

# The Carmel Pine Cone

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## Hot and bothered over Fort Ord burns

By KELLY NIX

THE FIRE at Fort Ord this week that got out of control may have been successful at removing brush so hundreds of acres of land can be cleared of unexploded U.S. Army ordnance, but it was also blamed for health problems, a school

closure and other hassles.

As part of an ongoing process to clear the land of live mortars, bullets and other explosives — all left over from training before the base closed in 1994 — so the land can be opened up for recreation, the U.S. Army burned one parcel without any problems Monday. But on Tuesday morning, the

Army started a larger fire on an adjacent 341-acre parcel — a fire that, despite very light winds from the northeast, jumped containment lines in the early afternoon, causing the evacuation of York School off Highway 68.

As a result, the fire burned 124 extra acres south of the intentional burn area. Nobody was injured and no structures were damaged.

But the fire, which caused a massive plume of smoke and ash that steadily spread and drifted southwest, caused minor health problems and other hassles over the Peninsula and dominated the skies from Salinas to Big Sur.

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PHOTO FROM FISHERMANS WHARF IN MONTEREY BY PAUL MILLER

Tuesday morning a fire was set at Fort Ord to clear brush for the removal of unexploded ordnance from the former Army base. Within an hour, a giant plume of smoke dominated the sky over the entire Monterey Peninsula.

## Mother of deceased Esalen worker files suit

■ Claims institute's denial of health coverage 'hastened' son's death

By KELLY NIX

THE MOTHER of an Esalen Institute worker who died of cancer two years ago alleges in a lawsuit that management at the new-age retreat center perpetrated a timecard scheme to falsify work hours so the man wouldn't qualify for the center's full-time employee health plan. The scheme not only violated state and federal laws, it "hastened" her son's death from carcinoma, the lawsuit says.



James Probst

Geraldine Ross, whose son, James Probst, 48, was an employee at Esalen for eight years before his death in 2011, alleges Esalen fraudulently altered the number of hours Probst worked so the nonprofit retreat center wouldn't have to offer him health insurance, which was available to employees who worked more than 32 hours a week. Probst did not have his own health coverage.

"As a result of the misclassification scheme," according to the suit filed Oct. 9, "Esalen avoided additional California state employment taxes, unemployment insurance, health insurance coverage, Social Security, Medicare and other payroll deductions for the hours Probst worked."

In a statement to The Pine Cone Thursday, Esalen CEO Tricia McEntee said the new-age center has not reviewed the civil lawsuit and doesn't comment on pending litigation. But she extended sympathies to Probst's loved ones.

"We remain deeply saddened at the loss of Jim Probst, a beloved member of the Esalen community, and wish to extend our heartfelt condolences to his family," McEntee said.

The lawsuit also alleges wrongful-death negligence against Esalen because managers did not properly classify Probst as a full-time employee, which otherwise would have made him eligible for health insurance.

"As a proximate result of [Esalen's] breach of duty," his mother claims in a lawsuit filed in Monterey County Superior Court, "Probst was not timely diagnosed and/or treated, causing him to suffer damages, including aggravated injury, pain and death."

The suit also accuses Esalen of workers compensation fraud, willful misclassification, unfair business practices, negligent misrepresentation and other charges.

Probst, who lived on Partington Ridge, was hired by Esalen in 2003 as a temporary maintenance worker and

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## Pacific Grove plans capture, treatment of storm runoff

By KELLY NIX

THE COMPLICATED, expensive and possibly unnecessary task of keeping rain that falls on Pacific Grove streets from running into the Pacific Ocean will be the focus of a public meeting this month.

The city wants input for environmental review of five projects it's proposed to comply with a state order to capture and treat storm runoff before it flows into the city's "area of special biological significance" just offshore.

The Monterey-Pacific Grove ASBS Stormwater Management Project includes diverting dry-weather and wet-weather runoff flows into an upgraded stormwater collection and treatment system. The project would serve Pacific Grove and a small segment of Monterey.

Estimated to cost in excess of \$10 million, the project would direct the flows to a new Point Pinos stormwater

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## Environmentalists back P.B workforce housing plan

By KELLY NIX

SEVERAL PROMINENT environmentalists this week offered their support of a controversial affordable housing project the Pebble Beach Company has proposed near the Del Monte Park neighborhood in Pacific Grove.

The \$7 million project is to fulfill an inclusionary-housing requirement imposed by Monterey County when it approved the P.B. Co's overall development plan in 2012. But it has faced harsh criticism from dozens of Pacific Grove and Del Monte Forest residents who live near the site. Their fears include noise, traffic and parking issues, and even odors emanating from the 24 two- and three-bedroom units, which will be rented to P.B. Co. employees and their families.

This week, though, groups and individuals often critical of plans for housing in open space offered their support of the company's project.

The League of Women Voters of Monterey County officially backed the project at a meeting this week, LWV member Janet Brennan told The Pine Cone Tuesday.

"Our league board met Monday night, and we think it's such an important project we decided to come out and support it," said Brennan, who's also on the board of LandWatch Monterey County.

Though the league was concerned about the site's natural resources, Brennan said her fears were lifted during an Oct. 4 site visit with Pebble Beach Co. Vice President of Real Estate, Mark Stilwell. LandWatch executive director Amy White and environmental activist Joyce Stevens were also on the tour.

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## Unlucky hydrant knocked over again

By CHRIS COUNTS

IT'S TOO early to call it Old Faithful, but the geyser that soaked Carmel Valley Road in June offered an encore performance this week.

Four months after a county worker using a tractor-mower accidentally damaged a hydrant, causing an estimated 3 million gallons of water to shoot into the sky before flowing back to the river, the same hydrant was knocked over Oct. 15 at about 8:30 a.m. — this time by a truck. The culprit in this case was a driver who fled the scene.

"We're investigating it as a hit-and-run," California Highway Patrol spokesman Jaime Rios told The Pine Cone. "We believe a black Dodge pickup may have been involved."

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PHOTO/MEENA LEWELLEN

A geyser shoots from a water main Tuesday after a fire hydrant on Carmel Valley Road was knocked over for the second time in four months.