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YOUR SOURCE FOR LOCAL NEWS, ARTS AND OPINION SINCE 1915

Do not read this story if you're squeamish

■ Urologist left 'coiled wire' in patient's bladder for months

By PAUL MILLER

AYTAC APAYDIN, the Salinas urologist who, together with his partner, Stephen Worsham, is at the center of accusations that he unnecessarily treated numerous prostate cancer patients with a radiation machine in order to reap profits from his ownership of the machine, has been reprimanded by the Medical Board of California in a separate case.

Apaydin is guilty of "repeated negligent acts," the board announced last week, because he left a "coiled wire" in the bladder of a patient after performing a surgical procedure on him, and failed to remove it even after a radiologist warned him it was there.

The wire remained in the man's bladder for almost a year, causing him painful symptoms and forcing him to seek repeated medical treatment.

The executive director of the medical board, which

See **SQUEAMISH** page 24A

Mission dome, facade next on to-do list



PHOTO/COURTESY VIC GRABRIAN

The crumbling Moorish dome of the Carmel Mission Basilica is next on the list of items for repair during an extensive renovation. See page 12A.

Bergstrom gets plea deal, is released after time served

By MARY SCHLEY

PHYSICIAN CARL Bergstrom — whose 2009 rape conviction was overturned by an appeals court in December 2011 — avoided the retrial scheduled to begin this week by pleading "no contest" to one count of felony sexual battery by restraint.

According to Monterey County deputy district attorney Cristina Johnson, he was sentenced to the time he's already served for his earlier conviction, which has been since July 27, 2009, which meant he was eligible to be freed right away. On Friday, he was released from Monterey County Jail.

The plea marked the conclusion of a case that began in April 2009, when Bergstrom and his victim, identified in court documents as Jane Doe, were drinking at a bar and ended up back at his Carmel Woods home.

See **BERGSTROM** page 24A

SCHOOL GUN VIOLENCE SPARKS SECURITY CHANGES

By MARY SCHLEY

SECURITY CAMERAS that have been talked about for more than a year are finally being installed at Junipero Serra School next month. Pacific Grove cops are walking through schools, and lockdown drills are being conducted. Administrators at Carmel public schools are trying to figure out how to handle hostile intruders at their campuses, some of which are remote.

In light of recent shootings on campuses across the country, most devastatingly at Sandy Hook Elementary in Connecticut in December, Monterey Peninsula school officials have undertaken those measures and are also meeting with police officers, firefighters, consultants and teachers to determine how best to protect

See **VIOLENCE** page 10A

Mayors like Cal Am's project but want amendments

By KELLY NIX

A WATER project proposed by California American Water could be the best one to serve local cities with aqua, but the company has to make a laundry list of changes to the plan in order to gain an endorsement from the six Monterey Peninsula mayors, according to a draft report released Wednesday.

For its water project to receive the mayors' support, according to their four-page "position statement," Cal Am should accept a big chunk of public funds, offer more public oversight, limit the financial risk to customers, address technical concerns and make other changes.

"If Cal Am meets the above conditions," according to the report, "the [mayors] conditionally support the Cal Am Project."

Cal Am's proposed \$400 million water project — which

would allow the company to stop illegal diversions from the Carmel River — is competing with a deepwater desal operation in Moss Landing proposed by Brent Constantz and another desal plant proposed by Nader Agha down the road near the Moss Landing power plant.

The mayors planned to discuss the report, and possibly adopt it, Jan. 31.

"We are at a stage in the process where [the mayors' group] needs to stake out a position or risk being irrelevant to the [California Public Utilities Commission] process," Carmel Mayor Jason Burnett told The Pine Cone Thursday.

In order for Cal Am's project to gain the mayors' favor, Burnett recommended the privately held water company make the following modifications:

- Accept a large amount of public funds to be eligible for

See **WATER** page 11A

Newest version of 747 makes a statement, especially in first and business class

By PAUL MILLER

BOEING has been in the headlines a lot lately because of fires in the lithium-ion batteries on its innovative new airliner, the 787 Dreamliner. The planes have been grounded while aviation officials try to figure out what caused the fires.

But there's another Boeing story that deserves to be on the front page — especially where frequent international travelers are concerned. And that's the debut of the company's other new airplane, the 747-8, which began flying between Los Angeles and Frankfurt in December, with more routes on the way.

Thanks to a partnership between Boeing and German air carrier Lufthansa, the 747-8 is a massively updated version of the original Queen of the

Skies, which revolutionized air travel when it was launched in 1969, and is a smash hit with the airlines that fly it, and the passengers who have flown on it.

"I've been a big fan of the 747 for a long time. When you see one, you can't help think of exotic, international travel," said Stefanie Michaels, a travel writer for yahoo.com and the owner of the travel website, adventuregirl.com. She made a trip to Germany from Los Angeles on the 747-8 last week.

"It's just a really cool airplane, and I'm so thrilled Boeing has redeveloped it to keep it flying," Michaels said.

"Frequent travelers appreciate being on a new

See **747** page 22A



PHOTO/PAUL MILLER

A brand new Boeing 747-8 gets a water cannon salute on its inaugural arrival at LAX last month. The airplane has had a flawless debut, compared to the company's other new airplane, the 787.

Sandy Claws

By Lisa Crawford Watson

Chatty cattle dog

WHEN THE folks at Animal Friends Rescue Project said they had an 8-week-old Australian cattle dog in need of foster care, she looked down at the pair of cattle dogs camped out on her floor and thought, “Why not? Puppies go quickly to foster families, so this will be brief.”

But the second she picked her up, she knew the family was doomed. This was the cutest little thing she’d ever seen. Two days later, the puppy contracted a parasite and stopped eating. She rushed her little charge to the animal hospital in Santa Cruz, where the pup nearly died. Another two days and \$600

later, the little dog was stable and home. For good. “We’ll name her Nelly,” said her husband, who had been educated in England and felt the name gave her an English aesthetic. And this is how the family came up with three cattle dogs.

“Nelly is mostly aloof, not super cuddly,” her person says. “But when I drive, she sits next to me and gently but insistently paws me, basically asking me to scratch her. She loves to ride in the car; she’s my co-pilot. And she’s very verbal, a chatty little cattle dog who loves to hear herself talk. But she doesn’t always listen to others.”

The Australian cattle dog is a herding dog, bred to drive cattle across long or treacherous terrain. The dogs, often called Queensland heelers, use biting as a herding technique and are known to nip at children.


“Nelly is not the dog for everyone,” her person says. “Highly intelligent, she doesn’t need a lot of training because she watches intently, making a lot of eye contact and learning quickly. But she needs a lot of exercise and stimulation. She is independent but loyal. I could leave the door open all day, and she would never go.”



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Monterey Fire names new assistant chief

PINE CONE STAFF REPORT

MONTEREY FIRE Capt. Jim Courtney was promoted to assistant fire chief and will assume his new duties Feb. 1. MFD runs the fire departments in Carmel, Pacific Grove and Sand City, as well as the Presidio of Monterey and the Naval Postgraduate School, and Courtney has been credited with playing “a key role in bringing the Monterey Fire Department together with Pacific Grove and Carmel fire departments.”

He was also on the executive board of the Monterey fire-fighters union and oversaw several projects.

Courtney was born and raised in Carmel Valley, graduated from Carmel High School and got his bachelor’s degree from California State University Sacramento. He lives in P.G. with his wife and four kids.

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TRIBE UPSET OVER HANDLING OF BONE PACIFIC GROVE POLICE SAID WAS INDIAN

By KELLY NIX

A BONE discovered by a passerby in Pacific Grove earlier this month was from an American Indian, according to police, but a local tribe is criticizing the department's care-less handling of the remain.

On Jan. 12, Pacific Grove police reported being dispatched to "bone findings" at a beach on Ocean View Boulevard. An off-duty police officer from another city found the bone while walking in the area and notified the P.G. police.

While the police report indicates the bone was photographed, it was "not taken for evidence due to preservation laws" which means it was left where it was. But police say the "proper authorities" were advised.

However, Louise Ramirez, tribal chairwoman for the Ohlone Costanoan Esselen Nation, which lived in the Pacific Grove area before the arrival of European settlers, said neither the county coroner's office, her tribal council nor the California Native American Heritage Commission — a state agency — was contacted by Pacific Grove police.

"They say they notified proper officials," Ramirez told The Pine Cone. "Obviously, if the coroner's office doesn't know, they didn't do what was legally required."

Monterey County Sheriff's Cmdr. Lisa Nash confirmed that Pacific Grove police didn't notify the county coroner's office of the bone, which is protocol if a police agency finds human remains.

Pacific Grove Police Cmdr. John Miller, who did not work on the case himself, acknowledged nobody from the police department called the coroner's office but said an officer notified the California Department of Parks and Recreation and asked an official to report it, since the bone was discovered on state land.

"It might have been one of those situations where one party assumed the other party was doing what they are supposed to be doing," Miller said.

From the photograph, Miller said the bone was from six to eight inches long, but he didn't know what type of bone it was.

Ramirez questioned how police could have determined the bone was human, let alone an Indian bone, since they didn't have an expert examine it.

Police, Ramirez said, are supposed to call the coroner's office, who in turn notify the California Native American Heritage Commission, a state agency that handles Indian affairs.

Nash said the coroner's office contacts the commission within 24 hours of receiving an American Indian bone.

The Ohlone Costanoan Esselen Nation wants Indian remains to be reburied ceremonially, Ramirez said.

"Those remains should have never been left there," she

said. "They should have been protected."

Miller said last week he sent an officer to the beach area where the bone was found in hopes of finding it.

"We have the utmost respect for indigenous people and their sacred grounds," he said.

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Police & Sheriff's Log

How'd my stuff get on your lawn?

HERE'S A look at some of the significant calls logged by the Carmel-by-the-Sea Police Department and the Monterey County Sheriff's Office last week. This week's log was compiled by Mary Schley.

TUESDAY, JANUARY 15

Carmel-by-the-Sea: Vehicle rolled away on Ninth Avenue, causing the driver to be knocked down and sustain an injury.

Carmel-by-the-Sea: Traffic collision on Seventh Avenue. Property damage only.

Carmel-by-the-Sea: A traffic stop was conducted on a vehicle on Second Avenue displaying an inoperative rear right license plate lamp. The driver was found to be in possession of less than 1 ounce of marijuana. The driver was cited and released at the scene.

Carmel-by-the-Sea: A 36-year-old male was arrested on San Carlos Street at 2246 hours for public intoxication and transported to Monterey County Jail.

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Pacific Grove: Responded to a report of a male adult dressed in camouflage knocking on the school door on David Avenue.

Pacific Grove: Hit-and-run on 17th Street. No leads.

Pacific Grove: Dispatched to a report of a theft from an unlocked vehicle on Lighthouse Avenue.

Pacific Grove: Person on Jewell Avenue reported a male tenant harasses and berates her on a regular basis. She fears for her safety and has obtained a restraining order against the tenant in the past. Tonight the male subject cornered her in the elevator and yelled obscenities at her while refusing to let her pass by him to get off the elevator. Officer spoke with the apartment manager, who is in the process of getting the offending party placed in a care facility due to his deteriorating physical and mental health. Adult Protective Services has already been notified of the situation, and is currently assisting in the placement of the elderly male. This case will be forwarded to APS for info.

Carmel area: Report of a burglary to a residence where entry was made through a window. Items stolen included jewelry and other items.

Carmel area: Subject shoplifted several items of food.

Carmel Valley: A resident reported finding her landlord lying outside on the ground unresponsive and presumably deceased. Monterey County Regional Fire personnel arrived on scene and pronounced the subject deceased. Case continues with the Monterey County Coroner's Office.

WEDNESDAY, JANUARY 16

Carmel-by-the-Sea: Responded to two separate citizens reporting a barking dog on Junipero Street. The barking was also heard by two officers, and a search to find the dog was made. A note was left on the front door of a condo. Later, the dog owner contacted the department via telephone. The incident was discussed, and the owner was advised of the complaint. The owner

See **POLICE LOG** page 7RE

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Café proposes to open in historic Monterey train depot by wharf

By KELLY NIX

A PROPOSAL that would highlight Monterey's storied railroad depot while offering a new spot for a well known Cannery Row restaurant is slated to go before a city subcommittee next week for consideration.

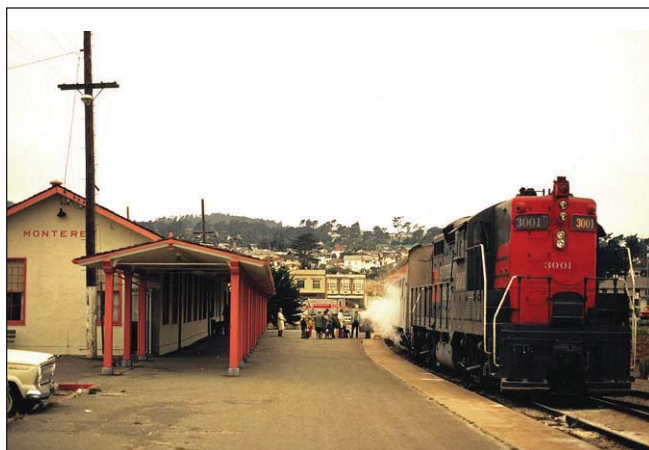
Sean Allen, owner of Trailside Café on Cannery Row, has proposed moving his restaurant to the old Southern Pacific Railroad station at the base of Fisherman's Wharf. The last passenger train to serve

Monterey, formerly a bustling depot on the Southern Pacific Line, was in 1971.

Besides offering food, Allen wants to showcase Monterey's train history with a visitor's service center that would highlight the importance of what Allen calls the "lost history" of the Monterey railroad depot. Plans also call for a bike rental facility and retail store.

"There are so many stories involved with that train station," Allen told The Pine Cone.

See **DEPOT** page 27A



This old photo (top) shows the Monterey train depot where the owner of Trailside Café wants to move his restaurant. Besides offering food, there would be a visitors center, retail store and bike rentals. The photo below is a rendering of the new proposal by Trailside Café owner Sean Allen.

PHOTO/WIKIPEDIA (LEFT), RENDERING COURTESY TRAILSIDE CAFÉ (BELOW)



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HOTEL GETS UNEXPECTED VISITOR

BY MARY SCHLEY

A REGULAR client of a hotel on Ocean Avenue gave new meaning to the words, “motor inn,” when he mistakenly hit the gas and lodged his Lexus on the stairs to one of the rooms at the Normandy Inn last Thursday afternoon.

“He was going to park to see if a room was available, and he hit the gas instead of the brake,” Carmel Police officer Greg Johnson said of 79-year-old Alamo resident Martin Stuart, who is a longtime customer of the hotel.

The crash occurred at 12:22 p.m. Jan. 24, when the Lexus jumped the curb and broke a handrail and some planters but didn't cause any significant damage to the inn, according to Johnson.

Fortunately, no one was on the sidewalk at the time.

“He took out part of the handrail to the Normandy and a couple of planters,” he said. “The whole front of his car was smashed in. It’s probably not drivable.”

Building official John Hanson responded to the scene to examine the damage and concluded the building was struc-

turally sound.

“The car had more damage than the hotel did,” Hanson said. “It scared the lady at the front desk a little.”

No one was injured, according to Johnson, and the tow company removed the car from the room's front steps without causing further damage.

“Carmel Towing does a pretty good job, although they don’t deal with that kind of thing that often,” he said.

"I heard it but just thought it was a loud truck out on Ocean Avenue," said former councilwoman Paula Hazdovac, who owns a shop across the street from the inn. "When I started to notice people stopping and pointing, I went out to take a look. I still don't know what caused it to happen, but it was really something!"

Federal taxpayers to pay for more firefighters

THE MONTEREY Fire Department — which also runs the fire stations in Carmel and Pacific Grove — received \$1.5 million in federal tax dollars to hire six new firefighters, thanks to the Department of Homeland Security. According to the city, the Staffing for Adequate Fire and Emergency Response grant will pay for the base salaries and benefits of the new firefighters for two years. According to MFD Chief Andrew Miller, the fact his agency operates fire departments in other Peninsula cities, as well as for the Presidio of Monterey and the Naval Postgraduate School “helped us to successfully qualify for this grant award.” MFD accepted online applications Jan. 28, and the jobs will begin in April.



PHOTO/COURTESY PAULA HAZDOVAC

A man drove his car up the stairs of a guest room at the Normandy Inn last Thursday after hitting the gas by mistake.

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RECRUITING UNDER WAY FOR CITY’S NEW PUBLIC SERVICES DIRECTOR

By MARY SCHLEY

A TEMPORARY job filled by an outside contractor who was commuting from Ventura is set to end in March, and the city hopes to have her longterm replacement hired by then.

The Carmel City Council voted last month to approve a permanent position, public services director, and recruitment of candidates for the post has begun.

“I anticipate the process to be complete in the next several weeks,” city administrator Jason Stilwell said.

The director will oversee the new public services department, which includes public works, facilities maintenance, and forest, parks and beach departments, as well as the city engineer.

The Carmel City Council at its January meeting approved the job description and salary range of \$119,328 to \$145,056. Unlike the job description for planning director, which has been the subject of several meetings and has yet to be finalized, the details of the public services director position were approved as part of the council’s consent calendar Jan. 8.

“The incumbent is expected to exercise independent judgment, wisdom, common sense and initiative in establishing efficient and effective departmental operations consistent with city council policies and administrative guidelines established by the city administrator,” Stilwell said in his report.

The public services director will have to work with multiple city departments, as well as outside agencies, and Stilwell cited several examples, such as negotiating with Waste Management Inc. to ensure the garbage hauler is meeting the terms of its franchise agreement, addressing storm-water runoff issues, updating policies for maintaining and replacing

city vehicles, analyzing capital improvements for short-term hazard mitigation and longterm planning, and working on the effort to lease or sell Flanders Mansion.

He described the proposed salary range as “low, relative to the required job duties and the level of the position,” and said the city will have to undertake a comprehensive review of salaries this year. Following the study, raises might be in order, he said.

Stilwell advised the council to approve the job description and salary now, so that he could begin the search for candidates before the agreement with contractor Sharon Friedrichsen expires in March. Friedrichsen, who began working for the city last September, received \$8,789.98 in December for three weeks’ worth of work: \$6,600 for 88 hours at a rate of \$75 per hour, and \$2,189.98 for mileage and hotel stays.

Stilwell also pointed out that the sales tax increase set to take effect in April will pay for more capital improvements and projects the public services director will oversee.

According to the job description approved by the council, the ideal candidate should have knowledge of organization and management practices, program development and project management, municipal budget preparation and administration, principles of supervision and training, safe driving practices, and other aspects of the position. The person would also have five years of related experience in government work and a bachelor’s degree in a related field.

Pension trial postponed in hopes of settlement

By KELLY NIX

A TRIAL over the pension plan for Pacific Grove police officers that was scheduled to begin Feb. 25 has been postponed until spring.

The city and the Pacific Grove Police Officers’ Association — the police union — agreed to put off the Feb. 25 trial, and a judge agreed, until April 15, to allow the parties to try to resolve the case, according to city manager Tom Frutchey.

The row is over a Nov. 3, 2010, lawsuit the police union filed alleging the city violated state labor laws when it capped police officers’ pension contributions and gave the right to voters and the city council to regulate retirement ben-

efits without consulting the police union first.

On Jan. 23, members and attorneys for the officers’ association and police managers association met with lawyers for the city “in an effort to share the information necessary to resolve all outstanding issues” related to the lawsuit, Frutchey said.

“Significant progress was made,” he said.

The pension plan — adopted by the council after a citizen-backed initiative to amend the city’s charter to allow for the ordinance — caps the city’s contribution to an employee’s pension plan at 10 percent of workers’ salaries. The city had contributed 19 percent for police officers into the CalPERS

See TRIAL page 27A

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Cal Am buys Big Sur water system

By KELLY NIX

A TINY water system that serves dozens of people on the Big Sur Coast and is also under a cutback order like the one on the Carmel River has been purchased by California American Water.

On Jan. 24, the Public Utilities Commission approved the sale of the Garrapata Water Company to Cal Am. The system serves 49 connections for residents who live from the Garrapata Bridge south to Rocky Point Restaurant.

Cal Am spokeswoman Catherine Bowie said acquiring the system will allow its customers to benefit from resources available from a large company. Cal Am serves about 100,000 customers via 43,000 service connections on the Monterey Peninsula.

“They had a number of water quality issues and other challenges we felt we could step in and help them with,” Bowie said of the Garrapata system.

Because many small water systems have problems complying with water quality requirements, Cal Am said, the sale will help the system to “meet the ever increasing regulatory demands of the county, state and federal government.”

It will also allow Garrapata customers to have access to 24-hour customer service, Cal Am’s water conservation programs and other services, according to Cal Am president Rob MacLean.

Cal Am paid \$50,000 for the company’s assets and will also assume a state loan previously held by Garrapata for about \$114,000.

In June 2012, the PUC’s Department of Ratepayer Advocates protested Cal Am’s application to purchase the Garrapata water system, but dropped its protest bid two months later after the agency said its rate concerns had been addressed.

Bowie said Cal Am’s rates for Garrapata customers will remain the same until at least 2015.

Cal Am took control of the water system in July 2008, although the CPUC didn’t approve the sale until last week.

In 1992, two years after the Garrapata

Water Company applied to the State Water Resources Control Board to pump 81 acre-feet of water per year from Garrapata Creek, several groups protested, citing water rights and environmental issues.

Six years later, the state water board found that unless the water company limited its use to only 35 acre-feet per year, it was in violation of the California Environmental Quality Act. While the company agreed to divert less water, on numerous occasions during 2001 to 2006, the company failed to record meter readings and exceeded its production limit for most of the years, according to the state water board.

That led the water board to fine the water company and issue a cutback order over the continued unauthorized diversions, which were caused primarily by system leaks that have since been fixed.

Residents warned of tournament parking impacts

PEOPLE LIVING in the northwest area of town — along San Antonio Avenue and Carmelo Street, as well as on Second and Fourth avenues — will see sporadic parking restrictions in their neighborhood during the AT&T Pebble Beach National Pro-Am next week, according to Carmel Police Cpl. Steve Rana.

“They will be affected by sporadic no-parking zones,” he said. “There are choke points in the street that are too narrow to have cars parked on both sides.”

With increased traffic due to the tournament, and spectators seeking to park in the area, passage becomes difficult for fire engines and ambulances, so police restrict parking along those streets from Wednesday, Feb. 6, through Sunday, Feb. 10.

“We need to keep traffic flowing so we can get emergency vehicles through any one of the streets,” Rana explained.

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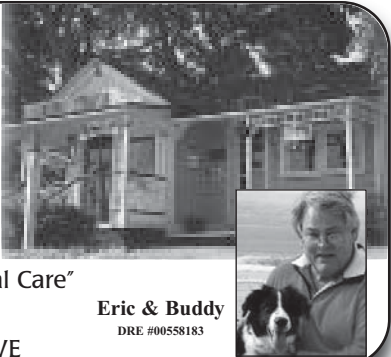
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VIOLENCE

From page 1A

children when they are at school.

Serra gets moving

After a caller threatened to harm children during a Christmas concert in 2011 that was canceled as a result, and prowlers appeared on the campus of the kindergarten-through-eighth private school at the Carmel Mission on a few different occasions during the following months, some parents criticized the school’s lack of security, but the issue failed to move much past the talking phase. At the time of the threatening call, it was “not a normal protocol for Catholic schools” to have security cameras, a vicar for the Diocese of Monterey said then.

But now, security measures are on the verge of implementation, according to Junipero Serra School principal Marty Frauenheim, who replaced Peggy Burger last October.

“Before I came, there was a good plan put in place to have a more secure campus, with cameras,” she said last week. “We have activated that plan, so we have gone forward with the contract for security cameras, and they will be installed on Feb. 10. There are quite a few of them, and they’re part of the grant that was put in place.”

In 2010, with the help of Carmel Police Department, the school received a \$24,950 matching grant from the U.S. Department of Justice through its taxpayer-funded Community Oriented Policing Services program. It was set to expire last August but was extended to the end of February.

“The money’s been designated,” Frauenheim said. “We’ll be able to make our deadlines.” Much of the wiring is in, and she said installation of the cameras would take three days. The surveillance system will operate out of a school office.

The grant will also help pay for a new locking gate on the lower half of the campus containing the gym and ballfields, and has already paid for deadbolts on classroom doors.

Two weeks ago, the school held a lockdown drill to test a system for ensuring all children were safe and accounted for.

“After doing the drill, we debriefed with the fire department and police department, and they took a look at our crisis management plan,” Frauenheim said. “We will defer to the experts to see if there’s anything else we need to take a look at,” such as armed guards on campus.

When the school held its Christmas program last month, the school asked Carmel Police Chief Mike Calhoun, whose wife is a teacher’s aide there, if he had any off-duty officers who could be on campus that night. Three attended, which served “to put people’s minds at rest,” she said.

“One of the suggestions we’re looking seriously at is the purchase of radios,” Frauenheim added. “In any of those situations, the ability to communicate is critical.”

While Calhoun said he thinks Carmel High School should have a school resources officer on campus, not only to deal with imminent threats, but to mitigate the drug and alcohol abuse that’s reportedly prevalent among its students, he said Serra School doesn’t need one.

“We’re so close to them, and they have us,” he said. “We told the school, ‘If you need anything, we’re there for you.’ But I do think that overall, with what’s occurring and with the gun violence, a lot of schools are going to look at putting them back on.”

Any decision to use armed guards or trained volunteers for security would be based on feedback from police and fire officials, according to Frauenheim.

Calhoun, who applied for the grant extension, said he had to prod the school to move ahead on security measures, following the incidents last year.

“I just met with the new principal,” he said. “She’s really

in favor of moving this forward.”

Calhoun also said the drill went smoothly, with teachers and staff following protocols outlined by Monterey County, including ways to indicate whether students are accounted for and rooms are safely barricaded. The same procedures are used for fires, earthquakes and other disasters.

“We’re going to be working with them to update their plan,” Calhoun said. “They’re required to update it, and this is part of our community service.”

CUSD faces challenges

Rick Blanckmeister, chief business official for the Carmel Unified School District, said CUSD is working with a consultant on a comprehensive safety plan and is considering what changes should be made to improve security at its campuses, including installing surveillance systems.

Tularcitos and Carmel Valley High School already have cameras, but officials are discussing whether and how to add them at Carmel High and possibly elsewhere.

With schools in Carmel Valley Village, Carmel Valley, unincorporated Carmel and Big Sur, the district falls within the jurisdiction of the Monterey County Sheriff’s Office, and Blanckmeister said administrators have been meeting with a deputy who has in-depth understanding of school operations.

“He has given us specific advice relative to a hostile intruder,” he said, including how to conduct drills, how announcements are made, and whether police or teachers should have the authority to lift a lockdown order, depending on the situation.

But the district, which for years had a sheriff’s school resources officer at CHS, is not planning on bringing one back there or elsewhere, according to Blanckmeister, and the use of armed guards would be based on recommendations from law-enforcement and fire officials.

“To my knowledge, we’re not actively pursuing a school resources officer,” he said. (Calhoun remarked that if CHS were in his jurisdiction, he would push hard to have one.)

One of the greatest security challenges for the district is geographical, considering the sheriff’s office is responsible for a large area, and a deputy may have to respond from miles away. “We’re cognizant of all these things and are trying to work as many internal solutions as we can and then receive advice from first responders,” Blanckmeister said. “We have an ongoing coordination with the sheriff’s office to make sure our practices are the best practices. They keep evolving.”

He wanted people to know the district is focusing on security and safety, particularly when it comes to dealing with hostile intruders, “because the consequences of an event like that can be mitigated if you’re well prepared.”

P.G.’s live lockdown

Two weeks ago, a Pacific Grove school was put in lockdown while police searched for a suspicious man who inexplicably began pounding on a classroom door. Officers never found the man, but the drill served as good practice for dealing with an intruder, according to PGPD Cmdr. John Miller.

Police responded to the Monterey Bay Charter School on David Avenue at 9:30 a.m. Jan. 15 after someone reported the man, who appeared to be around 19 years old, had been loitering in the area for about an hour and then “began frantically knocking on one of the classroom doors,” for unknown reasons. Witnesses described him as being stocky, 5-foot-5 to 5-foot-8, with a “scruffy orange beard” and wearing a camouflage jacket and beanie.

Students and staff were ordered to stay in their rooms and offices, while police searched the campus and notified other schools in the area. They didn’t find him, and the lockdown was lifted after about half an hour, but the incident showed police and school officials reacted appropriately, according to Miller. Coincidentally, lockdown drills were planned at two P.G. public schools that same day.

“It was a simple one — an intruder on the campus,” Miller said. “We are as well prepared as we can be. This was on our minds well before Sandy Hook. We train for those threats.”

Officers have also been checking Pacific Grove campuses almost daily since the shootings in Newtown, Conn. Before the department became so short-staffed, the district and PGPD split the cost of a school resources officer who made the campus rounds.

“We want to make sure we’re as prepared as any small community can be,” Miller said, adding that he also trains officers how to respond to shootings in progress.

“History has shown us that in active-shooter scenarios, these events are very rapid,” he said, making relying on outside help unrealistic and a quick response all the more critical. Miller, who is also a tactical commander on the Monterey Peninsula Strategic Response Unit, said the SRU has trained at several Peninsula schools to learn their layouts.

While Miller would like to see a school resources officer back on duty at P.G.’s schools, he maintained a neutral stance on private armed guards or use trained volunteers.

Rick Miller, assistant superintendent for PGUSD, said some changes are already being made, such as installing peepholes in classroom doors and self-closing gates that can only be unlocked from the inside

“We have cameras at all the sites but are going to increase the number of cameras,” he added. “There are a couple of spots that need coverage.”

Officials are also reminding all school and district employees that they need to wear their ID badges.

“We’re meeting with the sites and getting suggestions for increasing security,” he added, including the possibility of using armed guards.

“I’d wait for them to recommend that,” he said.




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Anne refers to insightful quotes on business and life to provide inspiration when she needs it.

This months topic on Anne’s ‘*Thought of the Month*’ website page is:

INTEGRITY

If you promise the moon, be able to deliver it...Byrd Baggett

Our deeds determine us, as much as we determine our deeds...George Eliot

You are only afraid if you are not in harmony with yourself...Hermann Hesse

Anne's thoughts on Integrity:

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WOMEN'S GROUP SAYS WATER PROJECT SHOULDN'T PROVIDE FOR LOTS OF RECORD

■ Public hearing set by water district

By KELLY NIX

DIRECTORS WITH the Monterey Peninsula Water Management District Wednesday approved the setting of a town hall meeting that would allow the public to weigh in on elements of a water project for the Peninsula, including how much water it should produce.

But one group has decided that no matter what water project is built, it shouldn't allow for any development, not even on lots of record.

At Wednesday night's water district meeting, directors unanimously approved holding a town hall meeting in the middle of the month to allow residents to offer their opinion on how large a water project should be and what components

should be a part of it.

Cal Am's plan includes a desalination plant in North Marina.

"Our board wanted to hear more from the public," water district general manager Dave Stoldt said. "They felt a town hall meeting would be worthwhile."

Water district directors will gather the public information and forward it to the California Public Utilities Commission — for its consideration — at the end of the month.

But in a Jan. 15 letter to the CPUC administrative law judge Gary Weatherford, the League of Women Voters of the Monterey Peninsula contended any water project should only allow for replacement of water that's being diverted from the Carmel River and should not provide for lots of record or new development.

"Providing water for growth will complicate the environmental review process and open up additional avenues for

challenge to the environmental impact report," according to the League.

To support its argument, the LOWV cites a 15-year-old report by the water district showing that only 688.64 acre-feet of water would be necessary to supply 1,783 lots of record.

"While the 1998 report should be updated," according to the letter, signed by LOW President Beverly Bean, "it is reasonable to expect that the actual number of legal lots requiring water would have declined due to water constraints on the Monterey Peninsula."

But Stoldt said the group relied on outdated figures and said the water district has since determined that 1,181 acre-feet of water would be needed to provide water for the Peninsula's legal lots of record — the same figure Cal Am

See **LOTS** page 13A

WATER

From page 1A

lower interest rates and reduce the overall cost of the project. "A significant contribution of public funds will avoid such an unwarranted expense to Cal Am's ratepayers," according to the mayors.

■ Form a governance committee to provide publicly accountable oversight of the project.

■ Seek lower electricity rates for the project.

■ Reduce the financial risk to customers by limiting the use of a \$99 million surcharge Cal Am would seek from ratepayers to help pay for the project by waiting to collect it after key permits have been approved.

■ Promptly address concerns pertaining to Cal Am's proposed intake wells, including proceeding with test wells as soon as possible, consider other types of intake wells if the company's proposed slant wells prove infeasible, and work with other agencies, including the California Coastal Commission, to obtain permits for the wells.

■ Demonstrate that the company is trying to secure low-interest state financing for the project.

■ Cal Am must address questions about sea level rise and coastal erosion with respect to the placement and longevity of the company's proposed slant wells. "Coastal sands are also prone to liquefaction in seismic events, and coastal facilities are susceptible to damage from tsunami events as well," according to the mayors' report.

The mayors' draft statement provides 11 areas outlining why Cal Am's project has an edge over the other two.

First, Cal Am's plan, which includes a desalination plant in North Marina, water storage facilities and a possible wastewater recycling component, appears to be consistent with the mayors' position of focusing on a proposal for "replacement and replenishment and accommodates the policy desire to pursue a portfolio of projects to meet the needs of our communities, thereby reducing the risk associated with any project failing or being delayed."

While all three projects are in the planning stages, Cal Am's "is the most advanced," according to a technical advisory committee for the mayors' group and a consultant who was paid about \$100,000 to analyze the three proposals.

Cal Am's desal facility proposes using near-shore "slant wells" for source water, while deepwater desal and Agha's project would employ open ocean intakes — a method of collecting seawater considered more environmentally harmful.

"Both the California Coastal Commission and the state water board say that slant wells are preferred," Burnett said, "and that only if they are found to be infeasible, that open-water intakes should be considered."

Critics of Cal Am's proposed slant wells, such as Ron Weitzman, president of WaterPlus, which supports Agha's project and has long campaigned for a public takeover of Cal Am, contend the technology is vulnerable to legal and scientific challenges that could "kill the project." Burnett said Cal Am must have a contingency plan in place in case the slant wells fail.

"If the conclusion is those slant wells can't be done for technical or legal reasons," Burnett said, "Cal Am needs to have another [type of intake method] ready to go."

Of the three project backers, only Cal Am has demonstrated an ability to finance the project. And the cost per unit of water from the company's project is close to the other two, presuming Cal Am agrees to a significant public contribution for the project to

lower financing costs and secures lower electricity rates.

Deepwater desal and Agha's plan will likely face questions from permitting agencies regarding placement of their desal plants in relationship to the rise in sea levels and the 100-year flood plain. "It is unclear how either project will respond to such questions," according to the draft statement.

Charles Alfred McDaniel

Sept. 16, 1920 - Jan. 16, 2013



Charles Alfred "Al" McDaniel, Jr. left the earth plane at 6:41PM on Jan. 16th, on his way to his next plane! He passed peacefully at home with his caregiver, Dourly, his wife, Ail and a few close friends by his side. He remained at home right up to the very end of his journey and passed in quiet dignity. His life was long and full, the sort of life dreams are made of.

Born in Los Angeles to Fern and Charles McDaniel, Fern fell ill with TB when he was only 4 and grew too sick to care for him, thus he came to be raised from age 5 by her parents, Grandma and Grandpa Johnson. He lived on 23rd St.

about 2 miles from Mines Field, later to become LAX, just after W.W.II. He had 2 other smaller airports close to the house to which he could bike and watch planes land and take off. Planes were his passion from a very young age. Also a gifted artist and draftsman, he studied architecture at Santa Monica Junior College and USC for 2 years before entering the Army Air Corps in 1942, followed by a rare opportunity to enter Test Pilot Training at Wright Field. He began his testing career in 1943 as Assistant Chief of Flight Test at San Bernardino Air Base and eventually test flew every type of plane flown in WWII. A skilled aviator, he never left L.A. during the war, as his combined skills of aviator, aviation mechanic and draftsman were invaluable in the repairation of damaged aircraft, so he couldn't be spared to go off and fight a war. In fact, during that time he could walk home for lunch.

After the war he joined the CA Air National Guard, under revered commanding officer, General Clarence Schoop; "Schoopy", as Al called him. One day in 1949, Schoopy received a call from his good friend, Howard Hughes. "Hey, Schoopy, he boomed through the phone in his twangy, demanding voice, I need two good pilots over here, ya got any?" Brief moment of silence, then, "I sure do, Howard." "Well send 'em over;...your recommendation is good enough for me!"

Al and Bart Warren (later killed in the F111B) were hired sight unseen. Thus began a 38 year career, testing aircraft, managing these operations, flying as Howard Hughes' personal pilot for 8 years, and, along with 14 others, including Neil Armstrong and Scott Crossfield, founding the Society of Experimental Test Pilots. In fact, he is most likely the last of the founding members who gathered in Lancaster, CA to form SETP 58 years ago. He was also responsible for the design of their logo, today, an international symbol known to test aviators globally.

Al retired from Hughes in 1986 when he and Ali were married in Dana Point and settled in Laguna Beach. They moved to Carmel in 1995. Since then, his only flying has been as a traveling passenger. He devoted his life to his hobbies of carpentry and remodeling homes, family and friends, and artist wife Ali. They were hardly ever apart in their 27 years of marriage. He was warm and kind; witty, funny and always enjoyed a good joke! During the last few years, his enormous spirit was dimmed by the ravages of dementia, yet he remained at home with Ali and his amazing caregiver, Dourley, whose remarkable loving devotion and care kept him in the game of life. He went out and had an 'adventure' each and every day, weather permitting, up until two days before he drew his last breath and stepped up to that next plane bound for glory.

Al is preceded in death by his son, Craig, who lost his life at 21 in Viet Nam, 101st airborn. He is survived by his wife, Ali (Miner)McDaniel, His son, Charles A. (Chic) McDanielIII, daughter Alanna McDaniel (h-Ralph Gillett) Grandson Chuck McDaniel (son of Craig) and daughter-in-law, Linda McDaniel, (Chuck's)wife Heather and 4-yr.old twin great grandsons, Craig and Griffin, grandsons Oliver and Stewart-sons of Alanna, and cousins Bob and Jim Thompson, their wives and families...and a million wonderful friends.

A Celebration of Al's life will be held on Sat., the 9th of Feb. at 2PM at the Monterey Elk's Lodge, 150 Mar Vista. All are welcome whose life was touched by Al and wish to bid him farewell. In lieu of flowers, a charitable contribution in Al's name to the Elks Charity Major Project for Handicapped Children would be greatly appreciated.



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MISSION RETROFIT TO CONTINUE, DESPITE FUNDRAISING GAP

■ Starting work now will save \$1M down the road

By MARY SCHLEY

WITH PLASTIC weatherproofing over the historic Carmel Mission Basilica set to be removed later this month, and the subsequent retiling of the roof, the \$5 million seismic retrofit should be completed by April, according to Vic Grabrian, president of the foundation that's overseeing the work. And, even though the nonprofit still has a lot of money to raise, its members decided last week to commence with the second phase of improvements while the scaffolding is still surrounding the 220-year-old building.

"It's estimated to be about \$2.2 million right now, as originally budgeted," he said of the next round of projects, which includes repairs to damaged exterior walls and mechanical upgrades.

If the Carmel Mission Foundation spends the next year or two raising that money, the costs could grow by half again, due to labor and material increases, according to Grabrian.

"But the construction people came to me

around Christmastime and said if we could raise a bunch of money fairly quickly and do this work while the scaffolding is still up, and the contractor is still there, we could save about \$1 million," he said. "So last week, we decided to go ahead and go for it."

The foundation already has a good start: One donor put up a \$350,000 challenge grant it hopes to match dollar for dollar.

Final steps of phase one

The \$5 million retrofit — also paid for with money raised by the foundation — includes shoring up the Basilica's walls, installing new wiring and plumbing, and replacing the roof installed in the 1930s. The work began late last summer and should be completed by April.

Of significant importance is strengthening the walls to meet a state law that takes effect in 2017 requiring masonry buildings like the Mission be reinforced to improve their ability to withstand earthquakes, and according to Grabrian, the contractor, Blach Construction, reported the walls are now three times stronger than they were. That new stability is due to the more than 300

See **MISSION** page 23A

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Supervisors reject ambulance contract extension

By MARY SCHLEY

HEEDING THE concerns of Carmel officials and Peninsula fire chiefs, Monterey County supervisors on Tuesday unanimously voted not to extend the county’s contract with with AMR ambulance company for another year. Instead, they ordered company officials to work to resolve a number of issues — including an agreement that allows the closest ambulance, whether operated by the city or AMR, to respond to medical emergencies in the areas surrounding Carmel’s city limits.

“We’ve been in these negotiations for 10 months, so we’re ready to see this resolved,” Carmel Mayor Jason Burnett said after the meeting. “The board of supervisors voted to not extend the contract, which is exactly what we were asking them for, and I think that sent the right signal to AMR that it needed to work through the issues with Carmel.”

Operating on a five-year agreement that took effect in January 2010 and allows for five additional one-year extensions, AMR was seeking its third extension, which would have the contract expire on Jan. 31, 2018.

The company’s general manager, Doug Petrick, told The Pine Cone Thursday that the company earned the right to the extension, and he was disappointed with the board’s decision.

“Nobody’s questioned our service, or anything,” he said. “We met the terms of our contract; we should get the one-year extension.”

The county EMS agency and emergency medical coordination committee had agreed, determining that AMR “has

met and exceeded the minimum requirements under the provision of earning the third one-year contract extension,” by exceeding the 90 percent contract response-time compliance for each priority level during each month of the last contract year, and complying with clinical performance and financial requirements.

But the board voted against the staff recommendation, opting not to approve the extension.

“The supervisors did ask for regular progress updates every two months,” Burnett said. “And if AMR wants, we could work out the arrangement with them today, and I think that would be advisable.”

Burnett said he was “cautiously optimistic that we’ll be able to resolve this soon,” and that Petrick “got the message from the board of supervisors that they do expect him to work out something with us.”

Petrick told The Pine Cone he’s willing to let the closest ambulance, regardless of provider, respond to major emergencies in the areas adjacent to Carmel, but he maintained AMR should have priority when being dispatched to less significant medical calls, since the company’s contract with the county includes that region, as long as it can keep to the required eight-minute response time.

“We can still work through that — it’s a matter of us getting together and trying to finalize it,” he said. “This is more administrative and politically driven than anything else.”

Petrick said he spoke to city administrator Jason Stilwell at the board meeting Tuesday and is “waiting to hear from him for dates and times we can start meeting.”

While AMR did not receive its contract extension at the Jan. 29 meeting, the board did approve the company’s requested 2.75 percent rate increase — the first since the contract took effect in January 2010.

LOTS

From page 11A

used in its water project application to the CPUC. There are about 2,400 unbuilt legal lots, Stoldt said.

The League goes on to say that traffic created from development of lots of record “when combined with traffic from past, present and probable projects will have a significant cumulative impact on a road network already operating at “service levels that are deemed to be poor. The local chapter of the League purports to be a nonpartisan group but has actually been active in lobbying for left-wing causes.

Mitigating traffic measures, according to the LOWV, will further complicate the environmental review process and result in delays for a water project.

“Legal lots of record have already been through the [California Environmental Quality Act] process or are exempt from that process,” Stoldt said. “When you finally build on a legal lot ... it’s not new growth, it’s an already approved use.”

Other local water activists, even those opposed to Cal Am’s project, have said any new water project should be large enough to include water for legal lots.

Apart from setting the town hall meeting, the water board Wednesday night backed Cal Am’s request that its water project also be expanded to include 500 acre-feet of water for tourism “bounce back” and 325 acre-feet for Pebble Beach Company build out.

Directors also approved a governance structure for the water project and said it would request the CPUC to compel Cal Am to include a wastewater recycling project into its plan.

Additionally, the water board supported the idea of public funding for Cal Am’s project. A \$100 million public contribution would save ratepayers \$124 million over the life of the project.

But directors rejected Cal Am’s request to collect a surcharge during the construction phase of the desal plant, which would raise \$99 million. Instead, they believe the surcharge should be paid with Cal Am debt and equity over a 40-year period, thus reducing costs in the short term and financial risk to ratepayers in case the project never comes to fruition.

However, Cal Am and others contend that paying the surcharge earlier during the construction phase of the project — from 2014 to 2017 — would ultimately save ratepayers as much as \$55 million over 40 years.

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LETTERS

From page 25A

assistance available. As first responders we provide the same level of medical care that the ambulance agencies provide. Both Cypress Fire District and the ambulance agencies work cooperatively together to assist in stabilizing and readying the patient for transport to a medical facility if necessary.

I want to assure all those served by Cypress Fire Protection District that they are receiving the best emergency medical care available.

Mayor Burnett is correct in stating that the nearest available ambulance would be the best choice and we have been working with all three ambulance agencies to make sure the closest and quickest ambulance is the one that responds regardless of jurisdiction. Cypress Fire Protection District will continue to work with all jurisdictions to insure that the best professional ambulance and emergency medical care will be provided to those in need.

Donel Geisen,
President, Cypress Fire Protection District

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Council to discuss bathrooms, house appeal, spending

WHEN THE Carmel City Council meets Tuesday, it will consider a range of issues, from another agreement with the architects tasked with designing the long-planned Scenic Road bathrooms, to an appeal contesting the approval of a house at Lincoln and Fifth.

As part of the council's Feb. 5 consent calendar, members will be asked to OK spending \$16,015 "for professional services and project studies related to the Monterey Peninsula Regional Water Authority," the group of local mayors working to bring a water project to fruition.

The consent agenda, which includes items that are typically noncontroversial so they can be approved in one fell swoop to save time, also contains a proposed agreement with Carver + Schicketanz Architects "to prepare drawings for the beach restrooms project and direct staff to seek alternative funding sources for the construction documents and construction of the facility," and review and adoption of the salary range and job description of the new community planning and building director.

Topics planned for discussion and possible action include Mayor Jason Burnett's oral report on the water replacement project, an update of the city's financial policies and establishment of maximum levels for the reserve funds, a report on the second quarter of the fiscal year and proposed budget adjustments, and resident Jacqueline Simonelli's appeal of the planning commission's approval of a new home on Lincoln

Street two northwest of Fifth Avenue proposed by developer Denny LeVett.

The meeting will begin at 4:30 p.m. in Carmel City Hall on Monte Verde Street south of Ocean Avenue.

Judge dismisses charges against Big Sur woman

A JUDGE last Friday dropped all criminal charges against Eva Ruiz-Gomez, the former Big Sur resident who was arrested and charged three years ago after a custody dispute.

In 2010, Eva Ruiz-Gomez was arrested and charged with a felony of depriving the father of her child, Ramón Muñoz, of his custody and visitation rights.

The arrest came shortly after Gomez returned to the United States after living in Mexico for seven years. Since her arrest, Gomez has long claimed she left the country with full legal custody of her son.

On Friday, Jan. 25, Monterey County Superior Court Judge Larry Hayes agreed with Ruiz-Gomez and dropped the charges against her, saying she had been permitted to leave the United States under her custody agreement.

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AT&T tournament head wants spectators to have more fun

By MARY SCHLEY

A NEW grand entrance that will greet attendees at the AT&T Pebble Beach National Pro-Am, which begins Monday with practice and runs through the final competition round Sunday, Feb. 10, is one of several changes aimed at improving the overall spectator experience this year, according to Monterey Peninsula Foundation CEO Steve John.

The MPF hosts the tournament and has helped distribute more than \$100 million to charities since Bing Crosby brought his pro-am here in 1947.

“We did pass \$104 million as of last year — we’re only the second tournament on tour to ever do that,” John said. “We gave \$10.5 million to charity last year. That’s my favorite part of my job.”

Also topping John’s priority list is making the tournament enticing enough to fans that they’ll return year after year. A talented lineup of PGA professional players that includes 14 of the Top 50 in the world makes for a deep field, and new celebrity players — some of them very good golfers — will bring better competition as they test their skills at Spyglass Hill golf course, Monterey Peninsula Country Club and the Pebble Beach Golf Links.

“Enhancing the fan experience is really important to me,” he said. “I want them to look forward every year to coming back.”

To start, golf fans arriving via the official shuttle buses from general spectator parking at CSUMB, or by any of the chamber of commerce shuttles from the Peninsula cities, will disembark next to the driving range, which for the first time will be visible from the drop-off area.

“They’re going to immediately be able to see the driving range,” he said. “There’s nothing in that area, now — the congestion is all gone,” and the formerly tall fences have been lowered.

They’ll then be funneled through a “mini city” set up on Peter Hay golf course that includes concessions and merchandise sales, a science and engineering tent aimed at getting kids interested in technology and math, and the Experience Monterey tent, which is intended to acquaint people with the many offerings of the area, from wineries and museums, to the Monterey Bay Aquarium and public parks.

“I went to the Monterey County Convention & Visitors Bureau and met with them,” to collaborate on the effort, John said. “My goal is to get the community more involved with the tournament, and this will highlight the wonderful things about our peninsula.”

Visitors might discover something they’d like to explore next time they’re in town, and locals might be reminded why they choose to live here, he said.

New additions on the Pebble Beach Golf Links include United Fairway Club on the 17th Tee that will allow fans who’ve purchased an upgrade to overlook the oceanside green of the famed par-3, as well as watch the tee box of the finishing hole. Mimicking a sports bar, the venue will have big-screen televisions, food unique to the Fairway Club, “and the bar, obviously,” John said. “It’s really a neat spot.”

He also doubled the grandstands behind the 17th Tee for a sort of stadium effect and replaced the regular leader board

on the 3rd Hole with a jumbo screen.

“And we support our troops: We feed and bring 200 military to our tournament daily Friday, Saturday and Sunday, and I pulled out their club from behind the trees and moved it to the other side of the 15th Fairway,” he said. “To show we are really proud of these people, let’s give them the best spot possible.”

John also noted that the shootout between past and present players, coaches and other representatives of the San

Francisco 49ers and the San Francisco Giants on Tuesday should be fun, especially if the Niners win the Super Bowl, and the celebrity match the following day boasts a strong lineup, too, with Bill Murray, Josh Duhamel, Chris Berman, Charles Kelley from Lady Antebellum, Kenny G, Jake Owen from “Nashville,” Huey Lewis, musician Darius Rucker and Ray Romano.

For more information about the AT&T Pebble Beach National Pro-Am, see our special section this week.


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PacRep's 'Legally Blonde' opens



A PacRep Theatre production of the hit Broadway musical, "Legally Blonde," opens Saturday, Feb. 2, at the Golden Bough Theatre. Starring Sydney Duncheon (left), Gracie Poletti, Kenny Neely, Stephen Poletti, Kristen Carder and a local dog, "Piper." The musical, which is based on the movie starring Reese Witherspoon, continues Thursdays, Fridays, Saturdays and Sundays through March 3. All performances start at 7:30 p.m. except Sunday matinees, which begin at 2 p.m. Tickets range from \$7.50 to \$28, with discounts available for students, children, teachers, seniors and active military. For tickets, call (831) 622-0100 or visit www.pacrep.org.

PG Middle School presents 'Music Man'

THE TONY award-winning musical, "The Music Man," will be performed Feb. 8-10 at the Pacific Grove Auditorium at the Middle School. Under co-directors Michelle and Sean Boulware, Pacific Grove students perform this musical with such well-known hits as "76 Trombones," "Trouble," "Marian the Librarian" and many others.

The show tells the story of con man Harold Hill, who comes to River City to convince parents he can teach their children to play musical instruments. His plan is to take

orders for instruments and then take off with the money, but he falls in love with the local librarian, Marian.

The show was a hit on Broadway in 1957, and was made into a wildly popular film starring Robert Preston, Shirley Jones and Buddy Hackett. The book, music and lyrics are by Meredith Wilson.

More than 30 middle schoolers are involved in the production. Tickets are \$7 for adults and \$5 for students and can be purchased at the door of the auditorium.

Symphony offers ballet suite

THE MONTEREY Symphony next week will present the orchestral program, 'Pulcinella: A Symphonic Story,' a ballet suite with music by the famed Russian composer Igor Stravinsky.

The event will be during the Monterey Symphony's annual Youth Concert on Feb. 5 and Feb. 6. The program was conceived and

will be conducted by Daniel Alfred Wachs with performances by dancers from the Dance Kids of Monterey County.

Performances are free and will take place in Sherwood Hall at the Steinbeck Institute for Arts and Culture, 940 N. Main Street, Salinas, at 9:30 a.m. and 10:45 a.m. and at 10:45 a.m. on Feb. 6. Call (831) 645-1126.

Plaza Linda hosts musical performances

PLAZA LINDA restaurant in Carmel Valley this weekend will showcase the musical talents of singer-songwriter and a "foot-stompin'" bluegrass band that regularly make appearances at the restaurant.

On Friday, Feb. 1, guitar player and singer Martin Shears will perform at the Mexican food eatery from 7 p.m. to 9 p.m. A \$10

donation is requested. And five-piece Ensemble Scarlett Road, led by mandolin and guitar player Chip Wittpenn, will perform their blend of bluegrass, roots and Americana tunes on Saturday, Feb. 2 from 7 p.m. to 9 p.m. Plaza Linda is at 27 E. Carmel Valley Road. (831) 659-4229. www.plazalinda.com.



Calendar

To advertise, call (831) 274-8652 or email vanessa@carmelpinecone.com

Feb. 2 - A Gathering of Friends. Delicious food, wine, live entertainment and a silent auction are part of this event to benefit St. Angela's Children's Center in Pacific Grove. Tickets are \$45 (includes two drink tickets). Heavy appetizers include campanelle with pancetta and sun dried tomatoes and barbecue tri-tip sandwiches. \$10 raffle tickets will be sold for a chance at winning \$5,000. St. Angela's Church, 146 8th Street, Pacific Grove, 6 p.m. to 9 p.m. (831) 372-3555.

Feb. 3 - An Evensong service will be presented 5:30 p.m., Sunday, Feb. 3, at **All Saints' Church**, Ninth & Dolores. A light supper will follow the service. Dating from the 15th century, Evensong consists of chant, anthems, hymns, meditation and prayer. Presented on the first Sunday of each month, the service features the All Saints' Evensong Choir conducted by Dr. Todd Samra. (831) 624-3883, www.allsaintscarmel.org.

Feb. 4 - Monday, Feb. 4, at 2 p.m. Carmel Women's Club presents "Songs for Springtime" with Nancy Williams and Friends. Enjoy beautiful love songs that will fill the room. Everyone welcome. San Carlos & Ninth. Members free and memberships available. Delicious refreshments. Contact (831) 622-7412 or (831) 238-9081.

Feb. 6 - "The Imperfect Harmony Objective" event, 6 to 7:30 p.m., at the Hilltop Park Center's Main Hall, 871 Jessie St., Monterey. Educational event on eating disorders/body image, followed by Q&A, and reading of real-life stories. Suggested \$10 donation, goes towards us providing free outreach education to schools.

ImperfectHarmony.org, (415) 404-9765.

Feb. 8 - Carmel Music Society presents **Hans Boepple**, Steinway International Artist and acclaimed pianist ("the peak of pianistic perfection") Friday, Feb. 8, 8 p.m., at All Saints' Church, Dolores and Ninth. Following the recital there will be a free reception honoring the artist. Tickets: \$30 at the door, online at carmelmusic.org or by calling (831) 625-9938.

Feb. 9 - "Interested in Sail Boat Racing - Want to Sail on One." Special Event, Feb. 9, 4 to 6 p.m., Sponsored by Monterey Peninsula Yacht Club, Municipal Wharf #2, Monterey. Call (831) 372-9686 or race@mpyc.org.

Feb. 16 - Known the world over for their "expressive and exhilarating interpretations" (*Musical America*), the Kalichstein-Laredo-Trio continues to set the standard for performance of the piano trio literature. Presented by **Chamber Music Monterey Bay**, their Feb. 16 program will include the Central Coast premiere of a work by contemporary composer Richard Danielpour. Chamber Music Monterey Bay, www.chambermusicmontereybay.org, (831) 625-2212.

Winfield Gallery is focused on the representation of contemporary art by established, mid-career and emerging artists whose diverse practices include painting, drawing, sculpture and ceramics. We work to create an atmosphere that builds bridges between the creative work, collectors and art enthusiasts at all levels. **Winfield Gallery**, Dolores between Ocean & Seventh. (831) 624-3369, www.winfieldgallery.com.

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Tasting room in new part of town, football feasts, making romance bloom

DE TIERRA winery is launching its new tasting room Saturday, Feb. 2, and will celebrate with a grand opening two weeks later.

Located in the complex at the southeast corner of Mission and Fifth, the tasting room will be open Sunday through Thursday from 11 a.m. to 5 p.m., and Fridays and Saturdays from 11 a.m. to 8 p.m. The new venue offers the small winery the opportunity to showcase wines made from its estate vineyard in Corral de Tierra and other notable vineyards, and it marks the first tasting room to open in that part of Carmel. Most of the others are south of Ocean Avenue, principally clustered on Dolores Street and nearby blocks.

During the Grand Opening party Feb. 16, De Tierra will serve tasting flights and offer special pricing, and appetizers will be prepared by Allegro Gourmet Pizzeria to pair with the wines. The celebration will run from 5 to 8 p.m.

For more information, visit www.detierra.com.

■ Tailgating options

When the Niners meet the Ravens in New Orleans Sunday, football fans who don't want to stay home to watch the game have options galore. Major Monterey Peninsula sports bars, like Characters in the Marriott and Knuckles in the Hyatt Regency Monterey, fill up quickly, and pubs like The Britannia Arms in Monterey, Flanagan's at the Barnyard and Brophy's in Carmel can be good places to watch, too.

But you might not have thought about the

bar in the Crossroads shopping center's Rio Grill, which will host its second annual tailgate party Feb. 3, starting at 3 p.m.. The Rio will offer Happy Hour specials all afternoon and evening, as well as pitchers of Rio Ritas for \$25, and buckets of six beers for \$12. For more information, call (831) 625-5436 or go to www.riogrill.com.

Another less likely venue is Hula's Island Grill and Tiki Room at 622 Lighthouse Ave. in Monterey, but the surfing videos that loop on the bar TV will make way for the Big

soup to nuts

By MARY SCHLEY

Game, and the restaurant will offer Superbowl Sunday Specials. From 4 p.m. until closing, the kitchen will serve \$5 Crispy Coconut Shrimp Rolls, Surftrider Chicken Sticks, Hawaiian Ceviche and other locals' favorites. Visit www.hulastiki.com to learn more.

■ Feast will be fundraiser

The preschoolers who attend St. Angela's Children's Center in Pacific Grove will benefit from a Feb. 2 fundraiser that includes a silent auction — and a feast prepared by local restaurants and chefs. A Gathering of Friends will be held in the church hall Saturday, Feb. 2, from 6 to 9 p.m.

Aqua Terra Culinary chef/owner Dory Ford's planned culinary lineup includes a pasta bar with baked eggplant zucchini and

cheese rigatoni; Campanile with pancetta and sun-dried tomatoes; and whole wheat macaroni with mild Italian sausage. Petra Cafe will provide pita, hummus, falafels and dolmas, and Doug and Rosie Chesshire will donate sliced barbecued tri-tip on rolls. Layers will contribute dessert, and Lisa Huynh will bake mini cupcakes.

Silvestri Vineyards, Pisoni Vineyards, Hahn and Joyce Vineyards, meanwhile, are donating the wine for the evening.

Local hotels, restaurants and stores have contributed items for the silent auction, and all proceeds will benefit St. Angela's Children's Center "to maintain a high quality preschool program."

Tickets are \$45 per person and will be available at the door.

A Gathering of Friends will take place at 146 Eighth St. in Pacific Grove. For more information or to purchase in advance, call (831) 372-3555.

■ Farewell to the Indy — for now

Todd Champagne and Pat Orosco brought their indoor version of a farmer's market, the Independent Marketplace, to the Monterey Peninsula last year, finding a creative way to use Sand City's vacant design center to showcase crafts, arts, interesting food purveyors, wineries, breweries, bakeries and farmers, but the Indy's run in its current incarnation is coming to an end with the Valentine Grand Finale Thursday, Feb. 7, from 4 to 9 p.m.

According to the organizers, the marketplace is ending "because the very next day, construction renovations will begin at The Independent to build out the permanent Independent Marketplace as an artisan food

See **FOOD** page 21A

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butter milk fried oyster, lemon oil 10.

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sliced strawberries, walnuts, English stilton, fig-balsamic vinaigrette 9.

~ ENTREES ~

Slow Roasted Prime Rib Au Jus

roasted garlic mashed potatoes, sautéed asparagus & buttered baby carrots, horseradish cream 39. (Extra Cut - add 6.)

Maine Lobster Tail & Grilled Wild Prawns

chive risotto, thin beans, baby carrots, drawn butter, truffle - tarragon beurre blanc 45.

Prime Rib Au Jus & Baby Maine Lobster Tail

roasted garlic mashed potatoes, sautéed asparagus & buttered baby carrots, drawn butter & horseradish cream 48.

~ DESSERT ~

Tahitian Vanilla Bean Crème Brûlée

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JOSEPHINE SWIFT BOYER

1921-2012

On December 26, 2012, Josephine Swift Boyer died peacefully at her residence in Carmel, California at the age of 91. Born on August 8th, 1921 in Portland, Oregon she spent her early years in Pasadena, California and her



summers in Gloucester, Massachusetts. Daughter of Carleton Byron Swift and Lila Leonard Swift of Pebble Beach, California and Gloucester, Massachusetts, Josie attended the Polytechnic School in Pasadena, Miss Branson's School, and Westridge School, where she was head of the student body. She graduated from Bennington College in 1943. Upon graduation Josie worked briefly for her grandfather Arthur Leonard in his office at the Chicago Stockyards, and then in the offices of Poetry Magazine and Esquire. She was a gifted artist, beginning her studies at the age of fourteen, when she was sent by her grandfather to study sculpture with George Demetrious and his wife Virginia Lee Burton at their studios in Folly Cove, Massachusetts. Continuing her art studies in

high school, she went on to major in art at Bennington. In April of 1951 Josie married a Wyoming prospector, Winston Boyer. Together they lived in Wyoming, Montana, and Moab, Utah with their three children. Josie moved back to California with her children in 1961 and became a teacher. She taught at the Cowan School in Carmel Valley, and then in the Seaside, Marina, and Monterey schools, where she also worked as a school librarian. Josie was a great reader and knitter as well as an artist, and had a lifelong interest in and love for animals-- from the goats, pigs, ducks, dogs and reptiles she had as a child to the Boyer family dogs, her hedgehog, Frances, her pot-bellied pig , Rosie, and the countless baby birds she rescued, raised, and released, including the scrub jay Do Dah, the most recent rescue. She appreciated the joys of life until the end, as well as the friendship of neighbors, the company of friends and family, and that of her caregiver Dana Sullivan. Josie will be missed by all who knew her, including her surviving sisters Harriet Swift Holdsworth and Lila Swift Monell, her friend Dotty Brown, her children Eliza Boyer Baer, Winston and Jonathan Boyer and their spouses, her grandchildren Stella and Gabriel Baer, great grandchildren Weston and Eden, and her many nieces and nephews. A private memorial service will be held in Carmel at a date to be determined, and another in Gloucester, Massachusetts this summer.

Ann Colyer Rook

12/06/12



Ann Colyer Rook died on November 30th, 2012 while gardening at her home in Carmel, California. Ann was 92. She had been a resident on the Monterey Peninsula since 1978, first living in Pacific Grove and for the past 30 years in Carmel.

Born Elizabeth Anne Colyer in 1920 in Pasadena, California, she was the youngest of three children born to Harry A. and Elizabeth S. Colyer. She grew up in San Marino, California, attended Polytechnic School in Pasadena and later The Spence School in New York City. She attended Mills College, earning a degree in Psychology and was its Student Body President in her senior year.

She married Charles Alexander Rook in October of 1942 and they subsequently raised three sons in San Marino, California. She was an avid sports fan, taking her sons to numerous sporting events. On their weekends for over 20 years she and Charlie and their sons were actively involved in the sailing community at the Balboa Yacht Club in Newport Beach.

Ann spent five years as a court advocate working with families of mentally ill and developmentally disabled patients at Camarillo State Hospital. Later she worked 10 years at Port O'Call women's store in Pasadena as both a sales person and later as a buyer. After moving to the Monterey Peninsula, she spent 17 years as a sales person and buyer at Derek Rayne in Carmel and 5 years as a sales person at the Carmel Dress Shop. She was also active with the Carmel Foundation, the Carmel Library, the Point Lobos Foundation and the Monterey Aquarium.

For many years she was the glue for the Colyer Clan and kept on top of her sons' activities. She was also a watcher of both men's and women's sports up to her passing. She was preceded in death by her husband Charles, son William as well as brothers Samuel and Thomas. She is survived by her sons Thomas (Barbara) of Seattle, WA. and James (Robin) of Rio Rancho, NM. She is also survived by four grandchildren: Michael, Jeffrey (Lauren), Julie and Jason as well as two great grandsons: Liam and Anderson.

There will be no services and her ashes will be spread off the Monterey Peninsula coast.

Remembrances can be made to the Carmel Foundation, P.O. Box 1050, Carmel, CA 93921

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MISSION

From page 12A

steel rods inserted and grouted into place in vertical and horizontal holes drilled through the walls.

Work in the attic — new wiring, fire protection systems and strengthening of the roof — should be completed soon, according to Grabrian, and a new layer of plywood to strengthen the roof should be installed by the end of February.

At that point, the scaffolding and plastic sheeting that have kept the Mission dry during construction can be removed. The foundation has been renting the covering for \$32,000 per month.

“They have to specially build all that stuff — they didn’t just have it lying around,” Grabrian said of the metal scaffolding and panels protecting the roof. The contractor built the pieces specifically to fit over the top and lowered them into place with a large crane. The foundation and the contractor decided the time and costs saved by not having to wait until the dry season to do the work more than offset the expense of renting the plastic covering.

Once the plywood sub-roof is in place and has been water-proofed, the temporary covering can be dismantled, and workers will reinstall the old clay barrel tiles they painstakingly removed and stacked at the start of the project.

The only new construction is a handicap-accessible bathroom.

“If we did our job right, you won’t be able to tell we did a thing,” Grabrian said.

Phase two details

The next phase of the Basilica restoration, originally estimated at \$2.2 million, includes fixing the deteriorating exterior walls, towers and Moorish dome; repairing woodwork, including windows and the exposed rafter tails under the

roof; upgrading mechanical, electrical, radiant heating and fire protection systems; installing new lighting; and bringing doors, ramps and railings into ADA compliance.

“If we wait until all \$2.2 million is raised to begin this last part, it may take a couple of years,” Grabrian said. “Inflation of wages and materials will increase the cost to at least \$3 million, not to mention more deterioration of external surfaces.”

As a result, the foundation opted to get busy raising the money and to authorize the contractor to start on the second phase, even if all the cash isn’t yet in the bank.

“If we can raise a little over a million fairly quickly and begin this work immediately, while the scaffolding is still up and the contractor is in place for the seismic retrofit, we can save at least \$1 million,” he said. “The decision was made last week to proceed with the remainder of the Basilica restoration now.”

As a result, the start of the next round of projects can

dovetail with the end of the first phase, and most of the savings will come from the fact the infrastructure and workers are already onsite.

With the help of the \$350,000 challenge grant, “we are optimistic we can fund and complete most of Basilica restoration work by this summer,” Grabrian said.

Overall, the foundation has so far raised close to \$6 million. Most of that money went to the seismic work, as well as a few side projects, like the refurbishment of the Mission’s bells.

“It’s possible that by the middle of this year, we’re looking at the Basilica restoration being completed, and then we’ll be heavily involved in tackling what’s next — probably the museums,” he said. “And that’s a whole different type of project and significance.”

But the group has to raise the money for the rest of the restoration, first. To contribute, visit www.carmelmission-foundation.org or call (831) 624-3261.

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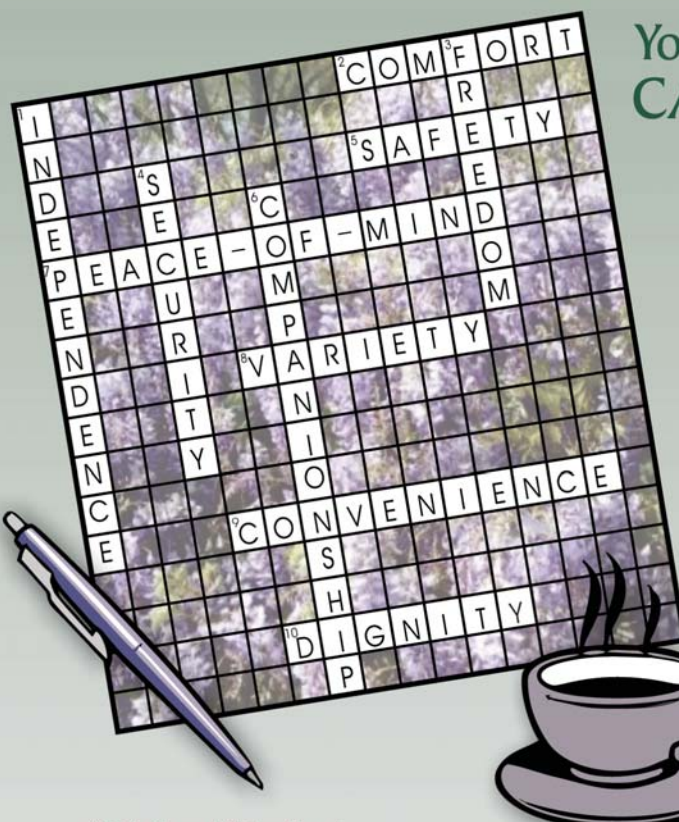
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SQUEAMISH

From page 1A

licenses the state’s physicians, sought to revoke Apaydin’s license because of the case. But last week, an examining panel of the board announced it had reached a settlement with Apaydin to issue him a “public reprimand” instead.

The details of the case, revealed in the medical board’s decision and in a formal “accusation” issued by the board’s executive director, Linda Whitney, in August 2011, make it hard to believe Apaydin is still allowed to practice.

A long series of painful events

According to the documents, in December 2004, a patient, identified as “JP,” had his prostate removed by Apaydin because it was cancerous.

In July 2007, he went back to Apaydin, complaining of pain and blood in his urine. A cystoscopy revealed that a “contracture” had formed where the bladder connects to the ureter. Apaydin gave JP antibiotics and scheduled him for laser treatment to reopen the contracture, which should have relieved the man’s symptoms.

On July 16, 2007, Apaydin performed the procedure, but in doing so, he cut a wire used to guide the laser and left a sizable piece of the wire in JP’s bladder. He was negligent when he “failed to realize that his laser had cut the wire, resulting in a piece of wire being left in the patient’s bladder,” the medical board said. But it gets worse.

On July 27, 2007, a radiologist did a CT scan of JP’s pelvic area. In his report — which was later reviewed and initialed by Apaydin — the radiologist wrote that “there is a high-density wire or tubing seen within the urinary bladder,” and recommended it be removed.

Despite having seen the report, Apaydin apparently failed to take note of the radiologist’s findings and did nothing to remove it, the board said, which also constituted professional negligence.

When JP continued to have pain, incontinence (“requiring three diapers daily,” the medical board said) and other symptoms, Apaydin merely treated him with antibiotics and “recommended Kegel exercises.”

As late as March 2008, JP was complaining of “erectile dysfunction, hematuria, blood clots and bladder pain,” the medical board reported. Apaydin continued to see JP and consult with him, and continued to give him antibiotics.

Finally, in May 2008, JP “had a cystoscopy performed in Arizona, the wire was discovered in the bladder and removed,” according to the medical board’s documents.

Apaydin’s actions constituted “repeated negligent acts and/or omissions,” under California’s medical licensing laws, making him subject to disciplinary action, Whitney said.

To read the full Medical License Board report about Apaydin, go to <http://www2.mbc.ca.gov/License-LookupSystem/PhysicianSurgeon/Lookup.aspx?licenseType=A&licenseNumber=46632> and click on “Public Record Documents.”

BERGSTROM

From page 1A

There, she alleged he forcibly sodomized her, while he argued it was consensual. She was intoxicated and called police after running out of his house and hiding in a drainage ditch. After being taken to the hospital by ambulance, she underwent a seven-hour exam by “a specially trained Sexual Assault Examiner, who documented injuries all over her body, including injuries to her genital area which were consistent with trauma,” according to Johnson.

Second trial was set to begin

Following a jury trial in July 2009 that included a couple of other women testifying against him about similar sexual encounters — though Bergstrom was never charged with any crimes relating to their experiences — he was found guilty of forcible sodomy and sentenced to six years in prison.

But Bergstrom appealed the conviction on multiple grounds, and in a split decision rendered in December 2011, the Sixth District Appellate Court determined the judge in the original trial had improperly instructed the jury when it came to deciding Bergstrom’s guilt. He was transferred out of state prison back to county jail while his new defense attorney, Richard Rosen, and Johnson prepared for a new trial.

After several delays, the second trial was set to begin Jan. 28, and Rosen earlier said he planned to introduce evidence that would call into question the credibility of Bergstrom’s accuser.

But Bergstrom, now 56, entered a no-contest plea on Jan. 25, which is the same as a guilty plea. He faces multiple civil cases, including one filed by Jane Doe.

Victim says she’s ‘grateful for closure’

Johnson said Jane Doe appeared in Monterey County Superior Court Judge Julie Culver’s courtroom Jan. 25 before Bergstrom was sentenced, and “spoke very eloquently about how grateful she was to have closure on this case, and that she was able to see that justice was done for her. She said that she has met many sexual assault victims since this happened to her — both male and female — who never come forward and never get the chance for justice.”

Johnson praised the woman’s “great courage in her willingness to testify once again” and observed the difficulty victims of sexual assault have in facing their assailants in court.

“The district attorney’s office particularly commends the victims in this case for coming forward and testifying about such a traumatic and personal event, given the intense media coverage in this case, and the small community involved,” Johnson said. “It would have been impossible to bring the defendant to justice without their participation.”

Bergstrom, who once had a thriving practice, lost his medical license after his conviction and will be required to register as a sex offender for the rest of his life.

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Editorial

There must be new water, and now's your moment to make it happen

WE'VE BEEN beating the drum for so long, the poor thing is a wreck. But after years and years of this newspaper calling for the Monterey Peninsula's new water project to provide enough to protect the community (and especially the hospitality industry) from drought, allow owners of lots of record to build on their land, give homeowners some leeway in adding on to their homes, allow minimal new development approved by local city councils and the board of supervisors, and provide for other basic human needs of the community, the mayors' water group is actually getting ready to call for it to happen.

If it's finalized (which it seems likely to be), the mayors' position will be to recommend to the California Public Utilities Commission that our new water supply project be big enough to include a small amount of new water for these very purposes.

This is a, "Hallelujah!" moment for the entire community, and remarkably enough, almost everybody seems to recognize it. The Monterey Peninsula Water Management District board of directors has also called for a small amount of new water to be provided, so has a coalition of local businesses, and so have lots of other people. Only the League of Women Voters of the Monterey Peninsula and a few other similarly extremist groups are against it.

However, the danger is far from over. State law gives a disproportionate amount of political power to extremists — giving them unlimited opportunity to speak at public meetings, forcing taxpayers to pay for their lawyers, etc., etc. The majority of citizens can see their interests slighted and their wishes ignored, even when they are directly expressed at the ballot box, in favor of what a few loudmouths want.

So, now is the time to convert yourself into an activist, if only for a little while.

If you want to be able to have a few flowers in your garden and add a bathroom to your house if you ever decide you need one, you should speak up.

If you want your neighbor who's a carpenter or a tile man to have enough work to keep his family in decent circumstances, now's the time to bring it up.

If you don't want hotel rooms to be shut when the next drought hits, write a letter to the editor or two.

And if you want your town to have a little bit more housing and a small amount of economic growth every year, get ready to attend a public meeting or two.

The water district says it will have a town hall meeting soon for the public to sound off on how big a water project should be. When it's scheduled, we'll let you know. And when it happens, you should be there.

BEST of BATES



"Been on vacation?"

Letters to the Editor

The Pine Cone encourages submission of letters which address issues of public importance. Letters cannot exceed 350 words, and must include the author's name, telephone number and street address. Please do not send us letters which have been submitted to other newspapers. We reserve the right to determine which letters are suitable for publication and to edit for length and clarity.

The Pine Cone only accepts letters to the editor by email. Please submit your letters to mail@carmelpinecone.com

More coverage unfair to teenage driver

Dear Editor,

I found your headline detailing the final outcome of the Masten case ("Teen who killed Masten will not be charged," Jan. 25) to be unfair and deliberately deceptive. Your phrasing insinuates that the driver of the vehicle played a voluntary role in the death of another person.

The fact that Mr. Masten died does not make him the only victim, nor does it absolve him of the responsibility that he bears for the incident. Mr. Masten attempted to cross a busy highway at rush hour, not in any kind of marked crosswalk, and in doing so stepped out from behind a tall vehicle directly into the path of an oncoming vehicle. There is no way to twist or turn or deny

this fact so that it somehow becomes the fault of the driver. When was the last time any of you attempted to cross Highway 1 at rush hour, in the thick of the traffic? If you found out that your child had done this, would you not severely reprimand him or her?

It is indeed a tragedy that the Masten family lost one of their sons in this senseless way. My heart truly goes out to them, and I understand that on some level it may be easier for them to come to terms with the accident of they can shift the blame off of the man whom they loved. However, that does not excuse your newspaper for choosing to print the headline that it did. I realize that the Masten name is an influential one in Carmel, as shown by this paper's groveling, obsequious response to the friend of the Masten family who chided you for daring to print a letter critical of Mr. Masten. It is my sincere hope that this family's prominence played no role in your reporting of this event.

Emily Norton, Carmel

Ambulance clarification

Dear Editor,

An important clarification needs to be made regarding your article relating to which ambulance should respond in the Greater Carmel area.

Cypress Fire Protection District is the first responder providing medical assistance to our constituents in the Greater Carmel area and our engines are staffed with paramedics to provide the best medical

See LETTERS page 13A

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The Carmel Pine Cone

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THE SAFEST PLACE TO INVEST YOUR MONEY IS RIGHT BEFORE YOUR EYES

I'M NOT an investment advisor. Let's be clear about that.

When it comes to money matters, it becomes evident very quickly that I have no idea what I'm talking about. The \$2 I put in a mutual fund today will be worth two shiny pennies tomorrow.

But do I ever have a great stock tip for you!

As owner/editor of *The Santa Lechuga Expectorator*, the newspaper of record serving the proud town of Santa Lechuga, I'm here to tell you that newspaper stocks are boffo these days.

This might come as a surprise to the average observer, inasmuch as newspapers have been managing their own demise and writing their own obituaries for several years now.

But it's true. We here at *The Expectorator* have been working long and hard to mollify our investors and financial officers so that their expectations are not disappointed.

Above all else, I have a clear and solemn responsibility to my investors, and they

expect a solid return from *The Expectorator*. The pledge I make to my readers is that I will not disappoint my investors.

For many years, newspaper owners were silly in their beliefs that the widgets they produced were community assets, that the gathering of news and information on the printed page was some sort of sacred trust, that they had developed an unspoken pact with their readers to reflect the communities in which they circulated.

While sacred trusts and local responsibility are fine utopian ideals, they do little to assuage the teeming investors who constantly badger me for better profits.

Thanks to a series of high-profile transactions and trades among savvy entrepreneurs who find utopian ideals a hindrance to solid investment strategies, the widget I produce at *The Expectorator* is a lean, mean money-making machine. And I have become much more "business-like" in the operations of *The Expectorator*.

Employees are an extravagance, of

course, a needless impediment to the bottom line, so *The Expectorator* was proud to announce a three-tiered termination strategy that eliminated a lion's share of the wastrels who have been devouring a huge chunk of my investors' well deserved profits.

Essential work is now being handled from a call center in Nairobi.

Paper is also a huge waste, so you can see that we are now publishing *The Expectorator* on discount 8-by-11 copy paper we picked up in bulk from the local Staples.

(Notice I said "local?") We support our community by buying local.)

We understand that many of our readers are not comfortable with our new "format," and I understand that. But we do provide alternatives.

For instance, for those of you who are hip and "with it" in the new digital age, I suggest you try our new and improved online pres-

ence, which can be found at www.iexpectorateonyou.com.

The main thing for you, the reader, is that

beyond the realm

By JOE LIVERNOIS

I can still fill the white spaces around the advertisements, and that is a commitment I expect to continue for weeks to come.

In summary, please know that I pledge my commitment to my investors while continuing to achieve the basic ideals of *The Expectorator*, which continues to live by its motto:

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A legal mind, but one that also has a fertile imagination

HE WOULDN'T like me to say this, because he has more than his share of humility, but Gerard Rose is a most remarkable man. He is as thoughtful as almost anyone I've known, and he has incredible energy, which he applies to his law practice and literature, as a consuming reader, and more recently, as a writer himself of historical fiction.

It was in September 2011 when I learned that Gerard had written a novel 10 years earlier, about Ireland in the 1910s. He pooh-pooh'd it as an old effort, but relented and sent me a Word file, which, in a few weeks, was edited into "The Early Troubles" and published.

In March 2012 came "The Boy Captain" about the Revolutionary War American naval hero Joshua Barney. And a few months later he delivered "Bless Me Father," a powerful story of a man growing up in the 1950s and 1960s.

Gerard is now planning a sequel to the last book — inevitably titled, "For I Have Sinned" — and also what will likely be a

series of books based on the bedtime stories he told his children several decades ago.

He is working on these books in his head while the docket in his one-man office is crammed with cases, and while he commutes most weekends to Chicago (his wife and their young daughter live in a northern suburb).

A powerful element in Gerard's writing is his own romanticism. His mother told him, "For everyone there is a great love in your

life, and your task is to find him or her. You must never give up. You must always leave your-

self open. And some day, if you're a good boy or good girl, God willing, it will happen."

"First of all, the concept is not only important, but the older I get, I've found it's actually true. Much to my shock and amazement. And interestingly, it doesn't happen until you're of advanced age," Gerard said.

What impels him to write? "It's a little bit like a dog walking into your living room and you've got a can of dog food in a bowl. It's

just irresistible. I can't help it. I love it. The only thing that keeps me away is that it's 3:30 or 4 in the morning, and I'm afraid my wife is going to wake up and realize that I'm down the hall working on something like this, and I need to get back to bed before she wakes up." He has been known to write for more than 24 hours straight.

Is it the creation of the plot? "Oh no. That's all inside. When I sit down to write, all I do is spew it out."

Does he write with an outline? "Sure. I could write the last chapter first. In fact, in some cases, I did."

How's he doing on the sequel to his last novel? "I'm dying to start it; unfortunately, I have three trials coming up in the next month-and-a-half. In fairness to my clients, I have to clear the decks, and that's what I've done."

Gerard's work is called civil trial practice. "In every case, as I go along, I write out a story about the case. So I've handled 20 trials in the last five years, I have a story about

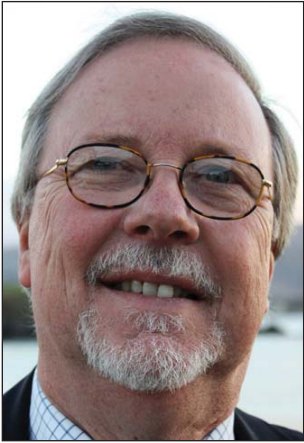
each one." Those are his briefs, and a recent one I got to see was eminently readable. The judge seemed to think so too, knocking the opponent's claim down by 90 percent.

He's been practicing for almost 40 years. Are there still surprises? "Always. That's one of the beauties of it. Oliver Twist said, 'The law is a ass,' and sometimes it is, but it's interesting, it's fascinating. And, usually, you learn something ... not only about the law, but you learn about people. You learn some amazing things about the lengths to which people will go to make themselves look good. I remember, when I was a young lawyer, how shocked I was the first

time I realized someone was lying under oath. I couldn't even conceive of that. Now, I'm not surprised at it at all."

I asked Gerard if he was happy. "Oh, yes," he responded, "though I would be happiest if I could give up law and just write."

Gerard lives in Carmel, where he used to serve on the city council.



Gerard Rose

DEPOT

From page 6A

"And I'm looking forward to showcasing that history."

Allen, who is losing his lease at the Cannery Row location where he has been for 14 years, said the wharf area is the perfect location to offer a mixed-used or "hybrid" business, which the city and the Monterey Waterfront Master Plan Subcommittee have called for.

While some nearby business owners have objected to another eatery near the wharf, Allen — who also wants to sell local beer and wine, and have a coffee shop in the building — said he doesn't believe he would be in direct competition with other businesses.

"There are no restaurants like mine on the wharf," he said. The retail store Allen proposes would offer photographs, books and other railroad- and Monterey-related items.

Light boards with historical photographs and touch screens would allow visitors to access the history of the train depot and Monterey, Allen said. Bay Bikes would offer bike

rentals.

A city committee initially recommended Allen's proposal before entertaining an idea by agricultural company Tanimura & Antle, which has proposed a market that offers fresh produce, artisan breads and wine.

On Feb. 4, the subcommittee will make its recommendation to the Monterey City Council, which is expected to decide which business is best for the building at a Feb. 19 meeting.

Allen said he's been encouraging his customers to contact the city council and share their support of his idea.

"I have a huge local following," said Allen, referring to Trailside Café. "It's going to bring locals down to the wharf area."

And Allen has an idea for the train engine at Dennis the Menace Park at Lake El Estero that has been the subject of much recent debate because of safety concerns.

"Our goal in the future is to bring the caboose from Cannery Row and the engine from Dennis the Menace Park" and relocate them near the former depot, Allen said. "It would be a perfect opportunity to put a train there."

TRIAL

From page 8A

retirement plan.

The PGPOA's 26-page lawsuit, which names Frutchey and the 2010 city council, alleges unfair labor practices and asks a judge to find that the council's ordinance unconstitutional.

"The retirement contribution ordinance exceeds the initiative power of the people and violates the city's charter and is therefore invalid and unenforceable," according to the suit filed in Monterey County Superior Court.

The complaint — filed by Sacramento attorney Christopher Miller on behalf of the officers — lists more than two dozen police officers and other police employees who are members of the PGPOA, the police department's bargaining unit. The P.G. Police Management Association, also a plaintiff, represents the police chief and its commanders.

Before the council in July 2010 voted to enact the ordinance, an employees' union representative warned the council it would face legal action if it was passed.

The citizen initiative was crafted by a group of citizens led by former city councilman Dan Davis.

Pebble Beach reads The Pine Cone

PUBLIC NOTICES • PUBLIC NOTICES • PUBLIC NOTICES

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Carmel-by-the-Sea will conduct a public hearing in the City Hall Council Chambers, located on the east side of Monte Verde between Ocean and Seventh Avenues, on Wednesday, February 13, 2013. The public hearings will be opened at 4:00 p.m. or as soon thereafter as possible. **Note: one or more of the items may be on the Consent Agenda. Items on the Consent Agenda will be approved without discussion unless someone requests otherwise. For all other items staff will present the project, then the applicant and all interested members of the public will be allowed to speak or offer written testimony before the Commission takes action. Decisions to approve or deny the project may be appealed to the City Council by filing a written notice of appeal with the office of the City Clerk within ten (10) working days following the date of action by the Planning Commission and paying a \$295.00 appeal fee as established by the City Council. For those projects listed as appealable to the California Coastal Commission, appeals may be filed directly with the Coastal Commission for no fee, by filing a written notice of appeal with the Coastal Commission's Central Coast office in Santa Cruz. Such appeals must be filed within ten working days of the Coastal Commission's receipt of the City's Final Local Action Notice.**

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or the City Council at, or prior to, the public hearing.

1. DS 12-68
Malcolm Ghazal
NE San Antonio & 10th
Block V, Lot(s) 18 & 20
Consideration of Design Study (Concept) and Coastal Development

Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) District,

2. DS 12-112
Terrii & Kathryn Efrid
W/s Vizcaino 9 S Mt. View
Block 102 Lot(s) 9
Consideration of Design Study (Final) and Coastal Development Permit applications for the addition of a second story to an existing residence located in the Single Family Residential (R-1) District.

3. DS 12-111
Bill & Adriana Hayward
SE Ocean & Carmelo
Block M, Lot(s) 2 & 4
Consideration of Design Study (Concept & Final), Demolition Permit and Coastal Development Permit applications for the demolition of an existing residence and the construction of a new residence located in the Single Family Residential (R-1) District.

4. UP 12-22
David Fink
NE Mission & 7th
Block 78, Lot(s) All
Consideration of a Use Permit to allow live music at a restaurant located in the Central Commercial (CC) District. (400")

5. DS 13-7
Carol Casey
E/s Carmelo 2 S 9th
Block P, Lot(s) 4
Consideration of Design Study and Coastal Development Permit applications for the alteration of an existing residence located in the Single Family Residential (R-1) District.

6. DS 13-8
Carol Casey
SE Carmelo & 9th
Block P, Lot(s) 2
Consideration of Design Study and Coastal Development Permit applications for the alteration of an existing residence located in the Single Family Residential (R-1) District.

7. DS 12-77
David & Jan Graham
SE Carmelo & 4th
Block GG, Lot(s) 26 & 28

Consideration of a Plan Revision to an approved Design Study for the alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.

8. DS 13-6
Noel Barnhurst/Suzanne Cushman
W/s Lobos 2 S Valley Way
Block 2, Lot(s) 1
Consideration of Design Study for alterations to an existing residence located in the Single Family Residential (R-1) District.

9. SI 13-2
John Wagner
W/s Lincoln 2 N 7th
Block 74, Lot(s) 11 & 13
Consideration of an application for a brushed metal business sign at a site located in the Central Commercial (CC) District.

10. UP 11-13
Richard Pepe
NE Dolores & 7th
Block 76, Lot(s) 22
Review of a previously approved Use Permit allowing exterior seating at a restaurant located in the Central Commercial (CC) District. (Little Napoli)

11. DS 12-133
Plum Holdings
E/s Monte Verde 2 N 3rd
Block 31, Lot(s) 14
Consideration of a request for a Time Extension for Design Study and Coastal Development Permit approvals for the construction of a new residence located in the Single Family Residential (R-1) District.

*Project is appealable to the California Coastal Commission PLANNING COMMISSION
Date of Publication: February 1, 2013
City of Carmel-by-the-Sea
Leslie Fenton, Administrative Coordinator
Publication dates: Feb. 1, 2013. (PC 206)

NOTICE OF PETITION TO ADMINISTER ESTATE of GLENORE F. MEYER, also known as LENORE FLORENCE MEYER Case Number MP 20991

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of LENORE F. MEYER, also known as LENOR EFLORENCE MEYER.

A PETITION FOR PROBATE has been filed by DALE MEREDITH MEYER in the Superior Court of California, County of MONTEREY.

The Petition for Probate requests that DALE MEREDITH MEYER be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held on in this court as follows:

Date: April 14, 2013
Time: 9:00 a.m.
Dept.: 16
Address: Superior Court of California, County of Monterey, 1200 Aguajito Road, Monterey, CA 93940.
If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court

before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A *Request for Special Notice* form is available from the court clerk.

Attorney for petitioner:
DONALD F. LEACH
(SBN 154729)
LEACH & WALKER, A
Professional Corporation
24591 Silver Cloud Ct., Suite 250

Monterey, CA 93940
(831) 373-2500
(s) Donald F. Leach,
Attorney for Petitioner.
This statement was filed with the County Clerk of Monterey County on Jan. 24, 2013.

Publication dates: Feb. 1, 8, 15, 22, 2013. (PC207)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20130164. The following person(s) is(are) doing business as: **EL CANTARO VEGAN MEXICAN RESTAURANT**, 791 Foam St., Monterey, CA 93940. Monterey County. LUVIA CRUZ, 1035 Fitzgerald. Salinas, CA 93906. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name listed above on: Jan. 28, 2013 (s) Luvia Cruz. This statement was filed with the County Clerk of Monterey County on Jan. 28, 2013. Publication dates: Feb. 1, 8, 15, 22, 2013. (PC 208)

STATEMENT OF ABANDONMENT OF USE OF FICTITIOUS BUSINESS NAME File No. 20110878. The following person(s) have abandoned the use of the fictitious business name(s) listed: **YONKA SIGNATURE DAY SPA** 118 Crossroads Blvd., Carmel, CA 93923. The fictitious business name was filed in Monterey County on April 14, 2011. File Number 20110878. REGISTERED OWNER(S): 1. CHANTAL TOURTIN 25021 Hidden Mesa Ct., Monterey, CA 93940 This business was conducted by an individual. (s) Chantal Tourtin. This statement was filed with the County Clerk of Monterey County on Jan. 30, 2013. Publication dates: Feb. 1, 8, 15, 22, 2013 (PC209).

FICTITIOUS BUSINESS NAME STATEMENT File No. 20130187. The following person(s) is(are) doing business as: **CINQ MONDES SPA PARIS CARMEL**, 118 Crossroads Blvd., Carmel, CA 93923. Monterey County. CINQ MONDES SPA PARIS CARMEL LLC, CA, 118 Crossroads Blvd., Carmel, CA 93923. This business is conducted by a limited liability company. Registrant commenced to transact business under the fictitious business name listed above on: Jan. 1, 2013 (s) Philippe Tourtin, CEO. This statement was filed with the County Clerk of Monterey County on Jan. 30, 2013. Publication dates: Feb. 1, 8, 15, 22, 2013. (PC 210)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20130132. The following person(s) is(are) doing business as: **MONSTER GODDESS**, 1132 Forest Ave., Pacific Grove, CA 93950. Monterey County. CHO-RONG LUI, 1076 Presidio Rd., Pebble Beach, CA 93953. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name listed above on: N/A (s) Cho-Rong Lui. This statement was filed with the County Clerk of Monterey County on Jan. 23, 2013. Publication dates: Feb. 1, 8, 15, 22, 2013. (PC 211)

A century of Pine Cones

THE CARMEL Pine Cone was first published Feb. 3, 1915. In honor our upcoming Centennial, each week we present a look back ...

■ 97 years ago - February 2, 1916

Most Severe Storm That Ever Visited This Section

True to schedule, the cold wave arrived, and with it came the most severe wind, rain and hail storm that Carmel has ever experienced.

Added to the severity of the storm was the danger of falling trees and unroofed dwellings. No section of the town escaped the wind’s fury and everywhere lie prone large and small pine trees, uprooted and snapped off.

The storm did not abate until about ten o’clock Friday morning. On Thursday and Friday nights lamps and candles took the place of electric lights, and the telephone wires also were down.

Gadzooks! Now It’s Asilomar Junction.

Dan Freeman [a P.G. resident] suggests that Pacific Grove’s name be changed to Asilomar Junction. It is possible that this suggestion is made because he owns a villa site out there.

“Asilomar is really the terminal,” said Freeman yesterday. “It has a fine depot and I’m going to take the matter up with the railroad officials. If we can place Asilomar on the map by changing the name of Pacific Grove, I am confident it will build up the section rapidly.”

■ 75 years ago - January 4, 1938

January Building Hits 3-Year Low

Building permits for the month of January sank to their lowest point in three years, with a total of \$6,722. This is an unimpressive figure beside last January’s \$26,357, or even the \$16,526 of January 1936.

Only one house was started during the month, this being a \$3,000 cottage which J. Fraser Hancock is building at the corner of Casanova and Tenth.

Dogs Vanish From Streets of Carmel

The dogs disappeared from the streets of Carmel Tuesday. It may have been the rain; in fact it probably was the rain,

because dogs not being adept in the use of galoshes and umbrellas, don’t like going out into the soupy weather. Or it may have been the rigid canine quarantine which was clapped down on the peninsula Tuesday.

The quarantine was invoked by the county health department, and it was made official by telephone messages to the newspapers of the county. A form letter signed by Dr. John C. Sharp, director of the county health department, and countersigned by Dr. R.M. Fortier followed the telephone messages. The quarantine was invoked because another rabid dog was picked up in Monterey last week, making five on the Peninsula in the space of a few months, none of them in Carmel.

Earle Duclus telephoned to say that all dogs must be confined to their owners’ premises, can be taken out on leash only, and if found running loose will be picked up regardless of whether or not their licenses have been paid.

■ 50 years ago - January 31, 1963

Near Tragedy

Tragedy narrowly missed Wednesday at the Nick Alioti home on Santa Fe near 4th. Uprooted by ferocious winds, a monstrous pine tree crashed through the roof of the newly purchased home just as Mrs. Alioti walked under the point of impact.

The call came in to the Carmel police station at 12:05 when Robert Martin, manager of nearby Rosita Lodge telephoned to say that he had heard a tree fall into a house.

[According to Nick], “Merrily was in just the right place to avoid injury, and while her nerves are shook, there is no sign of anything serious.”

The damage is extensive and the young couple have been forced to move into a motel until repairs have been effected. A casual estimate of the repair bill figures to more than \$2,000.

A New Red Wagon

A new red wagon is not necessarily a Christmas toy, nor is Saturday, 19 January, Christmas Day. But the recent appearance on Ocean Avenue of our new Glorious Red Wagon, brimming over with exuberant children - some of them bearing suspicious marks of middle-age - seemed to contradict these points. Carmel had its new fire engine and, with rather a characteristic Carmel flair, the Fire Department was introducing it to the community.

The new American La France was purchased outright by the city for \$27,000 in cash carefully set aside by the City Council during the past five years in a depreciation fund. With three hundred horsepower under the hood and the capacity to pump better than 1,200 gallons of water per minute, it can roll to the scene of action in a hurry, and has the water volume to smother any ordinary fire.

■ 25 years ago - February 4, 1988

Clint says ‘no’ to a second term as mayor

Mayor Clint Eastwood put an end to days of speculation when he announced this week that he would not seek a second term as mayor of Carmel.

“Possibly it’s the fault of being a motion picture actor,” said Eastwood, who will preside over four more Carmel City Council meetings until he leaves office in April. “The fact is, I’m not running,” said Eastwood, 57. “(Because) I feel that I would like to spend more time with my family and not lose any more time that might be irretrievable.”

By not running for re-election, the filing period for mayor will be extended by five working days, with the new deadline being 5 p.m. Thursday, Feb. 11. At press time, the only two people to have filed papers with the city clerk for mayor are Clayton Anderson and Paul Laub.

Police, FBI seeking whereabouts of paintings

When Simic Gallery curator Roger Evans first noticed the empty wall upon opening the art gallery he didn’t think anything of it, but minutes later, when the shattered lower door was discovered, his worst fears came to pass.

Sometime early in the morning on Jan. 28, thieves broke into the showroom, located at Sixth Avenue and San Carlos Street, and stole four paintings valued at a total of \$150,000.

“I assumed they’d been shipped to Beverly Hills (where Simic also maintains an art gallery, along with a gallery in La Jolla),” Evans said. The four stolen works were painted by French impressionist Edouard Cortes. The stolen paintings range in price from \$27,500 to \$38,500.

Carmel police have no suspects in the case and were joined last week by the Monterey office of the FBI in an effort to track down the stolen art.

— Compiled by Lily Patterson



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