGP: want to go private?

LMIRL: let's meet in real life

HDOP: help delete online predators

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REAL ESTATE 101

LLC, corporation and trust all offer benefits

LAWUIT PROTECTION, from page 17

ferently then LLCs or corporations. A trust on its most basic level involves three parties, all of which can be the same person — they are the trustor, trustee and beneficiary. The trustor forms the trust, for a beneficiary, however, a trustee manages and controls the assets in the trust. For example, let's say John and Jane Doe want to set up a trust for their children. John and Jane want to have control over the trust, and therefore, the assets it holds for the rest of their lives. They decide they will be the trustors, but they also want to manage the trust, so they make themselves the trustees. However, they also want to make sure if one of them dies before the other that the survivor gets the benefits of the trust till they pass away, so they make themselves the beneficiaries as well. For the children, they have each of them as successor beneficiaries and possibly as successor trustees since they are all over 18. This example is a simple one. Trusts can be set up multiple ways with multiple individuals and different types of trusts receive different types of tax benefits.

Other types of entities exist which can help protect a real estate asset. With time, some entities become more popular than others due to the tax benefits they provide. The three entities — LLC, corporation and trust — all have benefits that may help an investor. The best advice is to consult an attorney, C.P.A. and/or financial planner to see which entity benefits you the best.

Mike Heayn is a Washington Mutual multi-family loan consultant. He can be reached at (310) 428-1342 or michael.heayn@wamu.net.

Soupy season

Mandatory no-burn days to limit the air pollution in Utah

BY PAUL FOY

Associated Press Writer

SALT LAKE CITY — It's the season of soupy haze, the pollution that traps itself in Utah's mountain basins.

And with stricter federal rules, the heavily populated Wasatch Front will see more mandatory no-burn days this winter.

Starting Dec. 18, the limit will be cut nearly in half for fine particles produced mostly by vehicle emissions, wood-burning stoves and fireplaces.

Every winter, smoggy days occur in parts of northern Utah whenever calm, cool air sinks into the valleys, holding pollution close to the ground.

Utah air-quality officials issued the state's first advisory Tuesday against wood-burning from Ogden to Provo. They said it could lead to a mandatory ban by Friday.

"We're hoping for some winds that may come through on the weekend," said Bob Dalley, manager of Utah's Air Monitoring Center.

Before Mormons settled the Salt Lake mountain basin in 1847, American Indians called this the valley of big smokes because of winter inversions — layers of cold air that typically are 1,000 feet thick.

The problem was made worse by burning coal until the 1940s, and it wasn't until natural gas came into widespread use around 1960 that pollution from home heating eased.

Today, clogged highways are the main problem. Yet inversions can be a fickle thing, appearing and disap-

pearing depending on how the wind blows — or doesn't blow.

Salt Lake City had seven straight winters of light inversions until 2000, then ran back into a familiar pattern of persistent inversions, Dalley said.

It's not unusual for an inversion to settle into Utah's mountain basins for a week or two. One of the longest lingered for four weeks during the 1970s, he said.

When the U.S. Environmental Protection Agency imposes its new rule, it will be the first change in the standard since 1997.

The new rule lowers the threshold on unhealthy air to 35 micrograms per cubic meter from 65 micrograms.

Measured another way, most of the polluting particles are a 100th of the width of a human hair, Dalley said.

"And that's the problem. It gets deep into the lung tissue," he said.

The only way to beat the pollution is to stay indoors or head for the mountains, where temperatures are warmer and skies more blue.

Researchers at Brigham Young University and LDS Hospital in Salt Lake City this week reported that even brief exposure to higher levels of air pollution raises the risk of heart attacks in people with blocked coronary arteries.

They examined pollution data and a hospital registry of more than 12,000 heart patients.

"For those of us with patients who have significant coronary artery disease, the message is that they probably shouldn't be out and about during periods of air pollution," said Dr. Jeffrey Anderson, associate chief of cardiology.

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COLLEGE FOOTBALL
Harris fired as Stanford coach after tough season

BY JOSH DUBOW
AP Sports Writer

STANFORD, Calif. — Stanford opened the football season full of optimism based on a renovated stadium, an offense that returned nearly intact and progress that was made in Walt Harris' first year as head coach.

That quickly ended when the stadium was often half-empty, the skill players went down with injuries and the Cardinal finished with their worst record in more than four decades.

All of that played into the decision Monday to fire Harris after his second season and begin the search for a new coach who can win under the difficult circumstances at Stanford.

"This has been a tough year," athletic director Bob Bowlsby said. "In some measure this decision was not made as a result of being 1-11 as much as it was a result of not seeing the progress in some of the critical areas we would have hoped for after two years."

Harris finished his two-year stint with a 6-17 record after losing 26-17 in the Big Game to California on Saturday. He had the shortest tenure of any Stanford coach since Rod Dowhower left after one season in 1979 with a 5-5-1 record.

The Cardinal finished with the most losses in school history and the worst record since an 0-10 mark in 1960.

Stanford has struggled mightily since Tyrone Willingham left for Notre Dame following the 2001 season. They have not had a winning season in five years under Buddy Teevens and Harris, going just 16-40.

Bowlsby admitted it might not be "fair" to fire Harris after only two seasons but that he had to do what was best for the school.

"I think the most critical assessment I had to make was does investing another year present the likely possibility of making substantial improvement," he said. "If I couldn't answer that affirmatively, which I ultimately didn't, I felt it was better to make the change now than wait more time."

Harris was a disciplinarian who clashed with some players, including linebacker Michael Okwo, who briefly quit the team in

November. Players complained of a communication gap with the coaching staff.

"It was maybe just a bad fit," receiver Mark Bradford said. "Maybe we didn't respond to the way that was his style of coaching. His style of coaching probably would have worked in a lot of other places. It didn't work here."

Harris declined to comment before leaving campus Monday, but did thank the school in a statement for the opportunity to come back to his native Bay Area.

"Regretfully, I leave with a heavy heart, because we didn't get the job done," Harris said. "I wish the Stanford players and the program the best of luck as they rebuild."

Injuries on offense were a major factor this season. Bradford went down for the year with a foot injury in the second week. Fellow starting receiver Evan Moore missed four games, quarterback Trent Edwards missed the final five games, and starting fullback Nick Frank ended his football career two games into the season after being diagnosed with a narrowing of a vertebra in his spine.

The offense never really got on track, finishing second-to-last in the nation in total offense and scoring offense, and scoring two offensive touchdowns in a game only twice all season.

"I think the injuries had a snowball effect," quarterback T.C. Ostrander said. "They say winning cures everything. Had we won more, some of this obviously might not have happened. Possibly certain guys on the team felt a lot of distance between themselves and the coaching staff. That might have been an issue."

Bowlsby acknowledged that winning at Stanford is difficult of the limits on recruiting at a school with such high academic standards. But he said the Cardinal should be capable of anything and said he'd look for a "relentless recruiter" who will embrace what Stanford has to offer.

Bowlsby said he hoped to have a new coach in place in two weeks. This is a critical time with the recruiting season heating up with campus visits this weekend. Bowlsby said he would personally contact any recruit who has committed to Stanford or been offered a scholarship.

Bochy hoping to write Bonds

BY JANIE MCCAULEY
AP Sports Writer

LAKE BUENA VISTA, Fla. — Bruce Bochy sure would like to see Barry Bonds hitting home runs for him in San Francisco, especially after the slugger connected so many times against Bochy's old team.

Bonds has hit 85 homers against the San Diego Padres, many of them while Bochy was their manager from 1995-2006.

"He's probably going to miss that, because we probably pitched to him more than anybody," Bochy, the Giants' new manager, said Tuesday at baseball's winter meetings.

He might get his wish before long. Giants general manager Brian Sabean had discussions for the second consecutive day with Bonds' agent, Jeff Borris, about bringing the seven-time NL MVP back to San Francisco for a 15th season. Sabean spoke by phone with Borris and they were scheduled to talk again via conference call Tuesday night.

They met in person Monday, when Sabean said the team has been exchanging offers with Borris and is serious about resigning the 42-year-old left fielder for 2007. Bonds, who has often said he would prefer to finish his career with the Giants, will resume his chase of Hank Aaron's career home run record of 755. He has been deemed healthy by both sides following an elbow operation after the season.

"It's been ongoing," Sabean said Tuesday about the talks.

Bonds' \$90 million, five-year contract expired after the season. He certainly didn't appreciate that Giants owner Peter Magowan said on Oct. 2 that if Bonds returns he will no longer be the centerpiece of the franchise — though there's no doubt the 13-time All-Star would still be the most feared hitter in San Francisco's lineup.

Diamondbacks manager Bob Melvin would be shocked if Bonds weren't wearing No. 25 in San Francisco again next year. The two played against each other in American Legion ball in the Bay Area years ago.



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SURF REPORT



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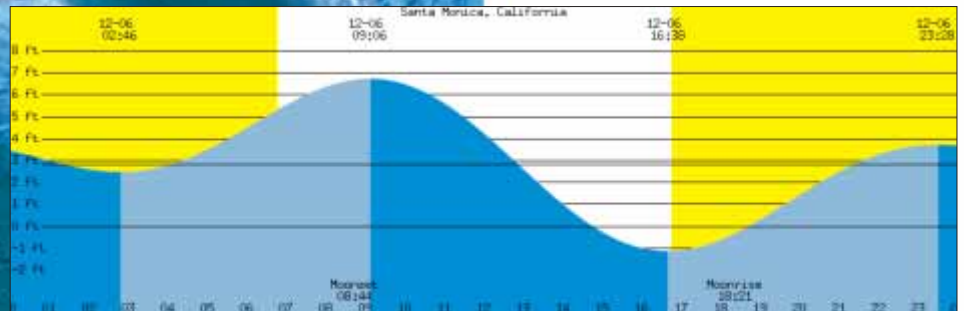
SWELL FORECAST (2-3 FT)

Today is looking like a "bring your longest board to the beach day" once again. The minor NW that's filling in today should stick around, but we're not expecting anything better than waist high for the west facing breaks with occasional chest high pluses when the tide is right. SW energy is looking nil, so south facing breaks are looking even smaller. The tide will also be extremely high early, shutting down many spots.

LONG RANGE SYNOPSIS

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12-06 02:46 12-06 09:06 12-06 16:38 12-06 23:28

8 Ft. 7 Ft. 6 Ft. 5 Ft. 4 Ft. 3 Ft. 2 Ft. 1 Ft. 0 Ft. -1 Ft. -2 Ft.

Moonrise 08:14 Moonset 18:21

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 **November 27, 2006**

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QUICK STATS
(for the last 28 days)

Number of sewage spills -- 0

Number of beach closures due to a sewage spill -- 0

Number of wet days -- 4

Number of A grades for dry/wet weather -- 37 / 17

Number of (C,D,F) grades for dry/wet weather -- 9 / 5

The Beach Report Card is made possible by a grant from 

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 Closures and Health Warning Protocol.

LOCATION	DRY	WET	LOCATION	DRY	WET
Los Carlini Beach, at Arroyo Sepul Creek mouth	A	A+	Will Rogers State Beach at Bel Air Bay Club drain near fence	A+	F
Nicholas Beach at San Nicholas Canyon Creek mouth	A+	A+	Will Rogers State Beach at Pulga Canyon storm drain	A+	no
El Pescador State Beach, between Luchessa and Los Aliso creeks	A+	no	Will Rogers State Beach at Temescal Canyon drain	A+	F
Encinal Canyon at El Matador State Beach	A+	no	Will Rogers State Beach at Santa Monica Canyon drain (Chouzaquas)	F	no
Broad Beach at Trancas Creek mouth	A+	A+	Santa Monica Beach at Montana Ave. drain	F	A+
Zuma Beach at Zuma Creek mouth	A+	A+	Santa Monica Beach at Wilshire Blvd. drain	D	D
Walnut Creek, projection of Wildlife Rd. (private)	A	no	Santa Monica Municipal Pier	F	no
Paradise Cove Pier at Ramirez Canyon Creek mouth	F	F	Santa Monica Beach at Pico/Kenter storm drain	A	no
Escandido Creek, just east of Escandido State Beach	A+	no	Santa Monica Beach at Strand St. (in front of the restaurants)	A	A+
Lariga Canyon Creek mouth	A	F	Ocean Park Beach at Ashland Ave. drain	A	no
Selkirk Canyon at San Blas County Beach	A	no	Venice City Beach, at the Reno Ave. storm drain	A+	no
Puerto State Beach at creek mouth	A+	A+	Venice Beach at Brooks Ave. drain	A	A+
Marin Canyon storm drain at Puerto Beach, at 24572 Malibu Rd.	F	no	Venice Beach at Winward Ave. drain	A	no
Sunridge Beach at Malibu Colony fence	A+	A+	Venice Fishing Pier - 50 yards south	A+	A+
Sunridge Beach (beach location)- daily	A	no	Venice Beach- projection of Topsoil St.	A+	A+
Malibu Pier - 50 yards east	A+	A+	Marina del Rey, Mothers' Beach- lifeguard tower	B	no
Carlson Beach at Sweetwater Canyon	A+	no	Deckweiler State Beach at Bellona Creek mouth	A	no
Los Flores State Beach at Los Flores Creek (point zero)	A+	no	Deckweiler State Beach at Culver Blvd. drain	A+	no
Big Rock Beach at 19348 PCH stairs	F	A+	North Westchester Storm Drain at Deckweiler State Beach	A+	no
Pine Creek at Las Tunas County Beach	A+	no	Deckweiler State Beach at World Way (south of D&W jetty)	A+	A+
Tuna Canyon	no	no	Deckweiler State Beach at Imperial Hwy drain	A+	no
Topanga State Beach at creek mouth	A	no	Deckweiler Beach- opposite Hyperion Treatment Plant	A+	A+
Castroville Storm Drain at Castle Rock Beach	F	no	Deckweiler State Beach at Grand Ave. drain	A+	A+
Santa Ynez Storm Drain at Castle Rock Beach	F	no			
Will Rogers State Beach at 17200 PCH (1/4 mile east of Sunset drain)	A+	A+			

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

no -- no sample taken

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

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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.

Two Beach Report Cards is an indication of past water quality and is not a warranty of the current safety of those areas surveyed. Our swimmers are happy.

Holiday errands, Gemini

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

★★★★★ Dynamic ★★★★★ Positive
★★★ Average ★★ So-So ★ Difficult



ARIES (March 21-April 19)

★★★★★ You might be full of energy. Just the same, sudden insights flash through your mind and might even stop you dead in your tracks. Take some time alone when possible. You are working overtime, at least mentally. Tonight: Your home is your castle.

TAURUS (April 20-May 20)

★★★★★ Someone might provoke you to express what you normally wouldn't. Be sensitive to the reactions you get, especially if you are being inordinately verbal. People reverse gears suddenly. Tonight: Where the crowds are.

GEMINI (May 21-June 20)

★★★ You cannot be the only spontaneous person in the world, and you find out that fact one more time. Know that you need to deal with someone head-on. Diplomacy might help some. You could have a tendency to overspend. Tonight: Holiday errands.

CANCER (June 21-July 22)

★★★★★ Finally, you feel like yourself. What seemed unrealistic, you suddenly visualize as possible. Decide to plan the route to get there. You will be very happy to hit the bull's-eye. A trip might have a sudden change. Tonight: Listen to holiday music.

LEO (July 23-Aug. 22)

★★★★ You might want to revise your thinking and head in a new direction. You are full of energy and willing to do something more inventive or dynamic. Consider your options more carefully than you have before. Tonight: Easy does it.

VIRGO (Aug. 23-Sept. 22)

★★★★ Accept that others will do what they want even if you talk until you are blue in the face. It doesn't make any difference. Your ability to flex and work with others could determine your personal happiness. Tonight: Where the crowds are.

LIBRA (Sept. 23-Oct. 22)

★★★★ Others let you know who they are and what they stand for. You have no room for wondering or getting wishy-washy, despite a theme of uproar in your day. Think positively and make a difference. You are in the limelight. Tonight: Expect to be out and about.

SCORPIO (Oct. 23-Nov. 21)

★★★★★ If you can see the big picture, you will be in a much better place than many of the people around you. Understanding and empathy can determine more than you realize. A child or loved one might act quirky. Tonight: Follow what you believe is a great thought!

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Work with others, and you'll get results that you might not have anticipated. Be ready to give up preconceived notions that obviously don't work. Be positive and nonjudgmental. You might want to address a concern with someone at a distance. Tonight: Be a duo.

CAPRICORN (Dec. 22-Jan. 19)

★★★★★ A surprise might have you changing your plans, or at least adjusting your thinking. Others could be provocative without intending to. Tonight: Enjoy change rather than get stuck in negative thinking.

AQUARIUS (Jan. 20-Feb. 18)

★★★ A little less play and a little more focus will serve you well. Be careful about the change you get back from a vendor. Money could easily slip from the careless hand of an Aquarius today. Remain caring despite an ornery pal. Tonight: Do what relaxes you most.

PISCES (Feb. 19-March 20)

★★★★★ Your unpredictability obviously works for you in some manner, or you wouldn't act that way. Your creativity emerges in any difficult situation. Your humor allows you to relax even if you're feeling a bit uncomfortable. Tonight: Fun and games.

Born Today

Musician David Brubeck (1920)
Musician, composer Ira Gershwin (1896)
Filmmaker Nick Park (1958)

Jacqueline Bigar is on the Internet at <http://www.jacquelinebigar.com>
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Happy Birthday!

You will need to trust others to handle more responsibility than in the past. You simply cannot be as controlling as you have been. You have probably learned that you cannot control anyone but yourself. Others will do what they want. Work closely with an associate, and you will gain. Work with family closely, and everyone will be happier. Trust in your natural abilities and instinctive enthusiasm. A move or a change in your personal life could come out of the blue. If you are single, you'll make quite an impression.

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Yo, Stallone!

‘Rocky’ brings the Italian Stallion back to big screen

SYLVESTER STALLONE isn't pulling any punches this time: Rocky Balboa is going out like a champ.

After "Rocky V" left Stallone feeling as if the movie series had hit the canvas, he loves the way the latest – and final – film allows some cinematic closure for the gritty Philly fighter.

"I wasn't happy with the fifth one," Stallone said Monday night at Lincoln Financial Field where the Eagles played Carolina. "I think this one is real satisfying for the people who like Rocky."

All the freezing front-row fans at Monday night's game still seemed to love Philly's favorite fictional son, chanting, "Rocky!" "Rocky!" at Stallone during pre-game warmups. It's the kind of reception the 60-year-old actor – or is it the character – receives everywhere in Philadelphia. Even former Eagles player Hugh Douglas stopped by the TV broadcast

booth to meet Stallone.

"Philadelphia's been like a real safe haven for me," Stallone said. "The reason I'm here today is because of Philadelphia. They just backed the film. It was a real perfect blend of the character, which really represented the people of Philadelphia. It just was a lucky accident it all came together."

Stallone said "Rocky Balboa" shows an older Rocky, who is reluctant to get back in the ring but ends up fighting just to com-

pete, not necessarily to win. Old pal Paulie is back, but Rocky's been growing apart from his son. One crucial character doesn't return, though somehow she still gives The Italian Stallion the added inspiration to fight for the title one more time.

No Adrian!

"We realize it never goes away. Life is always going to be a battle," Stallone said. "You expect it to get easy as you get older. It doesn't. It's how does he cope, how has he tried to put together new friends? He's starting out without his wife. He's full of grief."

Stallone, who said he's now working on finding locations for another "Rambo" flick, is hoping for a successful comeback when the film, to be released by MGM, opens later this month.

"We see it like a rebirth," Stallone said. "Certainly not the way he was in 'Rocky' I, but an older, wiser guy."

ASSOCIATED PRESS

‘Tiffany’s’ dress could buy a big brunch

The black Givenchy gown worn by AUDREY HEPBURN in the film "Breakfast at Tiffany's" has sold at auction for \$807,000.

The price, paid by a telephone bidder, was almost six times the highest pre-sale estimate.

The iconic garment had been expected to fetch between \$98,000 and \$138,000 as part of a sale of film and television memorabilia at Christie's auction house in London. The final sale price was \$922,158, including buyer's premium.

Proceeds from the sale will go to the charity City of Joy Aid, which helps India's poor. The gown's owners – the founders of City of Joy Aid – received it as a gift from designer Hubert de Givenchy.

"I am absolutely dumbfounded to believe that a piece of cloth which belonged to such a magical actress will now enable me to buy bricks and cement to put the most destitute children in the world into schools," said the co-seller, Dominic Lapierre.

Hepburn wore the dress for one of her best-known roles, as eccentric Manhattan socialite Holly Golightly in the 1961 film adaptation of Truman Capote's novel.

The opening scenes of the film show Golightly in the dress emerging from a taxi on 5th Avenue with her brown-bag

breakfast to ogle diamonds and luxury goods in the storefront windows of Tiffany & Co.

Hepburn starred in more than 20 films before becoming a goodwill ambassador for UNICEF. She died in 1993 at the age of 63.

Images of Hepburn dressed as Golightly – with gloves, an elaborate pearl choker and trademark cigarette holder – still endure.

AP

Chan suffers chest injury from table stunt

JACKIE CHAN re-injured his chest while filming a fight scene for "Rush Hour 3," but doctors said it wasn't a major injury, the veteran action star says in an entry on his Web site.

Chan, 52, injured his chest in March when a stuntman wearing the wrong shoes kicked him during the shooting of a scene for his recent action comedy, "Rob-B-Hood."

This time, he was hit by a steel-reinforced wooden table, Chan said in a posting dated Nov. 27.

Chan said he tried to work through the pain, wearing a stunt belt across his upper chest and taking medication, but the movie's producers eventually sent him to a doctor. An X-ray cleared him of

broken bones or organ injury, he said.

"I was in a lot of pain because it was in the same spot where I had gotten hurt during the filming of 'Rob-B-Hood,'" he said.

Chan has suffered numerous injuries throughout his career. He said in an interview last year that he usually feels pain in his waist, knees and shoulders when he wakes up.

In the "Rush Hour" series, Chan plays a Hong Kong police officer and Chris Tucker portrays his Los Angeles counterpart, with the movie's humor drawing on cultural differences between the two.

"Rush Hour 3," directed by Brett Ratner, is due for release next year.

AP

Santa Monica Daily Press

MOVIEGUIDE

AERO THEATRE

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Wednesday

The Hi-Lo Country, Dirty

Pretty Things
7:30

Thursday

Home of the Brave
7:30

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1441 3rd Street
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Babel (R)

3:30, 7:00, 10:00

For Your Consideration (PG-13)
3:10, 5:25, 7:35, 9:50

The Fountain (PG-13)
2:45, 5:30, 8:00, 10:20

The Nativity Story (PG)
2:30, 5:00, 7:45, 10:15

AMC 7 SANTA MONICA

1310 3rd Street
(310) 289-4262

Deck the Halls (PG)
12:15, 2:30, 4:50, 7:20, 9:35

Deja Vu (PG-13)
1:00, 2:00, 4:00, 5:00, 7:00, 8:00, 9:45, 10:45

The Departed (R)
12:30, 3:45, 7:10, 10:25

Flushed Away (PG)
1:15, 3:25, 5:30, 7:30, 9:55

Stranger Than Fiction (PG-13)
12:00, 2:45, 5:20, 7:50, 10:40

Tenacious D in the Pick of

Destiny (R)
12:45, 3:00, 5:15, 7:40, 10:05

LANDMARK NUWILSHIRE

1314 Wilshire Blvd
(310) 281-8228

Bobby (R)

1:45, 4:30, 7:15, 9:55

The Last King of Scotland (R)
12:45, 3:40, 7:00, 10:00

LAEMMLE'S MONICA FOURPLEX

1332 2nd Street
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Captive (Cautiva) (NR)
1:40, 7:30

Fast Food Nation (R)
4:40, 10:00

The History Boys (R)
1:00, 4:00, 7:00, 9:50

Little Children (R)
1:20, 4:20, 7:20, 10:15

The Queen (PG-13)
1:45, 4:30, 7:15, 9:40

MANN'S CRITERION THEATRE

1313 3rd Street
(310) 395-1599

Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan (R)
12:00, 2:10, 4:50, 7:10, 9:40

Casino Royale (PG-13)
11:40am, 3:00, 6:30, 7:20, 10:00, 10:30

Happy Feet (PG)
11:30am, 2:00, 4:40

Happy Feet (PG)
11:00am, 1:30, 4:10, 7:00, 9:30

National Lampoon's Van Wilder: The Rise of Taj (R)
12:10, 2:30, 5:00, 7:30, 9:50

Turistas Go Home (R)
11:50am, 2:20, 5:10, 7:40, 10:10

More information email news@smdp.com



Janric Classic 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 Bronze (easiest) to Silver to Gold (hardest).

Difficulty
GOLD

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

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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 LAST PUZZLE

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

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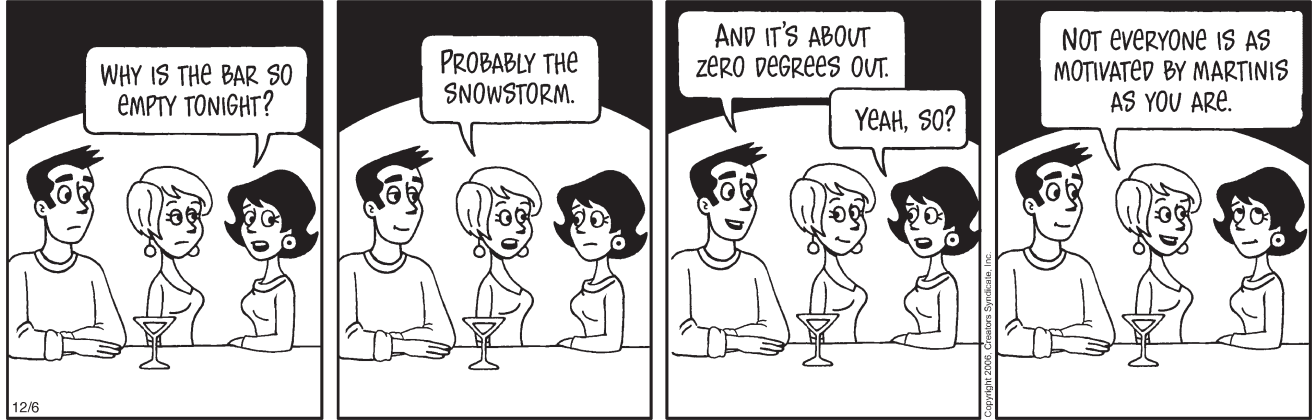
Girls and Sports

Opening Lines, Pinky Probes and L-Bombs: The Girls & Sports Dating Playbook is available at: www.girlsandsports.com/book. Mention this newspaper for a free gift!



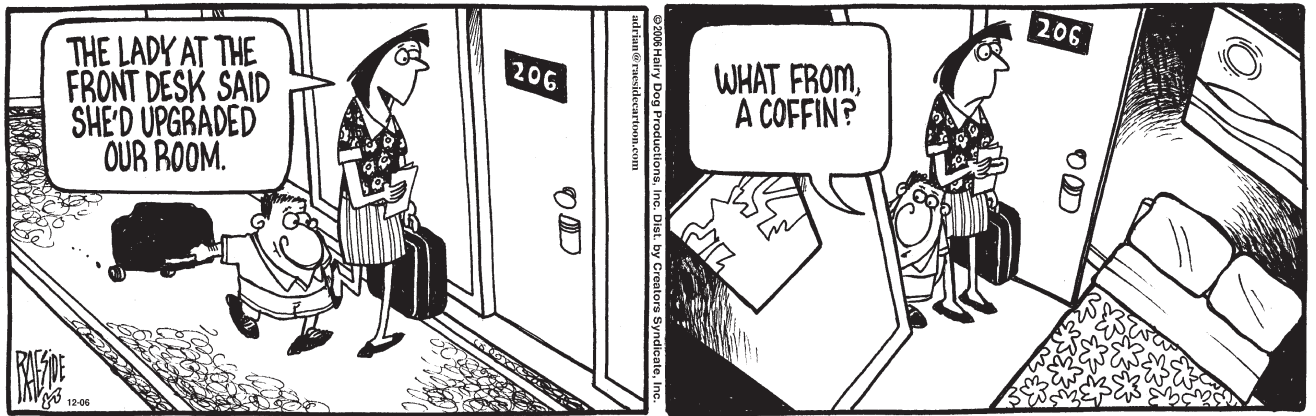
The Meaning of Lila

By John Forgetta & L.A. Rose



The Other Coast

By Adrian Raeside



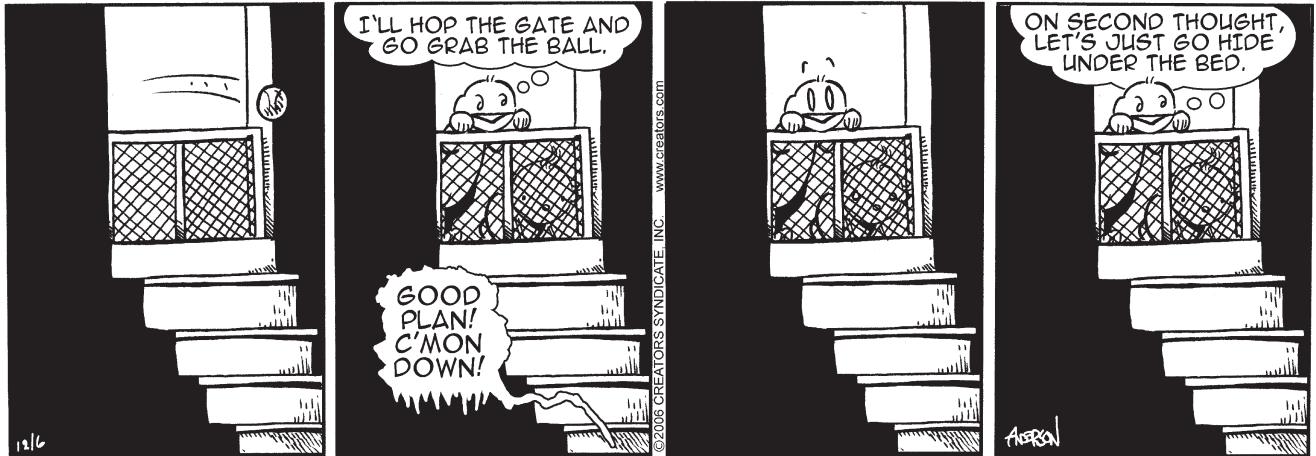
Garfield

By Jim Davis

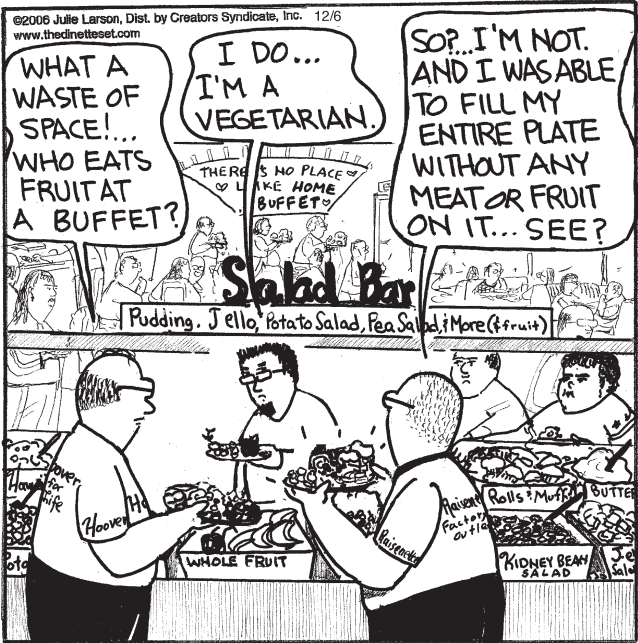


Dog eat Doug

By Brian Anderson

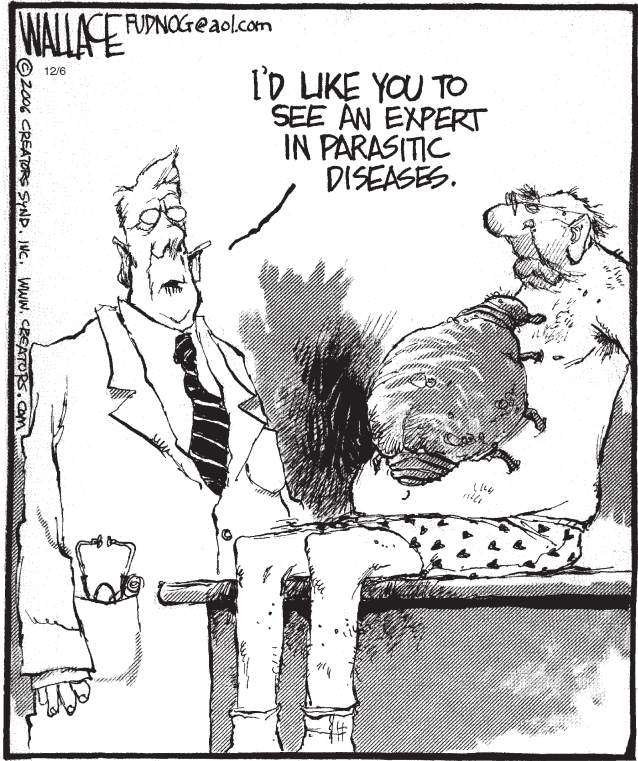


The Dinette Set by Julie Larson



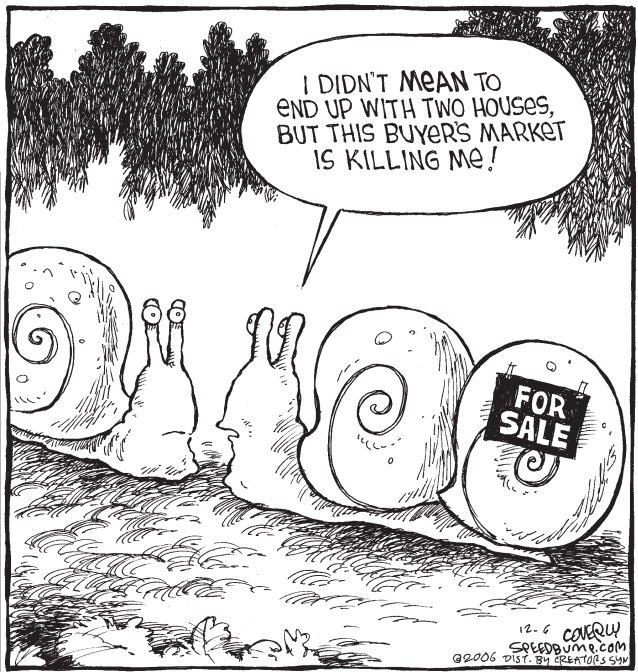
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By Russ Wallace



Speed Bump

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- 1 Fed
 - 5 Flat floater
 - 9 Sharpened
 - 11 Singer McLachlan
 - 12 Riding contest
 - 13 Sung story
 - 14 Hockey's Bobby
 - 15 Exasperated question
 - 17 Strengthens
 - 19 Switz. neighbor
 - 20 Witch-trial setting
 - 21 Fast flier
 - 22 Supplement
 - 24 Galoot
 - 26 Singer Lou
 - 29 Took the cup
 - 30 Leaves in a hurry
 - 32 "Why?"
 - 34 Half of dos
 - 35 From Laos, perhaps
 - 36 Stirrs up
 - 38 Gives temporarily
- DOWN**
- 1 Beat
 - 2 Julianne and Demi
 - 3 Tenor Bocelli
 - 4 Once called
 - 5 All ears
 - 6 Sports spots
 - 7 Bizarre
 - 8 Melts
 - 10 Used a divining rod
 - 11 Bath-day cake
 - 16 Boring
 - 18 Golf hole marker
 - 21 Boars' mates
 - 23 Spuds
 - 24 Relax
 - 25 Relax
 - 27 Writer — May Alcott
 - 28 Like an atrium
 - 29 Sea spouter
 - 30 Pen pals?
 - 31 "We're off — the Wizard ..."
 - 33 Heels
 - 37 Owned by us

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1	2	3	4		5	6	7	8
9				10		11		
12						13		
14				15	16			
17			18				19	
	20					21		
			22			23		
	24	25			26		27	28
29				30				31
32			33				34	
35					36	37		
38					39			
40						41		

12-6



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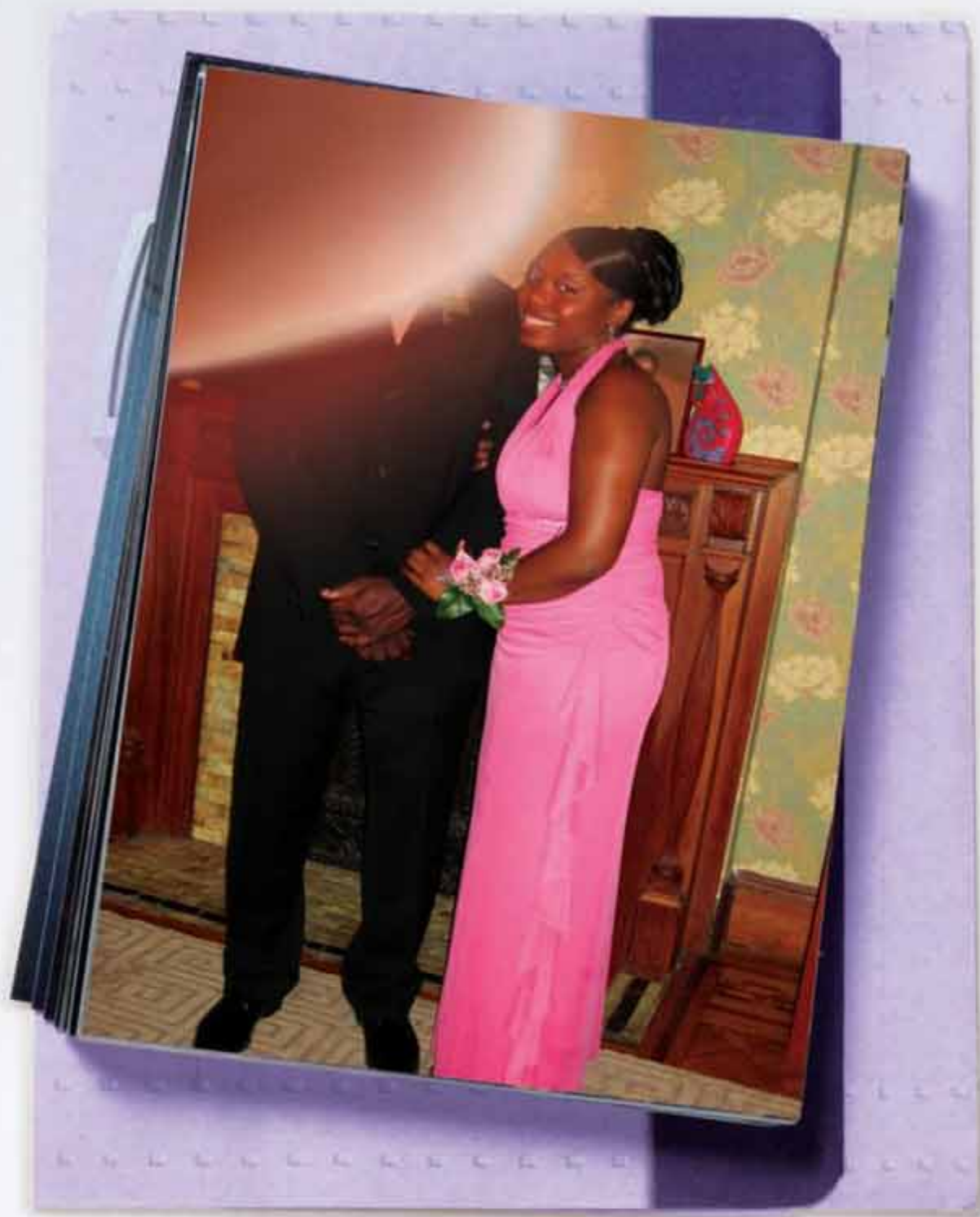


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Community Corporation of Santa Monica announces the opening of the 2007 Marketing List. To be considered for an affordable housing unit in Santa Monica, you must pick up an appointment card at 1423 2nd St. #B, Santa Monica between Dec. 11th and Jan. 4th, 8 a.m.-5 p.m. M-Th - Closed Dec. 22, 25, 29 and Jan. 1. EOH

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OLD GUITARS WANTED! Fender, Gibson, Gretsch, Martin. 1930s - 1960s. Top cash paid. 1-800-401-0440.

Travel

ARTIST DREAM IN FRANCE Silk Painting in Burgundy, 07/07. Learn unique art form in enchanting village with select group.
Sarah Pierce 310-899-1189
www.sarahsilk.com

For Rent

833 5TH St. Santa Monica, unit 203, 2+2 stove, dishwasher, blinds, carpet, balcony, swimming pool, intercom entry, gated parking, no pets. \$2500/mo (310)393-2547 jkwproperties.com

FREE RENTAL Lists & No Fee Rentals. Sullivan-Dituri Company. 2111 Wilshire Blvd., Santa Monica, CA 90403.

HOWARD MANAGEMENT GROUP
(310) 869-7901

2bdm/1bath \$2200/mo
2103 Oak Unit C
Refurbished.

PLEASE Visit our website
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listings at:
www.howardmanagement.com

MAR VISTA/Culver City Adj. \$1725 2 Bdrms, 2 Baths. "Twnhs-Apt." Stove, refrigerator, dishwasher, 2-Car garage. No pets, 12048 Culver Blvd #202. Open Daily for Viewing 9am-7pm, Additional info in unit. Mgr. #101

PALMS/BVRLYWD-ADJ.\$725. Bachelor, Stove, refrigerator, utilities paid, NO PETS, 2009 Preuss Rd., #1. Los Angeles, 90034. Open daily for viewing. Additional info in unit.

SANTA MONICA \$1200/mo 1 bdrm/1bath, Cat ok with deposit, refrigerator, Blocks to beach (310)395-RENT www.westsiderentals.com

SANTA MONICA \$1250/mo 1bdrm/1bath PRIVATE & SECLUDED, Flexible lease, Carpet Floors, refrigerator, yard, (3 1 0) 3 9 5 - R E N T www.westsiderentals.com

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SANTA MONICA \$1595/mo 2bdrms/1bath, Carpet Floors, parking, quiet neighborhood, refrigerator, stove, no pets (310)395-RENT www.westsiderentals.com

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SANTA MONICA \$1700/mo 2bdrms/1bath, Hardwood Floors, Parking, laundry-on-site, refrigerator, stove, dishwasher, air conditioner (3 1 0) 3 9 5 - R E N T www.westsiderentals.com

SANTA MONICA \$2195/mo 3bdrms/2baths, Carpet Floors, car, laundry-on-site, stove, dishwasher, balcony, no pets (310)395-RENT www.westsiderentals.com

SANTA MONICA \$2650/mo 3bdrms/2baths new, spacious kitchen with granite countertops, carpet/hardwood floors. (310)395-RENT www.westsiderentals.com

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SANTA MONICA, 1452 2nd street. Very charming building. 2 offices. \$700/mo, \$1350/mo. Includes utilities and cleaning. (310)614-6462.

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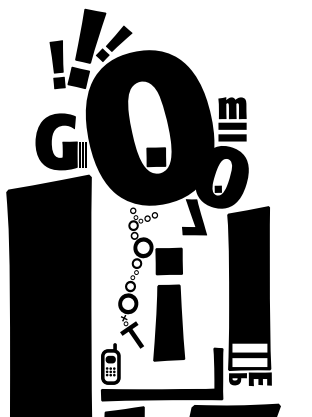
NAPLES, FLORIDA. Pool, Tennis, Private beach access. Excellent condition. \$299,900. Irwin Real Estate. 2 3 9 - 8 2 5 - 2 7 8 4 . sherry@theirvingroup.com

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\$45

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\$3,000 (310) 458-7737

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Package includes:

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- Large format photograph.
- 20 word description.
- FREE online placement!

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Santa Monica Daily Press

*Terms and conditions. Ad will run for thirty (30) consecutive days. After 30 days, ad will expire and advertiser must call to schedule a free renewal. Ads are renewed for an additional 2 weeks. Advertiser must call within 5 days of ad expiration to renew. If renewal is placed after 5 days of ad expiration, advertiser must pay full price. Photographs must be submitted digitally in JPG or TIFF format. Email photographs to annie@smdp.com. Photographs only appear on print editions. 20 word description maximum; additional words 50 cents. Call for more details. Private parties only. Terms subject to change without notice.

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(310) 458-7737

Santa Monica Daily Press

HOURS MONDAY - FRIDAY 9:00am - 5:00pm

LOCATION 1427 Third Street Promenade, Suite 202, Santa Monica, CA 90405

CLASSIFIED ADVERTISING CONDITIONS: REGULAR RATE: \$5.50 a day. Ads over 15 words add 20¢ per word per day. Ad must run a minimum of twelve consecutive days. PREMIUMS: First two words caps no charge. Bold words, italics, centered lines, etc. cost extra. Please call for rates. TYPES: Check your ad the first day of publication. Sorry, we do not issue credit after an ad has run more than once. DEADLINES: 3:00 p.m. prior the day of publication except for Monday's paper when the deadline is Friday at 2:30 p.m. PAYMENT: All private party ads must be pre-paid. We accept checks, credit cards, and of course cash. CORRESPONDENCE: To place your ad call our offices 9 a.m. to 5 p.m., Monday through Friday, (310) 458-7737; send a check or money order with ad copy to The Santa Monica Daily Press, P.O. Box 1380, Santa Monica, CA 90406 or stop in at our office located at 1427 Third Street Promenade, Ste. 202. OTHER RATES: For information about the professional services directory or classified display ads, please call our office at (310) 458-7737.

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7 YEAR/1 ARM	5.75%
5 YEAR/1 ARM	5.75%**
3 YEAR/1 ARM	5.5%**
1 YEAR/1 ARM	5.25%
6 MO./6 MO. ARM	5%
1 MO./1 MO. ARM	1%**

*Rates subject to change

* As of November 12, 2006

** Denotes an interest only loan

NEW CONFORMING LOAN AMOUNTS

1 Unit	\$417,000
2 Units	\$533,850
3 Units	\$645,300
3 Units	\$645,300
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FREE CASH GRANTS! \$700 - \$800,000++ **2006** NEVER REPAY! Personal/Medical Bills, Business, School/House. Almost Everyone qualifies! Live Operators! AVOID DEADLINES! Listings, 1-800-270-1213, Ext. 280

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DBAS

FICTITIOUS BUSINESS NAMES STATEMENT FILE NO. 06 2294549 FIRST FILING. The following person(s) is (are) doing business as Pure Heart Organics; PureHeartOrganics.com, 833 Euclid St. Santa Monica, CA 90403. The full name of registrant(s) is/are : Annie Schmidt, 833 Euclid St. Santa Monica, CA 90403 This Business is being conducted by, an individual. Signed: Registrant has not yet begun to transact business under the fictitious name or names listed herein.. /s/ Annie Schmidt

This statement was filed with the County Clerk of LOS ANGELES County on . NOTICE: THIS FICTITIOUS BUSINESS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED

DBAS

PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name statement in violation of the rights of another under federal, state, or common law (see Section 14411et seq. Business and Professions Code). SANTA MONICA DAILY PRESS to publish 11/15/2006, 11/22/2006, 11/29/2006, 12/6/2006.

Vehicles for sale



'05 Tundra Dbl Cab \$21,788
Off Road Pkg, Beautiful, Loaded, Best Buy, (55493840)
Toyota Santa Monica (800) 579-6047



'00 Ford Ranger \$4,995
Air Conditioning, CD, Alloys, & More!
(Vin YPA17329)
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'02 MR2 Spyder Conv \$13,788
Blk/Blk, chrome wheels, very low miles (20042374)
Toyota Santa Monica (800) 579-6047



'02 Sienna XLE \$16,995
VIDEOPLAYER, Moonroof, Lthr, AMAZING DEAL (2U475335)
Toyota Santa Monica (800) 579-6047



'03 Prius \$16,995
Auto, A/C, CD, Alloys, Full Power Package
(Vin 30072445)
Toyota Santa Monica (800) 579-6047



'05 Mustang Conv't \$16,995
WOW, Unbelievable Deal, Auto, Alloys, CD (5521441)
Toyota Santa Monica (800) 579-6047



'02 Infiniti QX4 Sport Utility 4D V6 3.5 Liter, Automatic, Leather Stock #: P1458 \$17,994
Infiniti Santa Monica (866) 507-7253

Vehicles for sale



'05 Hummer H2
White, automatic, V8 6.0L (I6054A)
\$38,993
Infiniti Santa Monica (866) 507-7253



'04 Dodge Dakota
Maroon, automatic, V6 3.7L (P1480)
\$12,494
Infiniti Santa Monica (866) 507-7253



'05 G35 Sedan
Pewter, automatic, V6 3.5 Liter, Stock #: I6168A
\$30,991
Infiniti Santa Monica (866) 507-7253



'03 Audi TT Convertible
Silver, 6 speed manual, 4-Cyl., 1.8L HO Turbo
Stock #: P1466
\$23,994
Infiniti Santa Monica (866) 507-7253



'03 G35 Sport Coupe
Pewter, 6 speed, V6 3.5 Liter, 6 disc remote changer (P1488)
\$28,991
Infiniti Santa Monica (866) 507-7253



'03 Lexus RX 300
Silver, V6 3.0L, Low Miles!
(I6069A)
\$25,993
Infiniti Santa Monica (866) 507-7253

Vehicles for sale



'04 Toyota Camry
Gray, automatic, V6 3.3 L (I5937A)
\$17,992
Infiniti Santa Monica (866) 507-7253



'03 i35 Sedan
Charcoal, automatic, V6 3.5L, Bose audio system (P1483)
\$19,992
Infiniti Santa Monica (866) 507-7253



1992 BMW 325i
Auto, 4dr, Blk.
\$4995 Lic# 3GGC432
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'05 Scion XB \$13,900
Red, Low 38K Miles!
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'02 Santa Fe 4 x 4 \$13,900
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'00 Honda Accord EX Sedan
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Santa Monica Daily Press

HOURS MONDAY - FRIDAY 9:00am - 5:00pm

LOCATION 1427 Third Street Promenade, Suite 202, Santa Monica, CA 90405

Santa Monica Daily Press

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Pristine!
(VC223308)
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'05 Santa Fe 3.5L
2 to Choose!
2WD, CD, Moon
(960986, 935352)
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'04 Santa Fe
2 to Choose-Black or Silver
Low miles, still has new
car warranty.
(U786948, U648625)
Hyundai Santa Monica
(866) 309-6705



'04 Nissan Sentra \$11,900
CD, 42K Miles, Very Clean
Will Not Last
(4L915794)
Hyundai Santa Monica
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05 Hyundai Tucson LX 4 \$16,990
Leather, CD, Pristine
(5U051031)
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Low miles, pristine
(3A744443)
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'06 Sonata GLS
MAKE OFFER!
(065025)
Hyundai Santa Monica
(866) 309-6705



2001 Ford Escort SE
4 DR Sedan, full power, 53k miles,
26/35 MPG, Auto, AC \$5000.
310.396.9621 or 310.392.9229

Trucks/Vans



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White, A/C
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Dual air, many extras
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miles. VIN 229561
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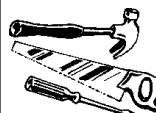
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Broker

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Barnabus Horkai
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7 year/1 arm 5.75%	5 year/1 arm 5.75%**
3 year/1 arm 5.5%**	1 year/1 arm 5.25%
6 mos./6 mo. arm 5%	1 mo./1 mo. arm 1%***

* Rates subject to change * As of November 28, 2006 ** Denotes an interest only loan *** Denotes Neg Am

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Pacific Ocean Properties Broker Rob Schultz, #01218743

Department of Real Estate Phone - (916) 227-0864



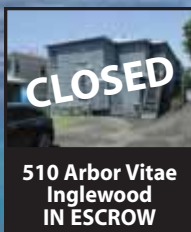
Pacific Ocean Properties

2212 Lincoln Boulevard, Santa Monica **310.392.9223**

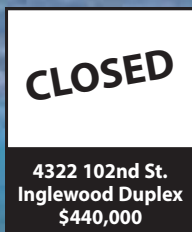
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Andrea Arpaia
Agent new to the business. "I've sold 20 homes in two years. I invite you to become number 21"



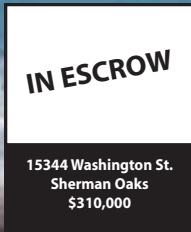
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IN ESCROW



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Inglewood Duplex
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