WEDNESDAY, DECEMBER 21, 2005 Volume 5, Issue 33

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO
8 10 23 36 47
Meganumber: 20
Jackpot: $40 Million

FANTASY 5
7 13 16 22 37

DAILY 3
Daytime: 3 1 4
Evening: 9 4 2

DAILY DERBY
1st: 08 Gorgeous George
2nd: 01 Gold Rush
3rd: 12 Lucky Charms

RACE TIME: 1:45.41

Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site: http://www.calottery.com



NEWS OF THE WEIRD
BY CHUCK SHEPARD

In accord with Thailand's cultural traditions and accompanied by much pomp and circumstance, officials married off Chuang Chuang and his gal Lin Lui, the country's only giant pandas (at the Chaing Mai Zoo in November), and Thong Kham and his gal Thong Khaow, a pair of dwarf Brahman cattle in Sa Kaew province in July (both ceremonies before thousands of spectators). And in Roseville, Mich., in November, Susan Laurer spent $1,200 to marry off a pair of pug dogs, Bobby and Gracie, dressed in formal wedding wear before 70 guests at the Evangel Christian Church. (The maid of honor was a Chihuahua.)

TODAY IN HISTORY

Today is the 355th day of 2005. There are 10 days left in the year.

On Dec. 21, 1620, Pilgrims aboard the Mayflower went ashore for the first time at present-day Plymouth, Mass.
In 1804, British statesman Benjamin Disraeli was born in London.
In 1898, scientists Pierre and Marie Curie discovered the radioactive element radium.

QUOTE OF THE DAY

"The time will come when Winter will ask us: 'What were you doing all the Summer?'"

BOHEMIAN PROVERB

INDEX

Horoscopes
Share your chair, Taurus 2
Snow & Surf Report
Water temperature: **60°** 3
Opinion
The magnitude of 2005 4
State
The insurance gap 7
Real Estate
Design is what you make it 10
National
Tales of indictment 13
Comics
Laugh it up 16
Classifieds
Have some class 17-19

Port-a-potties approaching

BY RYAN HYATT
Daily Press Staff Writer

11TH STREET — Hundreds of suspected illegal immigrants who loiter on the sidewalks waiting for work will soon have a place to squat come January.

So says City Hall, which is set to deliver two port-a-potties to 11th Street as a means of helping residents and businesses deal with a day laborer situation many claim is out of control.

Those concerned about crime in their neighborhood — not to mention excrement on their sidewalks — asked City Hall in August to step in and help regulate the illegal immigrants who gather in this part of town while waiting for someone to drive by and offer to pay them under the table in exchange for labor.

City Hall officials say they have budgeted for two port-a-potties in the area, but finding the right location for them has been difficult, said Elana Buegoff, a senior administrative analyst in City Hall's economic development division.



File photo

Day laborers congregate near 11th Street and Olympic Boulevard in hopes of finding work for the day.

In October, city staff met with residents in the area to discuss the placement of the port-a-potties.

The site that's been tentatively agreed on is the west side of the street outside of Bourget Brothers building material and lumber store, located at 1636 11th St.

Buegoff said what's needed is confirmation from business owner John Bourget.

"I will likely approve it," Bourget said on Tuesday, as he read the letter requesting his permission to place the port-a-potties adjacent to his store.

For decades, day laborers have loitered on the sidewalks near 11th Street and Olympic Boulevard, where they keep a watchful eye on traffic coming and going from the Salvation Army outlet, Bourget Brothers, the old Fisher Lumber site and other businesses from which they might be called upon to help with construction, landscaping, home improvement, moving and other fix-up jobs.

However, residents have grown weary of the blight created by the masses, which can number up to 175 people on a given day.

The two port-a-potties, each to be tied to a tree, will cost the city $465 per month to be maintained three days a week, Buegoff said.

"It will create a more sanitary environment for the public for now," Buegoff said. "A more

See PORT-A-POTTIES, page 5

Raise the roof



Fabian Lewkowicz/Daily Press

The roof is installed on the Ashes & Snow art exhibit, which opens Jan. 14 at the 1550 beach parking lot north of the Santa Monica Pier. The nomadic museum consists of a temporary display of 152 shipping containers that will house more than 100 large-scale photographic works of wildlife and an accompanying 35-millimeter film.

Surf's up for Santa Monica

BY RYAN HYATT
Daily Press Staff Writer

SANTA MONICA BEACH — The waves crashing on local shores may be taller than 20 feet by noon today, and officials say they will be keeping an eye on the action.

According to Wetsand.com — one of the Web sites county lifeguards use to track beach weather forecasts — some of the tallest waves Santa Monica has seen in years may be hitting its shores on Wednesday.

"They're supposed to be big," said Darren Nelson, a county lifeguard.

A Pacific storm that was 600 miles off shore by 6 a.m. on Tuesday is expected to cause waves on Santa Monica's beaches ranging between 3 to more than 20 feet high by Wednesday, also set to be the shortest day of the calendar year.

Santa Monica's Harbor Patrol

See SURF, page 6

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HOROSCOPE

Share your chair, Taurus

Santa Monica Daily Press



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)
★★★ Though others might be silly and in a festive mood, for whatever reason, you are about business and getting the job done. Confusion surrounds your plans and messages. Don't stand on ceremony. Tonight: Put in some extra hours.

TAURUS (April 20-May 20)
★★★★★ You are very playful and lively. When others cannot think of solutions or ideas, you seem like a fountain of endless creativity. Your warmth and caring are further enhanced by the season and a personal bond. Tonight: Share some of your chair.

GEMINI (May 21-June 20)
★★★ Others seem to make life more confusing than necessary. Keep trying to clarify. You will be most successful talking individually with each person. Your energy remains high. Focus on one item at a time. Tonight: Head home.

CANCER (June 21-July 22)
★★★★ Speak your mind, but use that special magnetic smile and style. Your words mean a lot to others. Be easygoing with someone who might think he is right. Easily, this person could be a brother or friend who is strong-willed. Tonight: Run Santa errands on the way home.

LEO (July 23-Aug. 22)
★★★ Be sensitive to others. Expenses could get a bit out of control. Perhaps you should think about more innovative gifts. Let your imagination flow. Think positively. If you can do more from your home, just as well. Tonight: Start pulling everything together. Do less. Order in dinner.

VIRGO (Aug. 23-Sept. 22)
★★★★★ All eyes turn to you, especially as an associate or pal could be acting up. You'll want to give this person space. Meanwhile, get busy touching base with others. Wherever you go, you find a smile. Tonight: Eggnog with friends (unless you have a better idea).

LIBRA (Sept. 23-Oct. 22)
★★ Much might be going on in your head, but you might not want to verbalize your opinions. Your intuitive sense kicks in with spending. Still, be aware of the long-term impact of what you are doing, OK? Tonight: Head home.

SCORPIO (Oct. 23-Nov. 21)
★★★★★ Sometimes you can get overwhelmed by the season. Not so this year! You are a busy bee, flying from one project to another. Consider friends who might be alone during the holidays. Make an effort. Tonight: Choose a seasonal activity.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Others frequently fashion their behavior on what you do and say. When making choices, realize how much you are in the limelight. You find that a family member could be creating an uproar. Be more aware of your finances. Tonight: Out late.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ The Sun moves into your sign today, signaling a very joyous period. Focus on what you want, but be willing to break past patterns to achieve that goal. Networking and making new friends could play an important role. Tonight: Put on some holiday music.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ If you treat each person as if he or she is the most important at that moment, you will experience greater success and happiness. Sometimes you detach way too much. Most people need more warmth. Tonight: Enjoy yourself wherever you are.

PISCES (Feb. 19-March 20)
★★★★★ Others touch base with you. You might surprise someone at a distance with a call or offer. Your spontaneity might draw a strong reaction. Would it not be better to explain where you are coming from? Tonight: You cannot be everywhere. Choose your company.

CIRCULATION VERIFICATION COUNCIL AUDIT PENDING

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LOCAL

COMMUNITY BRIEFS

Irene Dunne Guild elects new president

By Daily Press staff

There's a new president in town.

Pacific Palisades resident Fran Flanagan has been elected president of the Irene Dunne Guild, a major support group of Saint John's Health Center. Among its many volunteer projects, the guild hosts Saint John's Caritas Gala, an annual fundraiser that recently raised more than $1 million for the health center when actors Tom Hanks and Rita Wilson were honored with the Caritas Award at this year's event.

Other guild officers installed are Judy Piro, vice president; Dolly Niemann, treasurer; Sharon Wilson, recording secretary; and Cammie Hall, corresponding secretary. Niemann and Wilson are longtime residents of Pacific Palisades. Piro resides in Brentwood, and Hall is a Santa Monica resident.

The Irene Dunne Guild has supported Saint John's since 1987. Inspired by the charitable example of film legend Irene Dunne, the guild boasts a membership of 75 women who focus their volunteer efforts on providing vital services and programs enabling Saint John's continued commitment to the community of providing excellence in health care.

In partnership with Saint John's Health Center Foundation, the guild has raised critical funds for the health center through the annual Caritas Gala, including $1 million to build the Irene Dunne Guild Neonatal Intensive Care Unit (NICU) in the Maria Shriver Nursery in Saint John's north pavilion and $1 million to support Saint John's emergency department.

Funds raised at the 12th Annual Caritas Gala, which was held in October 2005, will support vital services and programs at Saint John's. The guild also conducts an annual patron drive for special projects, such as Saint John's new mobile blood center.

In addition, guild members participate in educational meetings, collect books and magazines for Saint John's libraries, and volunteer in the nationally acclaimed Angels of the ER program. In collaboration with Saint John's volunteer department, the angels provide a communication link between medical personnel, patients and their families.

Big Red Bucket food drive feeds the needy

By Daily Press staff

The holidays are not the same without a traditional family meal, especially for the needy.

In cooperation with the Santa Monica school system, 110 deserving families received a taste of holiday cheer through The Macerich Company's fourth annual Big Red Bucket corporate food drive, which collects all the necessary canned goods and fixings for a complete holiday meal.

Each 16-gallon bucket contained specified non-perishable items for the meal, as well as a gift certificate for a turkey or a ham. The Macerich Company encouraged its corporate employees and vendors to fill red buckets with recommended food items such as canned vegetables, chicken broth, gravy and cranberry sauce, stuffing or biscuit mixes, powdered milk, ready-made pie crust with filling, and staples such as flour, sugar and cornmeal.

The meals were distributed locally on Dec. 12. Each family received a $50 gift card, accepted anywhere Visa debit cards are accepted, to assist with other grocery items.

Several families also received Christmas trees, food, money and clothing — including a Gulf Coast family displaced by Hurricane Katrina.

"Families traditionally gather together for a holiday meal this time of year," said Susan Valentine, senior vice president of marketing for Macerich. "The Big Red Bucket campaign makes this seasonal tradition a reality for more area families. What began as a philanthropy effort among corporate employees in 2001 has grown into an outreach effort undertaken by many of our regional shopping centers. Together with dozens of participating centers, we have fed thousands of deserving families this holiday season."

SNOW AND SURF REPORTS

CONDITIONS

DATA PROVIDED BY ONTHESNOW.COM

BEAR MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:30am - 4:00pm	6	6/12

CONDITIONS: Machine Groomed, Hard Packed

JUNE MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
20"	24" - 36"	8:30am - 4:00pm	35	6/6

CONDITIONS: Powder, Packed Powder, Machine Groomed, Obstacles

MAMMOTH MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	60" - 84"	8:30 am - 4 pm	150	24/48

CONDITIONS: Powder, Packed Powder, Machine Groomed

MOUNTAIN HIGH

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:30 am - 10:00 pm	10	8/16

CONDITIONS: Machine Made, Hard Packed

MT. BALDY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	0"-1"	8:30 am - 4:00 pm	0	0

CONDITIONS: N/A

SNOW SUMMIT

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	7:30 am - 9:30 pm	8	8/13

CONDITIONS: Packed Powder, Machine Groomed, Hard Packed

SNOW VALLEY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:30 am - 4:00 pm	5	5/11

CONDITIONS: Packed Powder, Machine Made, Machine Groomed, Hard Packed

CONDITIONS — **WATER TEMP: 60°**

DATA PROVIDED BY WETSAND.COM

SWELL FORECAST (5-8 FT)

Today is the shortest day of the year and will be seeing some big surf hit the coast. As we've mentioned in our reports since last week, this is from a significant WNW system that's been traveling at low latitudes towards our region. The interesting thing about this system is that its fetch has been moderately sized with 30-35 foot seas. This isn't really all that big for a Pacific ground-swell-generating storm; it is though when you consider its proximity. This storm is now (Tuesday, 6 a.m.) only 600 nautical miles offshore, located at a low latitude of around 30-35N.

LONG RANGE SYNOPSIS

Big westerly swell hits coast Wednesday...

Significant WNW swell hits NCal on Christmas, day after for SoCal...

Massive storm being tracked for NW swell potential on 27th-28th...

TIDE FORECAST FOR SANTA MONICA

TUESDAY				
LOW TIDE:	5:07AM	3.0FT	6:50PM	0.3FT
HIGH TIDE:	1:25AM	3.5FT	11:07PM	4.9FT
WEDNESDAY				
LOW TIDE:	6:20AM	3.1FT	7:30PM	0.7FT
HIGH TIDE:	2:16AM	3.6FT	11:52PM	4.3FT
THURSDAY				
LOW TIDE:	8:01AM	3.0FT	8:12PM	1.0FT
HIGH TIDE:	3:03AM	3.8FT	12:52AM	3.8FT
FRIDAY				
LOW TIDE:	9:47AM	2.6FT	8:54AM	1.4FT
HIGH TIDE:	3:42AM	4.1FT	2:20AM	3.3FT

SURF AND SNOW QUESTIONS OR COMMENTS? EMAIL ALEX@SMDP.COM

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The Q Line

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'Tis the season to be merry. Except, looking around, people are running all over town crazed, stressed and in a hurry. This week, the Daily Press asks everyone to stop for a moment and think about what has made them happy this year. So this week's Q-Line question is, **"What are you grateful for?"**

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

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Santa Monica
Family and friends getting together for the holidays

OPINION

A December to forget



ICONOCLAST BLAST

BY SETH BARNES

Polish off your credit cards. Prepare for a relentless, high-decibel holiday music assault anytime you step into a place of retail. Get ready to elbow an elderly lady aside as you lunge like a wild mustang for the last digital camera on sale at Best Buy. The holidays are upon us.

Corporate America is responsible for the brouhaha that arrives each December. They expertly slash prices on popular items and plaster their sales message across all forms of media. And while they used to stick to smaller-ticket gifts, they've recently started pushing bigger, bulkier, more expensive fare. Like luxury automobiles.

Lexus has led the pack in this category. For several years, they've run a recurring series of ads that you probably recognize by now.

Here's an example: A handsome man with a silver shock of hair prances up behind his wife. Turning, she playfully flips her own silver mane (apparently when you're in the top tax bracket, the IRS sends you a case of silver hair dye along with your 1040 form). The giggling husband covers her eyes and leads his beloved through the sprawling lower floors of their mansion. They arrive outside. Standing in the driveway, he removes his hands to reveal a gleaming Lexus gift-wrapped with a giant red bow. And of course the wife showers her husband with excited hugs and kisses.

I have a feeling these ads resonate especially well here in Southern California, where cars are essentially trophies on wheels. Because of the exceptional year-round weather, motorists don't have to worry about road salt corroding away their body paint, or a snowplow skidding into them during rush hour. So getting a car for Christmas or Hanukkah is actually plausible, whereas doing so in New Hampshire, where I'm originally from, is asking to enter into a destructive wintertime demolition derby.

None of this is to mention the absurd, shortsighted and financially ridiculous proposition of purchasing a $45,000 item without consulting your one and only life-partner. There's that also.

Considering that only a moronic snob who knows nothing about the car-buying process would buy a Lexus for somebody else without their consultation (no, I don't care how wealthy you are, buying a car is never a "treat" — they begin depreciating and breaking down the moment you own them, you are handing your loved one a liability that will tie them down for many years to come) and considering that Lexus calls their holiday sales event "A December to Remember," I thought it might be fun to play a short game. We'll think about some scenarios that could arise as a result of "giving" a Lexus for the holidays. These could happen in any family. Let's call it "Remember that Time You Bought a Freaking Lexus Without Asking Me!?"

Enjoy!

Remember that Time You Bought a Freaking Lexus Without Asking Me!? Two days later I got carjacked after breaking down on a freeway off-ramp. Right before I blacked out from shock, I saw that the thug who stole my car was wearing the hood ornament around his neck. Thanks again!

Remember that Time You Bought a Freaking Lexus Without Asking Me!? That was back when we were married. We had massive credit card debt, two kids in private school, and you were under investigation for misappropriating funds at work. Our marriage was in shambles, but you wanted to make things better. So, one night after a few pops with your buddies, you headed to a Lexus dealership. I could not believe my eyes when I saw it sitting in the driveway, so I slapped you across the face. See you in family court!

Remember that Time You Bought a Freaking Lexus Without Asking Me!? I was only 19, Dad. I know you'd been spoiling me for a long time, but please. Were you really surprised when I crashed into the side of my dorm?

Remember that Time You Bought a Freaking Lexus Without Asking Me!? Honey, I doused myself in oil and lit myself on fire in front of the White House. I was shouting "Down with Corporate Oil Pigs." I'm not exactly an automobile enthusiast.

Remember that Time You Bought a Freaking Lexus Without Asking Me!? It was really creative of you to copy a TV commercial. It was special and romantic. You even tied the cheesy red bow on top of the car, you dope. Now I can never show my face to the neighbors again.

(Seth Barnes can be reached at barnes-seth@hotmail.com.)



2005: It was a year of particular intrigue



THE WITNESS STAND

BY CLIFF NICHOLS

Was this last year interesting or what?

Among other things, we witnessed … Clinton and Bush Sr. joining together to promote Tsunamis relief … Hillary denying in speech after speech that she wants to be president … hurricanes and earthquakes in diverse places … wars and rumors of wars around the globe … and as Christmas draws near, the only thing liberals seem to be a'twitter over is a movie about gay cowboys that, after all is said and done, may only allow next year's slump in boot sales to be predictable. At minimum, we certainly live in interesting times ... but, wait a minute ... isn't that a Chinese curse? Maybe you should be the judge.

In the past year we saw many cheer when the evil Scott Peterson was convicted and sentenced to die for the cold-blooded murders of his wife and unborn child. When our president nominated people to the Supreme Court who might wish to protect other similarly situated helpless children, however, we were then treated to watching many of the same people angrily proclaiming the president to be an evil fundamentalist. Meanwhile, others cheered when Michael Jackson was exonerated of molesting children, while the only negative emotion I can recall resonating in the aftermath of that event was his supporters' dismay when the Michael refused their request to join him at Neverland to celebrate by partying down.

Then, soon thereafter, the question was raised by a decision from the 9th Circuit whether some of the activities Michael had been accused of should have even been considered wrong in the first place. After all the hubbub over Michael, that court found that parents have no Constitutional right to determine exclusively how their children are to be reared, and so also found that if the government wants to expose elementary school children to sexually explicit materials, it is free to do so. If you were in Michael's shoes, wouldn't that cause you go "Hmmmm … shouldn't what's good for the goose also be for the gander?" Confused? Me too, but then, who am I?

Speaking of being confused, consider this recent event: How can a president who has sworn to uphold our Constitution unilaterally authorize his government to invade the privacy of his subjects without first obtaining a warrant? I know he unilaterally determined his administration's warrantless wiretaps were constitutional, but that was only because he told us his people had unilaterally instituted some vague and unexplained "safeguards" to prevent their own abuse of the powers he had unilaterally granted them.

Far be it from me to speak for our founding fathers, but didn't that government think that the Fourth Amendment was written to prevent that kind of thing by requiring government agents to convince a judge to issue a warrant before they are permitted to invade our privacy? Silly me. I must confess, at first blush, the president's warrantless wiretaps seemed to me to be just as outrageous as if the Supreme Court were to rule some day that the Constitution allows politicians to use eminent domain to take my property away so they can give it to their buddies. Oh … you say that also happened this year? Well, OK … I guess that must be what living in a democracy is all about.

At least last year also gave us the opportunity to export some of that democracy abroad. Of course, a few around the world may have questioned whether that's a good thing, as they listened to us debate whether or not we will legalize torturing some foreign citizens as a means to facilitate their compatriots' transition to our better way of life. Hey, but what are a few fingernails when compared to the possibility of exporting democratic principals like "secular tolerance" to cultures less advanced than ours? Consider the example set by France in the last year. No, I'm not talking about surrendering. They banned all religious symbols in order to encourage their citizens from different ethnic backgrounds to peacefully coexist in a spirit of tolerance. Oh yeah, I forgot … they also had ethnic riots that approached becoming a revolution this year. Well, then let's just hope that we Americans can do better. If next year we open our borders to illegal immigrants even more than they were this past year, and at the same time accelerate our ongoing efforts to remove all things having to do with God from our midst like the French tried to do, we might just be able to outdo the French … that is, if we aren't blown up first by terrorists we have allowed to cross our non-existent borders. Also, hopefully, we can demonstrate to the world the tolerance inherent to our democratic way of life before our nation is called upon to "tolerate" an attack on Iran to eradicate the rather intolerant nuclear threat they will soon pose to Israel.

Lastly on the international scene, this year also gave us the execution of Tookie. Who could have predicted that event would result in Schwarzenegger's name being removed from a stadium in Austria? Both here and abroad, people argued his execution was a travesty. Tookie had become a role model, they said … he should be allowed to continue living in order to steer our youth away from joining murderous gangs … like, for example, the one he had co-founded — the Crips. Again, however, maybe I'm confused, but to me the very best lesson was that Tookie seemed to be in a unique position to give our young people a way of affording them a practical demonstration of the fact that if people do things like he did (i.e. murder people) they are going to be put to death. And, I thought he accomplished delivering that worthy message very well. Oh, you don't? Well, there I go again, being simple minded. So, until next year perhaps now would be a good time for me to give it a rest, except to say Merry Christmas and may your New Year at least be as "interesting" for you as was the last one for me.

(Cliff Nichols is an attorney practicing criminal defense/entertainment law in Santa Monica. He may be contacted at either 310-917-1083, cliff@cliffnicholslaw.com or www.cliffnicholslaw.com, and you may join his blog at www.thedailystand.com.)

Recognizing dedication



Fabian Lewkowicz/Daily Press

Tara Pomposini, the YMCA's general director, awards James Casalor with a special plaque honoring his exceptional service, dedication and commitment to the Family YMCA of Santa Monica. After 27 years of service to the YMCA, Casalor announced his retirement this week during the monthly board meeting. Casalor is an avid weightlifter, plays on a baseball league and enjoys riding his Harley-Davidson motorcycle.

City staff: Finding the right place for port-a-potties has been difficult

PORT-A-POTTIES, from page 1

long-term solution the city may explore is to create an organized day labor station, if it could be structured to work well, like they do in other communities."

Councilman Richard Bloom said he will urge staff to contact officials in Pasadena, who he said seem to have a successful program for regulating day laborers.

Ann Erdman, a Pasadena spokeswoman, said the city passed an amendment in 2003 called the "No Vehicle Solicitation" ordinance.

It prohibits vehicles from stopping in posted areas along Villa Street, which has had a problem with day laborers congregating there at least since 2001, Erdman said. There also are large signs posted that say "no vehicle solicitations."

Traffic safety problems were the main impetus for creating the ordinance, Erdman said. Other issues related to day laborers, such as littering, defecating, public urination and the rare fist fight, are being handled by a combination of the Pasadena Police Department, organized neighborhood associations and the code compliance office, Erdman said.

In addition, a nonprofit group called the Instituto de Educacion Popular del sur de California has established a day laborer center at 500 N. Lake Ave., just a few blocks from Villa Street. Erdman said the center serves as an organized way for day laborers to find work, and it's very popular. To participate, day laborers must go through a registration process.

Erdman said the combination of law enforcement and providing the day laborers with employment options seems to be working well for Pasadena.

Bourget says he would like to see a similar approach taken by City Hall.

"As long as they are there to find work, I don't mind them," Bourget recently told the Daily Press. "The problem is that some of these day laborers aren't actually waiting around to work. They're drunk, pissing on the sidewalk, some of them selling stuff they're not supposed to be selling.

"Those who are there by the afternoon, it's clear they're not going to be working."

Bourget suggests City Hall set up an enforcement program whereby the day laborers are welcomed between 7 a.m. and 1 p.m.

"Those who loiter after lunch should be subject to fines, because that's when there's trouble," Bourget said. "I think a program like that would do a lot to remedy the situation."



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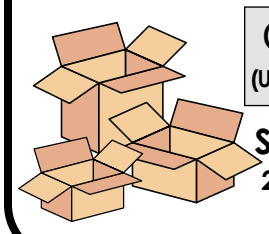
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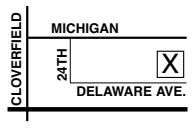
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Song of the season



Fabian Lewkowicz/Daily Press

Yunghee Kavanagh sings 'Oh Holy Night' during the monthly Santa Monica Family YMCA board meeting, held on Monday at the YMCA.

Size predictions vary, but city takes steps nonetheless

SURF, from page 1

said it's expecting waves of 10 to 13 feet commencing at 11 p.m. on Tuesday and continuing through Wednesday afternoon.

The waves are expected to come from a west-by-northwest storm system that's been traveling at low latitudes toward the region, according to Wetsand.com. The storm — characterized as "moderately sized" for the Pacific, with 30 to 35 feet swells — is expected to be close enough to the coast to significantly affect wave size on Wednesday.

According to Wetsand.com, most storm systems traveling through the Pacific either turn northward before nearing the California coast or lose strength once passing the Hawaiian Islands. However, Wednesday's storm is expected to be different.

"We're in for a direct hit from this system," according to the Web site.

Traveling at a low latitude, the incoming angle on this storm will be directly west of Southern California, and it may even bring in some energy, the Web site reads.

Wednesday weather, overall, is expected to be partly cloudy with highs from 65 to 70 degrees. In the morning, pre-dawn size around west-facing beaches is expected to be 10 to 12 feet. By late morning, heights should easily reach 15 feet, according to the Web site.

The biggest portion of the swell is due late morning to early afternoon with face heights reaching 18 feet, and possibly more than 20 feet by noon. The information is based on best-case scenarios for west-facing beaches, and Santa Monica's beaches face southwest, making the wave sizes likely to be smaller, Franz said.

The swell is expected to have long, 14- to 16-second periods. The Web site advises that such an intense system is to be approached with caution at all beaches along the coast, no matter what direction they face.

The National Weather Service has issued high surf and coastal flooding warnings for the entire California coast.

According to Judy Franz, City Hall spokeswoman, the pier maintenance crew on Tuesday has been on alert searching for potential problems. In addition, an experienced contract crew from Meeks Engineering Company is working on the pier.

Through their own sources, Franz said city staff has confirmed the marine forecast of waves in at least the 10-foot height range.

Ben Franz-Knight, executive director of the Santa Monica Pier, said his staff will be in contact with Santa Monica's Harbor Patrol and keep tabs on the situation.

But he is not too concerned.

"The pier is built to withstand 50 foot waves, a 'storm of 100 years,' Franz-Knight said.

See SURF, page 7

LOCAL ❑ STATE

Analysis: Insurance rates not color-blind

BY MICHAEL LIEDTKE
AP Business Writer

SAN FRANCISCO — California motorists living in mostly black or Hispanic neighborhoods are charged substantially more for the same amount of auto insurance provided to drivers from white communities, according to an analysis released Monday by Consumers Union.

After dissecting the price among the state's three largest insurers in more than 500 ZIP codes, Consumers Union found car insurance in black neighborhoods costs 37.5 percent to 83.5 percent more than in communities dominated by non-Hispanic whites.

That means the biggest auto insurers would charge a good driver an additional $537 to $974 per year for moving from a mostly white to black neighborhood, according to Consumers Union, the nonprofit group that publishes Consumer Reports magazine.

Good drivers living in Hispanic neighborhoods aren't hit quite as hard. Consumers Union concluded the pricing increase in California's Hispanic communities ranged from $103 to $214 annually, or 7.9 percent to 18.4 percent.

The study further illuminates how a driver's home address sways the price of auto insurance — a thorny issue that has bedeviled California for nearly two decades.

"It took far less time to put a man on the moon" than to close the regional pricing gaps in California auto insurance, said Mark Savage, a senior attorney for Consumers Union and the author of Monday's report.

An insurance reform initiative passed by California voters in 1988 was supposed to minimize the geographical differences, but the industry so far has been able to retain territory's influence on its prices.

Insurers have long maintained that their reliance on motorist's ZIP codes is justified, citing their higher frequency of losses in some neighborhoods and the different traffic patterns in densely populated cities and sprawling suburbs.

"Insurance companies don't use race as part of their rating criteria," said Sam Sorich, president of the Association of California Insurance Companies, a trade group. "The Consumers Union study is a distraction from the fundamental point that insurance companies should be using data that predicts the likelihood of losses. Territory is a significant predictor."

Consumers Union and other industry critics believe the current pricing practices unfairly discriminate against minority and low-income households, reflecting insurers' focus on more affluent policyholders.

The high prices prompt more motorists to drive illegally without insurance — a problem that ultimately increases costs for everyone. About 3.2 million, or 14 percent, California's vehicles are uninsured, according to the state Department of Insurance's most recent estimates.

Not everyone in the insurance industry believes ZIP codes are the best way to parse auto insurance prices. Earlier this month, an influential risk assessment firm released a study arguing insurers should base their rates on how close drivers live to certain types of businesses or local landmarks.

For instance, motorists living within a mile of a church typically are involved in fewer accidents causing property damage than drivers living near restaurants, according to Quality Planning Corp.

In its study, Consumers Union created the hypothetical profile of a good driver and plugged all the same characteristics into the pricing formulas of California's three largest auto insurers — State Farm, Farmers and Allstate. Combined, the three insurers cover more than 30 percent of California's drivers.

The study spanned 1,838 ZIP codes under State Farm's 2004 rates and 531 ZIP codes for the 2002 pricing criteria used by Farmers and Allstate. State Farm's 2002 prices also were examined, covering 531 ZIP codes.

Consumers Union expanded the scope of its State Farm's analysis primarily because its rating formula wasn't as complicated as the other two insurers, Savage said. State Farm also is the market leader, covering nearly one in every seven of California's insured drivers.

The Personal Insurance Federation, a trade group that represents State Farm and Farmers, believes Consumers Union's study is flawed, said spokesman Jerry Davies. He also emphasized that the rates of all auto insurers are approved by state regulators.

Proposition 103, the package of 1988 reforms approved by voters, mandated that auto insurance prices be based primarily on a driver's record, annual mileage and experience.

But those rules also allows "other factors" to be considered, a provision that helped the industry persuade then-Insurance Commissioner Chuck Quackenbush to approve 1996 regulations that preserved ZIP codes as a major pricing factor. The Quackenbush rules so far have been upheld by California courts.

Current Insurance Commissioner John Garamendi has promised to unveil new pricing guidelines sometime during the next two weeks, concluding a more than two-year examination of the disparities created by the current rules.

Surfers will be riding

SURF, from page 6

However, if 20-foot waves were to hit the pier, the first course would be to close off the fishing deck, he said. If waves were to reach the 30-foot range, the pier would be closed until the storm cleared.

Emma Covington, an employee at ZJ Boardinghouse, a retailer that sells surf boards at 2619 Main St., said that serious surfers will likely be congregating at shores north and south of Santa Monica on Wednesday.

Covington explained that beaches in Malibu and El Segundo tend to have shores where taller waves roll out more smoothly, making for better surfing. Tall waves coming into Santa Monica and Venice shores often break hard, and with the sizes expected for Wednesday, could be dangerous.

"We are expecting a swell, and our surfers will be out there where they can ride the waves," Covington said.

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Transit union strike in NYC threatening chaos

BY DESMOND BUTLER
Associated Press Writer

NEW YORK — Subways and buses ground to a halt Tuesday morning as transit workers walked off the job at the height of the holiday shopping and tourist season, forcing millions of riders to find new ways to get around.

Mayor Michael Bloomberg, who had said the strike would cost the city as much as $400 million a day, joined the throngs of people crossing the Brooklyn Bridge in the freezing cold as he walked from a Brooklyn emergency headquarters to City Hall. Other New Yorkers car-pooled or rode bicycles.

"I think they all should get fired," said Eddie Goncalves, a doorman trying to get home after his overnight shift. He said he expected to spend an extra $30 per day in cab and train fares.

It is New York's first citywide transit walkout since an 11-day strike in 1980, and officials said they would seek quick court action, which could include stiff fines. Pay raises and pension and health benefits for new hires are main sticking points.

Authorities began locking turnstiles and shuttering subway entrances shortly after the Transport Workers Union ordered the strike. The buses and subways, the nation's largest transit system, serve 7 million riders a day.

At one subway booth, a handwritten sign read, "Strike in Effect. Station Closed. Happy Holidays!!!!" At Penn Station, an announcement over the loudspeaker told people to "please exit the subway system."

Huge lines formed at ticket booths for the commuter railroads that stayed in operation, and Manhattan-bound traffic backed up at many bridges and tunnels as police turned away cars with fewer than four people. All the while, transit workers took to the picket lines with signs that read "We Move NY. Respect Us!"

Commuters, scrounging for ways to get to work, lined up for cabs and gathered in clusters on designated spots throughout the city for company vans and buses to shuttle them to their offices.

"There were hundreds of people waiting for cabs, pulling doors left and right," said taxi driver Angel Aponte, who left his meter off and charged $10 per person.

Bloomberg has said the strike would be particularly harsh taking place during the holidays, predicting it would freeze traffic into "gridlock that will tie the record for all gridlocks."

He began putting into effect a sweeping emergency plan, including the requirement that cars coming into Manhattan below 96th Street have at least four occupants.

The union called the strike after a late round of negotiations broke down Monday night. Union President Roger Toussaint said the union board voted overwhelmingly to call the strike.

"This is a fight over dignity and respect on the job, a concept that is very alien to the MTA," Toussaint said. "Transit workers are tired of being underappreciated and disrespected."

The news drew an angry response from the mayor, governor and head of the Metropolitan Transportation Authority.

"This is not only an affront to the concept of public service, it is a cowardly attempt by Roger Toussaint and the TWU to bring the city to its knees to create leverage for their own bargaining position," said Bloomberg at a news conference.

MTA Chairman Peter Kalikow called the strike "a slap in the face" to all New Yorkers and said lawyers will immediately head to court. It is illegal for mass transit workers to strike in New York, and the 33,000 bus and subway employees could face fines of two days' pay for each day on strike.

"They have broken the trust of the people of New York," said Gov. George Pataki. "They have not only endangered our city and state's economy, but they are also recklessly endangering the health and safety of each and every New Yorker."

MTA spokesman Tom Kelly said the agency "put a fair offer" on the table before talks broke down. "Unfortunately, that offer has been rejected."

The union said the latest MTA offer included annual raises of 3 percent, 4 percent and 3.5 percent; the previous proposal included 3 percent raises each year. MTA workers earn around $47,000 to $55,000 annually.

But Toussaint said the union wanted a better offer from the MTA, especially when the agency has a $1 billion surplus this year.

"With a $1 billion surplus, this contract between the MTA and the Transport Workers Union should have been a no-brainer," Toussaint said. "Sadly, that has not been the case."

A key issue is the MTA's proposal to raise the age at which new employees become eligible for full pension from 55 to 62, which the union says is unfair.

The down-to-the-wire negotiations came as workers at two private bus lines in Queens walked off the job, a move meant to step up pressure on the MTA.

The contract expired Friday at midnight, but the two sides agreed to keep talking through the weekend and the union set a new deadline for Tuesday.

Commuter frustration was evident both before the strike and after it was called.

Darryl Padilla, a 20-year-old club promoter, was trying to get on the train at Penn Station when he found out that the strike had begun. He didn't have enough cash to take a cab to his home on the northern tip of Manhattan.

"I didn't think they were going to shut down. I can't take a cab," he said.

"Enough is enough," said Craig DeRosa, who relies on the subway to get to work. "Their benefits are as rich as you see anywhere in this country and they are still complaining. I don't get it."

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Santa Monica Daily Press

NATIONAL

Holidays a boom time for smuggling children into U.S.

BY LYNN BREZOSKY
Associated Press Writer

HARLINGEN, Texas — An increasing number of smuggling suspects have been arrested trying to bring children from Mexico, an annual problem as illegal immigrants working in the U.S. arrange to have their kids shipped north for holiday reunions.

Officials don't keep border-wide statistics on such arrests, but David Moreno, immigration chief for Customs and Border Protection for the two bridges from Hidalgo to Reynosa, Mexico, said there were attempts to smuggle nine children there in late November alone.

"That's natural, to try to be united," he said. "Unfortunately for the children, they're putting them in danger when they're being smuggled and that's what we're trying to deter. We have real small children, infants, being smuggled in."

Illegal immigrants who miss their children this time of year ask friends or smugglers to bring them across by passing them off as their own children or U.S. citizens, said Rick Pauza, U.S. Customs and Border Protection spokesman in Laredo.

That was the case in a handful of recent arrests at the Hidalgo bridge in deep South Texas.

In late November, 41-year-old Maria Guadalupe Rodriguez of Pharr was arrested on smuggling charges after telling agents that a 10-month-old baby was hers.

Days before, 45-year-old Lilia Pineda of Richmond was arrested after producing false U.S. birth certificates for children ages 8 and 13 who she claimed were grandchildren. The children were Honduran, and the birth certificates belonged to her real grandchild and another child.

And not long after, 31-year-old Victoria Lyn Sanchez of Houston drove across the same bridge with two girls, 11 and 12, that she said were her nieces. They turned out to be unrelated Mexican citizens.

When border officials discover the ruse, the children are sent back or, if the family can't be found, sent to a Mexican children's shelter.

The smugglers seem to favor high-volume port cities, Pauza said. Perhaps to avoid endangering the children, parents take a gamble on getting past Customs rather than having the kids try to swim across the Rio Grande or trek across the desert.

"We have seen cases where children are given some kind of cough medicine to either help them sleep or make it so that they can't answer questions," said Brian Levin, a CBP spokesman in Tucson, Ariz.

Levin said officers usually discover smuggling attempts through standard interviews. In some cases, he said, the parents crossed through the treacherous desert bordering Arizona but were afraid their children wouldn't make it.

"For parents, it's trying to decide — do they take the child with them and run the risk of the child being hurt trying to cross through the desert? They also have the risk of the child being hurt by smugglers," Levin said. "There are instances of people who prey on illegal immigrants coming across — rob them, rape the women, the younger girls."

U.S. and Mexican border agencies work together to return children to relatives there and in other parts of Central and South America as soon as possible, he said.

This year more than 800 children whose relatives couldn't be located have been sent to the Reynosa shelter, said Sandra Mendoza, Mexican vice consul in McAllen, Texas. She didn't know how many had arrived during the past few weeks.

"We see this kind of movement all along the year, but of course during the holidays like in summer and Christmas you see a little more of them," Mendoza said.

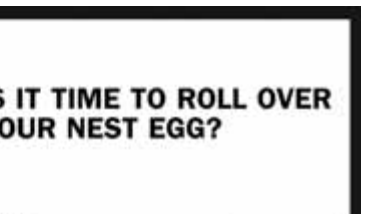
She said it's often harder to reach the families of older children and teenagers, as they may be traveling alone from rural places that have no phones.

"But with smaller children, younger children, usually the same relative that takes them to the border, sometimes they are waiting nearby to see if they make it," she said.

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Living in harmony



DAYS ON THE MARKET
BY JODI SUMMERS

There are so many ways to design a comfortable yet functional live/work space. There also are so many ways and theories to make that space feel harmonious and in balance. The quandary is how does one figure out quintessential design for their particular space? From Feng Shui to three-part-harmony to Vedic design, it is agreed that a home must be properly designed for proper energy flow, but the opinions on what the proper design needs to be are anything but harmonious.

FENG SHUI

Feng Shui is the ancient Chinese art of placement. The words Feng Shui translates to "wind and water," and refers to the Chinese art of orienting a given space to harmonize its inherent qualities and refine its "life breath."

Once your home environment is aligned through Feng Shui principles of harmony and energy flow, it is assumed that everything in your life will be better.

"If your home is balanced and harmonious, that supports you as an individual in all aspects of life," says Sheila Wright, a Feng Shui consultant and teacher. "It supports your relationships, it supports your career, your health, your income, everything."

A property that incorporates Feng Shui principles will be comfortable, with a sensible floor plan. Like a lotus flower, a property's better qualities will unfold as you get beyond the entrance foyer and pass from room to room. Corners become important. In Feng Shui, each corner of a property symbolizes part of the occupant's life — relationships, wealth, helpful people (benefactors) and self-knowledge. In order to keep these parts of their life "nourished," the occupants need to use all the corner rooms with some frequency. This subtle design approach that incorporates the entire property can produce a more relaxed and comforting atmosphere. It offers good "chi" energy.

STHAPATYA VEDA ARCHITECTURE

Conversely, the rules of Sthapatya Veda architecture are quite different from Feng Shui. The Sthapatya Veda style — also known as Vedic architecture — has roots in the ancient architecture of India, Thailand, Cambodia, China, Japan and Korea, as well as the Moorish architecture of Spain. Properties built in the Vedic style face east, feature a central silent space called a Brahmasthan, and have a golden roof ornament called a "kalash." The theory is that properly attuned architecture can promote health, happiness and harmony.

"Principal number one is that orientation has a big effect. Even the direction the building faces translates to a very real effect on us," says Jonathan Lipman, senior architect for Maharishi Global Construction. "Different activities within a house should be aligned with differing energies of the sun. Communication between mind and body occurs at different rates depending on orientation. The first rays of the sun are the most nourishing."

Maharishi Mahesh Yogi, whose followers have included the Beatles, has led a global movement in transcendental meditation. He promotes natural law as the key to peaceful living and has adapted the design principles of Vedic architecture for use in the modern world.

The Maharishi Global Construction's Web site — http://vedicarchitecture.org/ — suggests that Vedic-inspired homes can improve a range of qualities in individuals — everything from digestion to clear thinking.

THREE-PART COMPOSITION

Western design proponents believe people are pleased by design that come in threes — a symphony has three movements, a play has three acts, and there are three stooges.

Three-part composition is evident through architecture. Look a Greek column; it is divided into base, shaft and capital. Classic church design is the main room flanked by two side aisles. Three-part composition is found throughout architecture — on the interior and exterior of everything from temples to skyscrapers.

It is believed that what makes three-part compositions so effective is the way we think. Studies show that our brains strive to find rational patterns, but get bored when things are too simple. Apparently, the human mind craves a logical pattern with unexpected variations. Three-part arrangements offer this delicate balance, and can easily be varied to create visual movement without destroying the symmetry.

Note that interior walls are divided into base, wall and crown — three elements. Look at moldings, whose profiles are often built up with three elements. Aesthetically, a group of three offers a pleasing level of complexity without losing clarity of composition. Think windows across a large room — two is a bit staccato, four is a bit redundant. Three are just right.

The window designs of the 16th-century architect Andrea Palladio feature a classic three-part design with two side elements flanking a larger central portion with an arched top. The addition of the strong central arch creates movement while still retaining the harmony of bilateral symmetry.

ATTENTION TO DETAILS

No matter what design theory you use to create harmony, there is a unifying thread. Attention to detail is the key. A small fountain, a few colored tiles, a fig tree — the placement of modest details is what makes a property look elegant and harmonious. Think Mediterranean villas — creating harmony through detail is a process of careful thought and a desire for beauty more than money. Research shows that human contentment has less to do with extravagance than with the comfort and care we invest in our own surroundings. A bright pot of flowers on a windowsill can have just as much impact on the spirit as the most scrupulously tended formal garden.

Whether office tower or cottage, happy, harmonious properties share the same basic traits. Elements are placed with care; patterns can delight the eye; textures tantalize the touch. Other senses are pacified by the trickle of water, the song of a bird, the fragrance of a climbing vine.

Happiness and harmony are all in the mind of the decorator.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com or 310-309-4219. Visit her community history Web site at www.santamonicalandmarks.com.)

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City-living trend prompts urban units

BY CHRISTINA ALMEIDA
Associated Press Writer

LOS ANGELES — Home builders are beginning to follow the lead of suburbanites, who are returning to some cities in increasing numbers.

Two of the nation's top subdivision builders opened new units this year dedicated solely to building in urban cores. What suburban developers John Laing Homes and KB Home are quickly learning, however, is that building up isn't the same as building out.

"It isn't like building one house," said Jeffrey Gault, president of KB Home's new KB Urban division. "You've really got to do a lot of forward planning. Once you start, you can't change."

Builders say they are drawn to the cities for reasons including increasing antigrowth sentiments in some suburbs. There also are market forces that have suburban residents moving back to the city to eliminate long commutes or get closer to such cultural amenities as fine restaurants and performing arts centers.

"There's a pull from the attractiveness of city living, and there's a push from the traffic and congestion," said John McIlwain, senior resident fellow at the Urban Land Institute.

One new KB Home joint-venture is a condo-with-retail high-rise across from Staples Center in downtown Los Angeles. Laing Homes' urban group has several multiuse, residential building projects in Hollywood.

The move by subdivision builders into cities is contributing to booming downtown development in cities from Los Angeles to Las Vegas, Chicago to San Diego. In Los Angeles alone, the number of housing units in downtown could more than double to almost 40,000 in five years if all the projects now under development come to fruition.

Suburban developers are finding that building in big cities is far different — the permitting process can be more complicated, the bureaucracies bigger.

The challenges of building urban developments were the main reasons John Laing Homes and KB Home created wholly owned subsidiaries dedicated to cities. One goal of these new subsidiaries: Consolidate expertise in the area of high-rise development.

"It's much more intensive. It takes longer to plan and longer to get approval," McIlwain said. "The kind of building is different from what most suburban builders do."

Instead of building 1,000 homes on 500 acres of land, 500 units may be packed inside a high-rise on a half-acre of land. Not only must every square inch of available space be maximized, the land itself can present unanticipated problems.

"When you start digging in an urban area, you're rarely on virgin land," said Debbie Bassert of the National Association of Home Builders. "You don't know what you are going to find."

Some builders had to remove old foundations before setting new ones. One found debris from old docks. A multibillion-dollar development in Los Angeles unearthed delays along with American Indian remains.

For John Laing Homes, part of the trick is to bring suburban customer service to the city.

"We have an opportunity here," said Phil Simmons, president of Laing Urban. "But we don't think it's appropriate having the same people building our suburban communities build our urban communities."

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1333 2nd St	Office	Santa Monica	12/14/2005	6th	-	2,800	$2.70/fs	Vacant	Office / Sublet Thru Apr 2007	100%	
1333 2nd St	Office	Santa Monica	12/14/2005	2nd	-	2,800	$2.70/fs	Vacant	Office / Sublet Thru Apr 2007	100%	
1333 2nd St	Office	Santa Monica	12/14/2005	4th	-	5,500	$2.70/fs	Vacant	Office / Sublet Thru Apr 2007	100%	
1433 4th St	Office	Santa Monica	12/15/2005	2nd	-	6,600	Negotiable	Vacant	Off/Ret / New	Negotiable	54.5%
2800 28th St	Office	Santa Monica	12/14/2005	3rd	-	2,512	$2.45-$2.55/fs	01/2006	Office / Direct	3-10 yrs	94.9%
301 Arizona Ave	Office	Santa Monica	12/14/2005	2nd	-	1,800	$2.50/fs	Vacant	Office / Sublet Thru Mar 2008	100%	
725 Arizona Ave	Office	Santa Monica	12/15/2005	2nd	-	2,660	$3.55/fs	Vacant	Office / Direct	3-5 yrs	95.0%
725 Arizona Ave	Office	Santa Monica	12/15/2005	4th	-	2,683	$3.55/fs	Vacant	Office / Direct	3-5 yrs	95.0%
2400 Broadway	Office	Santa Monica	12/19/2005	2nd	-	6,172	$3.85/fs	Vacant	Office / Direct	3-10 yrs	96.2%
2811 Wilshire Blvd	Office	Santa Monica	12/15/2005	4th	*410	2,443	$2.70/fs	Vacant	Office / Direct	3-10 yrs	100%
2811 Wilshire Blvd	Office	Santa Monica	12/15/2005	4th	*400	9,538	$2.70/fs	02/2006	Office / Direct	3-10 yrs	100%

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NATIONAL

Former Qwest CEO Joe Nacchio indicted

BY JUDITH KOHLER
Associated Press Writer

DENVER — Former Qwest Communications CEO Joseph Nacchio was indicted Tuesday on 42 counts of insider trading accusing him of illegally selling off $101 million in stock after privately learning his company faced a series of financial risks.

The indictment includes the first criminal charges against Nacchio in the government's nearly four-year-old investigation of Qwest Communications International Inc., the Denver-based telephone service provider in 14 mostly Western states that only now is recovering from a multibillion-dollar accounting scandal.

Nacchio, 56, was in custody and his initial court appearance was expected later Tuesday, said Jeff Dorschner, a prosecution spokesman. Nacchio's attorneys said he would plead not guilty "with perfect confidence in his exoneration."

"After many months of intense media attention and speculation, Joe Nacchio looks forward to vindicating his name in court," the attorneys said.

The charges come nearly three years after then-Attorney General John Ashcroft announced the first indictments in the Qwest investigation and cited the case as an example of the government's intolerance of white-collar crime.

"I think for all practical purposes that the case is substantially complete," U.S. Attorney William Leone said of the investigations. "This case is about an issue that's important to the integrity of the market."

The indictment accuses Nacchio of selling $101 million worth of company stock in the first five months of 2001 when he allegedly had insider information. The sales took place in 42 transactions ranging from $191,000 to $13.6 million each, the indictment says.

The indictment accuses Nacchio of "a manipulative and deceptive" scheme to commit fraud and said he was "specifically and repeatedly warned" about the financial risks facing his company just five months before the stock trades in question.

Each count carries a penalty of up to 10 years in prison and a $1 million fine.

"Corporate executives are prohibited from enriching themselves while the public remains in the dark about the true financial condition of their companies," Leone said.

Nacchio, who arrived in Denver from his home in New Jersey late Monday, also faces civil charges filed by the Securities and Exchange Commission and shareholder lawsuits.

The government has alleged in both civil and criminal cases that Qwest and some of its former executives participated in a massive financial fraud between April 1999 and March 2002 by falsely reporting sales or trades of capacity on its fiber-optic cables as recurring revenue.

The fraud allowed Qwest to improperly report approximately $3 billion in revenue that eased its 2000 merger with U S West Inc., the government has said. Qwest later restated earnings from 2000 and 2001 to erase about $2.2 billion in revenue.

The indictment said Nacchio was well aware of Qwest's "extremely aggressive" financial targets and that to meet those targets in 2001 the company would have to significantly boost its flagging "recurring revenue business."

It said he also knew there wouldn't be enough revenue from other sources to "close the gap" between Qwest's publicly stated goals and its actual performance.

Federal prosecutors have lined up some of Nacchio's former colleagues to testify, including former Chief Financial Officer Robin Szeliga, who pleaded guilty to insider trading, and former sales executive Gregory Casey, who has settled SEC charges against him.

In addition, former Qwest President Afshin Mohebbi has been granted immunity and is expected to testify

See INDICTED, page 14

The details of the indictment

By The Associated Press

WHO: Joe Nacchio, Qwest Communications CEO from 1997 to 2002.

THE ALLEGATIONS: Illegally selling more than $100 million worth of company stock while he had insider information about the financial risks facing Qwest.

BACKGROUND: Prosecutors and regulators have said Qwest and some former executives participated in a massive fraud by falsely reporting revenue. Qwest has erased about $2.2 billion in revenue from 2000 and 2001.

Nacchio "will plead not guilty with perfect confidence in his exoneration" ■ defense attorneys Herbert Stern and John Richilano.

WHAT'S NEXT: Barring a surprise plea deal, a lengthy trial.

See INDICTMENT DETAILS, page 14



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NATIONAL







Former CEO charged with insider trading

INDICTED, from page 13

should the case go to trial. Mohebbi's attorney, Paul Grand, has said Mohebbi will not face criminal charges but declined further comment.

Szeliga pleaded guilty to a single count of insider trading stemming from a stock sale in April 2001 and reached a plea bargain regarding SEC charges. Two former midlevel managers also have agreed to cooperate as part of plea agreements in related criminal cases.

A former AT&T executive, Nacchio was hired to head Qwest in 1997 when it was installing fiber-optic networks along railroad rights-of-way. He attracted Wall Street's attention after engineering Qwest's acquisition of U S West but resigned under pressure in June 2002, about eight months before Qwest restated revenue for 2000 and 2001.

Jacob Frenkel, a former federal prosecutor and former lawyer for the SEC, said the absence of charges accusing Nacchio of manipulating company earnings was striking.

"With the amount of time that has passed in this investigation, we must assume that the government has taken its best shot and this is it," he said. "The government has put its bullet in the chamber and it has fired. We're going to find out at trial if they hit or miss."

Qwest's woes have been drawn out over several years

INDICTMENT DETAILS, from page 13

NAME — Joseph Paul Nacchio.

AGE-BIRTH DATE — 56; June 22, 1949, in Brooklyn, N.Y.

EDUCATION — B.S., New York University; MBA, New York University, M.S., MIT.

EXPERIENCE — Worked for AT&T for nearly 30 years, promoted to head of the consumer and business market divisions before resigning in 1996. Joined Qwest Communications International Inc. in 1997 where he was chief executive officer until he was asked to resign in June 2002 amid an accounting scandal.

TIMELINE OF QWEST WOES

Chronology of accounting practices and federal investigations of Qwest Communications International Inc.:

2001:

■ June 20: Morgan Stanley downgrades Qwest stock after analyst questions accounting practices.

2002:

■ Feb. 11: Qwest cooperates with government subpoena concerning its swap of fiber-optic network capacity with Global Crossing Ltd.

■ April 4: Qwest says SEC has begun formal inquiry into its accounting practices.

■ June 16: Nacchio resigns as chairman and CEO.

■ July 29: Qwest says it will restate 2000 and 2001 earnings.

■ Aug. 20: Qwest avoids bankruptcy with sale of its yellow pages business for more than $7 billion.

■ Sept. 22: Qwest reverses $950 million in revenue from fiber-optic capacity swaps.

■ Oct. 29: Qwest says it will restate $531 million in improperly recognized revenue and take nearly $11 billion in charges for reduced value of telephone and fiber-optic networks.

■ Nov. 15: Qwest says it will erase $358 million in earnings for 2000 and 2001.

2003:

■ Feb. 11: Qwest lowers 2000 and 2001 revenue by $2.2 billion, and later reports a $35.9 billion loss for 2002.

■ Feb. 25: Four former Qwest executives indicted on conspiracy and securities fraud charges.

■ Aug. 28: Chief Financial Officer Robin Szeliga leaves the company.

■ Oct. 16: Qwest files restated earnings for 2000 and 2001; total revenue erased is $2.54 billion.

2004:

■ Feb. 23: Trial begins of former executives Grant Graham, Thomas Hall, John Walker and Bryan Treadway on securities fraud, wire fraud and other charges tied to a Qwest contract to provide Internet services to Arizona schools.

■ April 16: Walker and Treadway cleared on all charges. Jury acquits Graham on three charges, deadlocks on remaining eight. Deadlocks on all 11 charges against Hall.

■ May 28: Graham pleads guilty to felony accessory after the fact to wire fraud and agrees to help prosecutors.

■ Sept. 17: Hall agrees to plead guilty to single misdemeanor count of falsifying documents.

2005:

■ Feb. 18: Marc Weisberg, a former senior vice president, indicted on wire fraud and money laundering charges.

■ March 15: SEC charges Nacchio, Szeliga, former CFO Robert Woodruff and four other former executives with orchestrating a massive financial fraud between 1999 and 2002.

■ June 2: Justice Department charges Szeliga with insider trading. She reaches a plea agreement and will cooperate with prosecutors.

■ June 3: Szeliga reaches agreement to settle civil fraud charges filed by the SEC. Terms were not disclosed.

■ July 14: Szeliga pleads guilty to a single count of insider trading and agrees to cooperate with prosecutors and the SEC.

■ July 27: A magistrate delays the evidence exchange process in the SEC's civil case against former Qwest executives to give the government more time for its criminal investigation.

■ Sept. 7: A federal judge approves a $2.1 million civil settlement for former Qwest executive Gregory Casey who was charged with participating in a conspiracy. He did not admit wrongdoing and agreed to cooperate with federal investigators. He was the first defendant to reach a final settlement in the SEC case.

■ Nov. 1: Qwest announces a tentative $400 million settlement of shareholder lawsuits stemming from the accounting scandal. It would resolve claims against the company, some former executives and its board of directors — but not Nacchio and Woodruff.

■ Dec. 20: Federal grand jury indicts Nacchio on 42 counts of insider trading.

INTERNATIONAL

Iran's president bans Western music on radio and television

BY NASSER KARIMI
Associated Press Writer

TEHRAN, Iran — Hard-line President Mahmoud Ahmadinejad has banned all Western music from Iran's state radio and TV stations — an eerie reminder of the 1979 Islamic revolution when popular music was outlawed as "un-Islamic" under Ayatollah Ruhollah Khomeini.

Today, though, the sounds of hip-hop can be heard blaring from car radios in Tehran's streets, and Eric Clapton's "Rush" and the Eagles' "Hotel California" regularly accompany Iranian broadcasts.

No more — the official IRAN Persian daily reported Monday that Ahmadinejad, as head of the Supreme Cultural Revolutionary Council, ordered the enactment of an October ruling by the council to ban all Western music, including classical music, on state broadcast outlets.

"Blocking indecent and Western music from the Islamic Republic of Iran Broadcasting is required," according to a statement on the council's official Web site.

The Iranian guitarist Babak Riahipour lamented what he called a "terrible" decision. "The decision shows a lack of knowledge and experience," he said.

Music was outlawed by Khomeini soon after the 1979 revolution; Khomeini claimed it was "intoxicating." Many musicians went abroad and built an Iranian music industry in Los Angeles.

But as revolutionary fervor started to fade, some light classical music was allowed on Iranian radio and television; some public concerts reappeared in the late 1980s. Since his death, pop music has been creeping into Iranian shops.

In the 1990s, particularly during the presidency of reformist Mohammad Khatami starting in 1997, authorities began relaxing restrictions further. These days in Iran, Western music, films and clothing are widely available in Iran. Bootleg videos and DVDs of films banned by the state are widely available on the black market.

However, women are prohibited from singing in public, except to a segregated female-only audience. Hard-liners were afraid the voice of a woman soloist might arouse impure thoughts in men. Women are allowed to sing as part of a chorus.

Ahmadinejad's order means the state broadcasting authority must execute the decree and prepare a report on its implementation within six months, according to the IRAN Persian daily.

Earlier this month, Ali Rahbari, conductor of Tehran's symphony orchestra, resigned and left Iran to protest the treatment of the music industry in Iran.

Before leaving, he played Beethoven's Ninth Symphony to packed Tehran theater houses over several nights last month — its first performance in Tehran since the 1979 revolution. The performances angered many conservatives and prompted newspaper columns accusing Rahbari of promoting Western values.

The ban applies to state-run radio and TV. But Iranians with satellite dishes can get broadcasts originating outside the country.

Ahmadinejad won office in August on a platform of reverting to ultraconservative principles, following eight years of reformist-led rule under Khatami.

During his presidential campaign, Ahmadinejad also promised to confront what he called the Western cultural invasion of Iran and promote Islamic values.

Since then, Ahmadinejad has jettisoned Iran's moderation in foreign policy and pursued a purge in the government, replacing pragmatic veterans with former military commanders and inexperienced religious hard-liners.

He also has issued stinging criticisms of Israel, calling for the Jewish state to be "wiped off the map" and describing the Nazi Holocaust as a "myth."

International concerns are high over Iran's nuclear program, with the United States accusing Tehran of pursuing an atomic weapons program. Iran denies the claims.

The latest media ban also includes censorship of content of films.

"Supervision of content from films, TV series and their voice-overs is emphasized in order to support spiritual cinema and to eliminate triteness and violence," the council said in a statement on its Web site.

The council has also issued a ban on foreign movies that promote "arrogant powers," an apparent reference to the United States.

The prohibitions mirror those imposed in neighboring Afghanistan during the Taliban regime, which imposed a strict version of Islamic law, including a ban on music and film. The Taliban was ousted by a U.S.-led coalition in late 2001.

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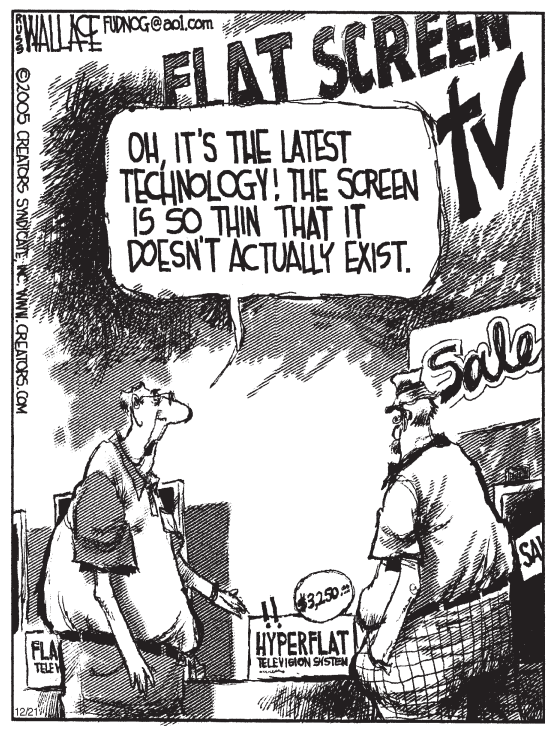

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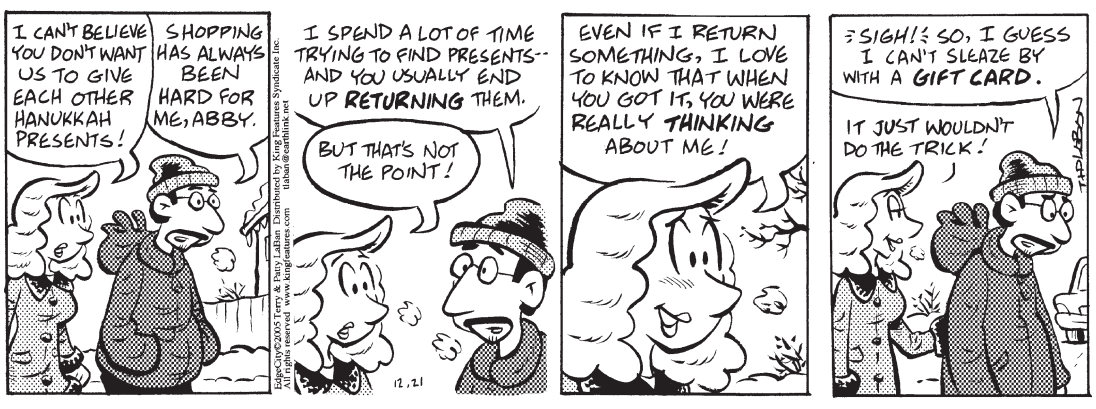
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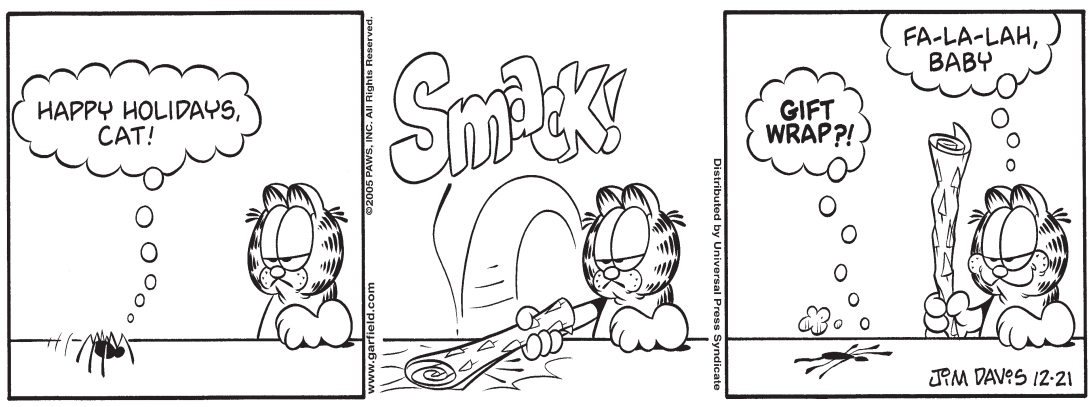
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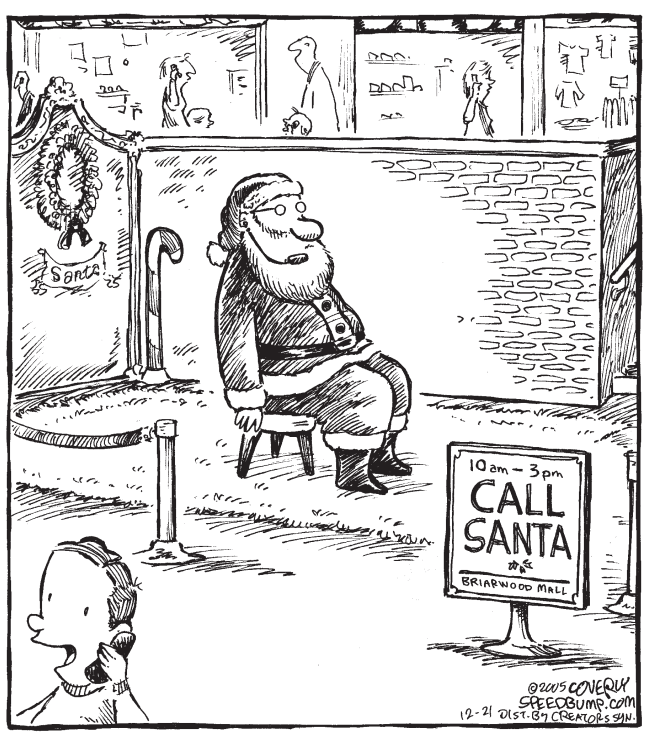
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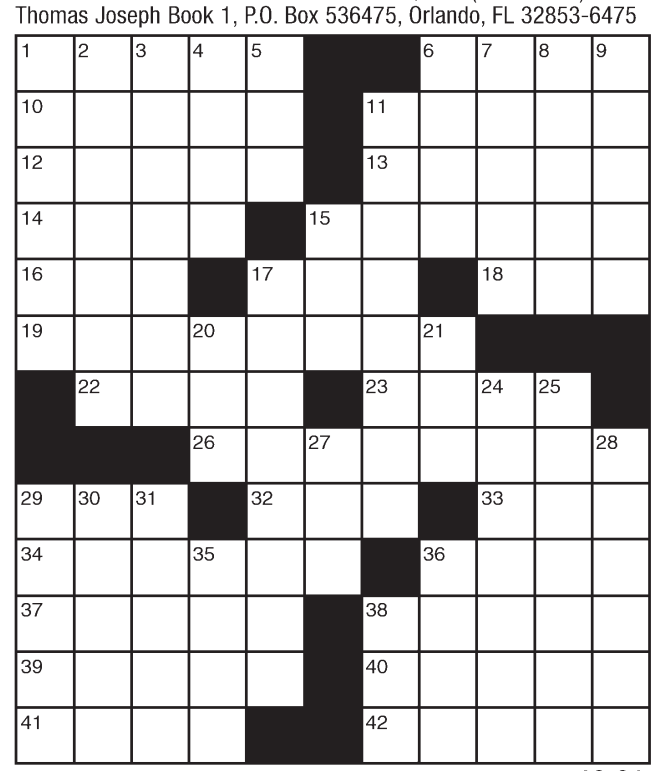
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1 "Star Wars" army
2 Won, for one
3 She helped Theseus
4 "The O.C." role
5 Print measures
6 Burn
7 NFL founder George
8 Last letter
9 Baltimore suburb
11 Piddling amount
15 Modern message
17 Showy flower
20 "— the season ..."
21 Briny
24 Koch or Giuliani
25 Exclude from a hand
27 Siesta
28 Shells out
29 Low-priced
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31 Iberian nation
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36 Big do
38 Bitterly cold

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