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The San Bernardino County Sentinel

**News of Note
from Around the
Largest County
in the Lower
48 States**

Friday, December 26, 2014

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Sheriff McMahon Was Highest Paid County Politician In California

San Bernardino County Sheriff John McMahon was the highest-paid county elected official in California in 2013, according to state controller John Chiang. During his first full year in office as sheriff, McMahon received a total compensation package of well over half of a million dollars.

According to Chiang, McMahon received \$363,986 in total wages in 2013, which included



John McMahon

\$225,499 in regular pay, a \$121,579 lump-sum

for cashed-out leave time following his appointment in December 2012, and another \$16,908, described as "other pay," which covered his car allowance and cell phone usage. In addition to his salary, McMahon was provided with another \$170,780 in retirement and health benefits, which included a \$114,812 defined benefit plan, a \$11,215 retirement contribution,

\$31,804 in deferred compensation and \$12,949 provided for health/dental/vision coverage.

McMahon's total compensation surpassed that of then-Los Angeles County Sheriff Lee Baca, the state's second-highest paid elected county official in 2013, with \$347,786 in total wages and more than \$140,000 in benefits that pushed his total compensation package to rough-

ly \$490,000.

The controlling factor that rocketed McMahon to the top of the field among the state's elected county officials was the \$121,579 lump sum for cashed-out leave time he received. The lump sum was for vacation, holiday and sick time he had accumulated before he assumed the sheriff's position. As an elected official, a sheriff is not permitted to **See P 4**

SB's Win In Urban Gain Competition Boosts sbX

SAN BERNARDINO — Depending on your perspective, the city of San Bernardino's first place position in a nationwide internet voting contest that has a stretch



of E Street being recognized as typifying the "best urban street transformation" nationwide in 2014 is either a vindication of the sbX project or a further indication of how desperate its supporters are to justify an indefensible squandering of taxpayer money.

The sbX bus line was the offspring of the San Bernardino County Transportation Agency, the cities of Loma Linda and San Bernardino, and Omnitrans, all of which cooperated to create an interurban high speed transportation service.

The \$192 million project was originally intended to run 15.7 miles from near the Veterans Administration Hospital in Loma Linda to just north of Cal State San Bernardino, the sbX line features 60-foot long articulated buses that use clean-burning compressed natural gas as fuel. Each bus on the route was to touch down at just five stops between its starting points/end destinations and complete its run in just under 25 minutes, rivaling or actually bettering what a commuter utilizing a car typically encounters over the same span utilizing the freeway during the morning or evening rush hour.

Like the unconventional capitalization and spelling used in its acronym — sbX stands for San Bernardino Express — the route embodies unusual features **See P 7**

Attorney Doggedly Pursuing Challenge To Traffic Camera Citations

A legal challenge to the legality and constitutionality of Victorville's red light camera system - and by extension to all such programs throughout California - is entering a crucial stage after surviving a welter of efforts by the city to have the case dismissed.

Last week, Bob Conaway, the attorney in the proposed class action suit which has not yet

been certified on behalf of three clients sought to convince the Fourth Appellate District Court in Santa Ana to allow him to move on to the discovery phase of the case to allow him to gather evidence from the system's operators and Victorville to show the video images captured on the cameras are not always authentic and or reliable.

Conaway's clients

originally filed the case in San Bernardino County Superior Court in February 2012, naming the City of Victorville and Australian-based Redflex Traffic Camera Systems, which has a corporate office for the United States in Phoenix, Arizona.

Filed in Victorville Superior Court on February 14, 2012 on behalf of lead clients Carole



Bob Conaway

Jaquez, Michael Curran, John Macias and who re-

ceived red-light tickets issued as a consequence of the Redflex Traffic Systems camera devices mounted in Victorville, the suit propounded that in order for a peace officer to issue a citation for a misdemeanor or infraction, the offense must occur in that officer's presence. Removing that requirement, as does the arrangement in Victorville, **See P 6**

Blough Cites "Unclean Hands" In Response To SBPEA Lawsuit

Bob Blough, the former general manager of the San Bernardino County Public Employees Association, is relying upon the doctrine of unclean hands in his response to a lawsuit alleging he misappropriated or embezzled hundreds of thousands of dollars when he was in charge of the union's operations.

In a ten-page response to the association's suit, Blough denies the misappropriation and embezzlement allegations.

He is countersuing, seeking \$520,000 in general damages, compensation for the cost of litigation, and punitive damages.

In the summer of 2013, Blough abruptly parted ways with the San Bernardino Public Employees Association, which represents and handles collective bargaining for over 11,000 employees working for San Bernardino County and 3,000 others working for 16 of the county's cities — Barstow,

Big Bear, Chino, Chino Hills, Colton, Fontana, Hesperia, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, and Upland, as well as three cities in east Los Angeles County, Claremont, Pomona and West Covina, and Banning in Riverside County.

Publicly, that development remained shrouded in some degree of mystery for more than 14 months, though **See P 2**

Tenet Pact With Hi-Desert Hospital Will Require Vote

JOSHUA TREE — Voters in the Morongo Basin will exercise the ultimate word over whether Tenet Healthcare will move in as the operational and management partner within all of the Hi-Desert Memorial Healthcare District's facilities, which include the Hi-Desert Medical Center and Continuing Care Center.

On December 3 the Hi-Desert Memorial Healthcare District Board voted to begin ne-

gotiations with regard to entering into an affiliate relationship with Dallas, Texas-based Tenet Healthcare. The board voted 5-0 in favor of Tenet, a \$4.2 billion company, which has a working relationship with 81 hospitals nationwide, over 200 outpatient centers and 36,000 physicians.

Hi-Desert Medical Center and the Hi-Desert Memorial Healthcare District in general have experienced **See P 4**

Cannabis Advocates Force Yucca Council To Put Issue On Ballot

YUCCA VALLEY — Advocates for the availability of medical marijuana in the town of Yucca Valley have effectively overrun the town council's procedural blockade of local marijuana clinics by getting the requisite number of voter signatures on a petition to direct the town council to adopt a new code allowing dispensaries or otherwise put the matter to the ballot.

An initiative calling for the town to allow two marijuana dispensaries to operate in the 20,700 population municipality was signed by more than 1,900 of the town's registered voters. Of those signatures, 1,873 signatures were determined by the San Bernardino County Register of Voters Office to be valid, and that number of signatures was roughly 400 more than was needed by

the petitioners to force the town council to act.

Town Clerk Lesley Copeland said she is now purposed to put the petition before the town council for certification at its next meeting on Jan. 20, 2015.

Unless the council can cite some reason for not certifying the petition - and there does not appear to be any such legal grounds available to the council - it must

either adopt the initiative language calling for the granting of two dispensary permits into the town code without changes within 10 days or call for a report on how the new rules would affect the town or schedule a special election in which voters would be given a straight up-or-down vote on whether to approve the initiative.

The Alliance for Safe Access of Yucca Valley,

led by Jason Elsasser, began circulating the petition this summer. The petition calls for the city to permit the opening and operation of one medical marijuana clinic per 10,000 residents living in the town under a set of rules governing hours when the dispensaries can be operated and within zones outside the proximity of churches and schools.

Elsasser and **See P 3**

Blough Responds To Suit *from front page*

there were unconfirmed reports in the immediate aftermath of his departure that Blough was under investigation by the San Bernardino County District Attorney's Office for some form of undisclosed wrongdoing.

On October 17, 2014, a civil action was filed against Blough in San Bernardino County Superior Court on behalf of the San Bernardino Public Employees Association (SBPEA) by attorneys Dennis Hayes and Michelle Hribar of the San Diego-based law firm of Hayes & Cunningham.

According to the lawsuit, "In 2013 SBPEA hired new auditors Ahern Adcock Devlin LLP. In June 2013, during its audit of SBPEA, Ahern Adcock Devlin discovered that there was a large disparity in the amount of SBPEA's recorded cash receipts and the amount of deposits made to SBPEA's bank account at Security Bank of California. The amount of SBPEA's recorded cash receipts appeared to far exceed the

amount of cash deposits that had been made."

The lawsuit continues, "Ahern Adcock Devlin asked Blough to provide the keys to SBPEA's safe, where presumably cash making up the difference between SBPEA's cash receipts and cash deposits would be located. Blough reluctantly provided Ahern Adcock Devlin with the key to SBPEA's safe. Upon review of the cash in SBPEA's safe, Ahern Adcock Devlin found only approximately \$40,000 in cash, which was far less than the amount of cash received by SBPEA that was not deposited in SBPEA's bank account. SBPEA immediately placed Blough on administrative leave without pay and shortly thereafter, terminated Blough's employment. SBPEA also terminated Blough's assistant, Jeanie Marquez."

The association undertook a more extensive investigation of the matter after Blough had departed, according to the lawsuit.

"SBPEA then hired Ahern Adcock Devlin to perform an audit of

SBPEA's records for the time period from July 1, 2011 through June 30, 2013, in order to assist SBPEA with its investigation of Blough and Marquez," the lawsuit states. "On October 1, 2014, Devlin provided the final results of its audit to SBPEA. Ahern Adcock Devlin's audit revealed that between July 1, 2011 and June 30, 2013, a total of \$595,444.82 in cash received by SBPEA was missing because it was never deposited into SBPEA's bank account and was not in SBPEA's safe. SBPEA is informed and believes and based thereon alleges that Blough misappropriated, converted, and embezzled cash in the amount of \$595,444.82 from SBPEA."

In addition, according to the lawsuit, there were other financial irregularities that occurred during Blough's tenure as general manager.

"Ahern Adcock Devlin's audit also revealed that during the time frame of July 1, 2011 through June 30, 2013, there were numerous charges on SBPEA's credit cards, including

those held in Blough's name, which appeared to be personal-in-nature," the suit states. "The purchases appearing to be personal-in-nature amount to \$108,345.14. SBPEA is informed and believes and based thereon alleges that in addition to the \$595,444.82 in cash, Blough also misappropriated, converted, and embezzled \$109,345.14 of SBPEA's funds by using SBPEA's credit cards in order to pay for his own personal expenses."

According to the suit, there were other questionable credit card expenses by Blough for storage units, tools, paper, grills and other supplies, which had no supporting documentation available.

According to the suit, "Blough intentionally concealed his misappropriation, conversion and embezzlement of funds from SBPEA's executive committee and members. SBPEA is informed and believes and based thereon alleges that Blough falsified and altered SBPEA's records in order to conceal his misappropriation, conversion, and embezzle-

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ment of funds from the SBPEA executive committee and members."

The district attorney's office, which has been said to be investigating the financial issues at

the association for more than 16 months now and which was given a full copy of Ahern Adcock Devlin extensive forensic audit more than two months ago, has yet to file criminal charges against Blough or Marquez.

The lack of action on the part of the district attorney's office is an indicator that adequate evidence to prove that Blough is in possession of the money he is alleged in the lawsuit to have embezzled has not been turned up. Another indicator is that Blough is representing himself in response to the lawsuit against him and has not retained counsel. According to the lawsuit and San Bernardino Public Employees Association President Ron Dunn, during Blough's tenure as general manager "unaccounted for money" was "misappropriated by Mr. Blough." Neither Dunn nor current SBPEA General Manager Deidre Rodriguez nor Hayes nor Hribar would comment on Blough's present lack of financial resources.

In his November 20 response, Blough denied he misappropriated or embezzled funds from the San Bernardino Public Employees Association while he was employed there. Rather,

Continued on Page 3

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Washington Grocer Buying Out Albertsons, Vons

Haggen Food & Pharmacy has moved to acquire a number of Albertsons and Safeway stores in Southern California, including at least three on the west end of San Bernardino County.

In recent years, Albertsons has fallen into a vicious spiral, raising prices and thereby driving away customers, which has led to further raising of prices. Leaner and hungrier competitors such as El Super, Cardenas, Ranch King, WinCo and Food For Less have picked up business in the meantime.

Haggen Food & Pharmacy now operates exclusively in the Pacific Northwest. This week, however, it announced it has made arrangements to acquire Albertsons and Safeway stores in Washington, Oregon, Nevada, Arizona and

California. Haggen will eventually take over 146 Albertsons and Safeway stores, 83 of them in California.

The transition will come in stages. During the initial stage, which will come about in 2015, the Vons in Chino Hills at 4200 Chino Hills Parkway, the Albertsons in Rancho Cucamonga at 8850 Foothill Boulevard and the Albertsons in Upland at 1910 N. Campus Avenue will become Haggen Food & Pharmacies. Safeway currently runs Vons stores.

The Haggen chain was founded at the height of the Depression in 1933 by Ben Haggen, Dorothy Haggen and Dorothy's brother Doug Clark in Bellingham, Washington. Haggen has grown to become Washington's sixth largest company, operating 18 stores in Washington

and Oregon and employing 2,000. Haggen operates 16 pharmacies and will pick up 106 more.

Through the Albertsons-Safeway deal, Haggen will increase its market share eight times. The company's payroll will grow to 10,000 by the completion of the takeover deal.

According to Haggen, it is committed to supporting local farms, slaughterhouses and other food and product sources.

Haggen's pricing is roughly in line with that offered by Safeway.

Haggen is closely associated with another Washington-based company, Starbucks, becoming, in 1989, the first grocery store chain to include in-house Starbucks.

Haggen has engaged in some innovative marketing schemes in the

past, such as operating 24 hours per day beginning in 1984. It abandoned that angle at most locations in 2010.

Haggen stores feature a bakery, deli and butcher.

The company had grown to 31 stores with revenue of \$884 million in 2008, but was blindsided by the economic downturn, seeing its revenue dip by \$144 million the next year. Weakened by trying to keep its entire operation intact, the Haggen family in 2011 lost majority ownership of their stores to a private investment firm, Comvest Partners.

Comvest then embarked on a three-year conflation plan, closing thirteen of the company's poorest performing stores.



Forum... Or Against 'em Observations from a Decidedly Continental Perspective

By Count Friedrich
von Olsen



As I embark on my topic this week, I must remind myself to be very circumspect as to how I go about writing down what I am thinking. There has been considerable talk over the last fortnight about the moving picture "The Interview" and the reaction it has provoked across the Pacific in North Korea and the series of counterreactions that has spawned...

So there is no misunderstanding, let me state for the benefit of those who do not know me what everyone who knows me does not need to be told: I am an avowed anti-communist. I am indeed, a capitalist of the first order. I am in no mood to share what is mine with anyone else. And though I appreciate the thought, I am in need of no handouts from the government, s'il vous plaît, as I can, I assure you, take care of myself on my own...

Moreover, the leader of North Korea, Kim Jong-un appears to me to be quite a laughable fellow in his own right. He needs no lampooning as he is already a joke unto himself. A rather sad and pathetic joke, as he is the leader of a country of some 25 million people, over whom he has complete and utter sway, including the power of life and death. That he holds such sway, I find personally very offensive...

I, of course have not seen "The Interview" but am given to believe that it is a farce that celebrates the farcical cult of personality that is Kim Jong-un and takes as its plot a farce-laden mission by two young Americans tasked by the CIA or some such other secretive U.S. agency to assassinate the North Korean leader...

It seems Kim Jong-un took umbrage at the advance reports of this entirely fictional celluloid scenario and he unleashed some of his own technical resources to attack the computer systems of Sony Pictures, the production company responsible for the creation and distribution of "The Interview," wreaking mayhem along the way by revealing, with the help of the U.S. media to whom many confidential Sony memos were provided, a number of embarrassing exchanges relating to Sony Pictures' producers, directors, stars and starlets...

This outraged and alarmed many Americans, including elements of the U.S. Government, who had perhaps underestimated the technical savvy of what is understandably considered to be a backward, almost Third World country. That hacking episode was accompanied by threats, emanating from no less of a source than Kim Jong-un himself of further reprisals upon the United States, including, it sounded like, terroristic acts of violence against any moviegoers in the United States who chose to attend screenings of "The Interview" at their local theaters...

Amid the outrage over this threat, some theater chains and owners, concerned about their liability if the North Korean leader made good on any of those threats, voiced reluctance or refusal to run the movie at their venues. In reaction, Sony, at least initially, cancelled the intended Christmas Day release date for "The Interview." Then, three days before Christmas, some entity the U.S. media widely insinuated was an arm of the U.S. Government shut down North Korea's access to the Internet. As it turned out, at least a few intrepid theater owners braved whatever it is that North Korean agents have in store for us and actually ran the movie, through some special arrangement with Sony, on Christmas Day...

I am not privy to what is being said about the United States in North Korea, but I am frightfully aware of what has been said about Kim Jong-un and Korea in the U.S. over the last two weeks. All order of invective has been hurled the dictator's way. His reaction

Continued on Page 5

The Count's views do not necessarily reflect those of the Sentinel, its ownership, its publisher or editors.

Alliance Forces Yucca Valley Council To Put Medical Marijuana Issue On Ballot *from front page*

the Alliance undertook their effort after the closure of another clinic, which had gotten its operating charter from the city by applying for a business license as an "herbal shop."

Upon town officials learning that the enterprise was a dispensary, they initiated efforts to close it but were met by the owner's threat of litigation. The town and the clinic owner arrived at an agreement by which the owner was able to remain in business for a specified period. Before that deadline elapsed, the operation proved lucrative enough for the owner to reach his finan-

cial goals and he voluntarily closed.

Advocates for the availability of medical marijuana say that there is considerable demand for medical marijuana in Yucca Valley and that the town council, by its efforts to prevent the operation of dispensaries in town is forcing customers to purchase the product from criminals selling it illegally or travel to other cities where clinics are permitted and where those municipalities have tapped into the tax revenue available from the sales.

The demand for marijuana will remain whether the town facilitates local availability or not, and the city should take advantage of the potential tax revenue such operations present, advocates of the dispensaries say.

Those opposed to the cannabis clubs say those favoring them are a minority and a referendum will end with the ban on them being sustained.

Town officials were left calculating the prospect for approval if a referendum is held. The council, which has earlier displayed its opposition to allowing the clinics to operate, is conscious of the \$30,000 to \$40,000 cost of holding the election. Requiring an election would merely cost the town money if a ma-

Blough Responds To Suit *from page 2*

he suggested the association had itself engaged in improper conduct and is now seeking to scapegoat him. The lawsuit, which seeks the return of the missing money and interest on it as well as attorney fees and punitive damages, is meritless, Blough maintains. The association has "unclean hands," he asserted.

In tort law, the doctrine of unclean hands holds that one party in a lawsuit, either a plaintiff or defendant, cannot obtain a judgment against the other party, either a defendant or a plaintiff, if the other has also engaged in wrongful, illegal or unethical behavior.

Blough said the association was complicit in

any action it had alleged against him and that it was equally responsible for any loss or disappearance of money in that it had failed to address any outstanding circumstance related to the disappearance of the funds and had not taken any timely action to "mitigate and lessen damages."

Read all about the intrigue in the San Bernardino County political scene at iepolitics.com on the worldwide web.

Get a different perspective on local government and politics by reading inlandpolitics.com on the worldwide web.

Sheriff Pulls Down Top Pay from front page

maintain leave balances. McMahon fared particularly well in 2013 in that San Bernardino County ranks as 23rd out of the state's 58 counties in terms of pay and benefits provided to employees. San Bernardino County, which employs 21,985, paid them an average of \$48,997 in total wages in 2013 and provided them with another \$20,321 in retirement and health benefits on average. The state average on per employee pay was \$58,521 and \$22,546 in benefits.

District Attorney Mike Ramos was the fifth highest-paid district attorney in the state, bringing down \$259,451 in total wages, which does not include benefits.

That was par for the course, as San Bernardino County is the fifth largest county in the state. Four of San Bernardino County's supervisors, none of whom was identified by name, received salaries that ranged from \$168,000 to \$173,000, which was more than all other supervisors in California except their counterparts in Los Angeles. A fifth San Bernardino County supervisor earned about \$163,000.

McMahon was appointed to the sheriff's position in late 2012 and, running as an unelected incumbent for sheriff this year, was elected to a four-year term in his own right. While the inflated salary and benefits he received in 2013 was shocking to some, there were many other public employees in Cali-

fornia who were paid more. McMahon was the highest paid elected county official, but nine unelected county officials throughout the state earned more. And some state of California employees were extremely well paid.

The UCLA football coach was the highest paid state employee in California at \$2,639,609. The UC Berkeley football coach was paid \$2.3 million. In addition, the chief investment officer for the California Public Employees' Retirement System was paid \$784,616; the senior investment officer for the California Public Employees' Retirement System received \$598,983; another senior investment officer for the California Public Employees' Retirement System received \$592,887; the

president and CEO of the State Compensation Insurance Fund received \$587,675; a senior psychiatrist supervisor with the state earned \$580,776; a staff psychiatrist with the state earned \$546,116; and another senior investment officer with the Cali-

fornia Public Employees' Retirement System earned \$541,540. Chiang released the update to his database on December 15, 2014, adding the 2013 data. He said it was his intent to provide "the public with a broader picture of public compensation.

California must not only restore public confidence that their governments are responsive and accountable, but provide the necessary information and tools to empower citizen participation in civic decision-making," Chiang said.

Tenet Healthcare Partnership With Hi-Desert Medical Center Will Require Voter Approval from front page

falling revenues and continuous budget shortfalls over the last several year. In response, the board hired Jon Spees, the senior vice president of the Camden Group to serve as a consultant to map out a strategy for achieving economic stability while continuing

to provide adequate and comprehensive care for patients in Twentynine Palms, Joshua Tree, Yucca Valley and Morongo Valley, including the hiring of more medical care specialists. Spees' recommendation was that the hospital enter into a partnership with a large corporation that possesses the resources to help Hi-Desert Memorial achieve its goals.

After soliciting letters of intent from health care provision entities

with regard to a potential working relationship, the district received responses from Strategic Global Management and Tenet Healthcare.

A previous article in the *Sentinel* may have left readers with the impression that the deal with Tenet has been conclusively closed. In actuality, the board's vote cleared the way for negotiations with Tenet to begin in earnest.

At the December 8 meeting of the Morongo

Basin Municipal Advisory Council at the Joshua Tree Community Center, some basin residents expressed concern about the haste with which the district was moving in affiliating itself with Tenet. There were questions about reliability of the company, the amount of profit it would realize in its operation and questions about its corporate practices, including the provision of incentives, which were interpreted by the U.S.

Justice Department to be kickbacks in 2003 when three Tenet employees were criminally charged with delivering illegal inducements to doctors. Ultimately, the government dropped that case. Robert Tyk, the hospital's chief operating officer, dismissed those questions as ones that were irrelevant to the hospital and district's precarious financial state and long term solvency. Financial problems are going to continue,

Tyk said, and if an affiliation partner is not brought in, the hospital most likely will be forced to close in a few years. The district was \$4,765,135 million in the red in the last fiscal year, he said, and does not have the wherewithal on its own to turn its bleak financial circumstance around.

Tyk said that Tenet Healthcare has guaranteed the payment of \$2 million a year to the district for 30 years as part of a lease and operation arrangement, and the provision of \$17 million toward capital improvements, another \$10 million toward revamping the hospital's computer and digital system and \$5 million for physician recruitment, all within the first three years of its partnership.

The partnership with Tenet will further assist the medical center in garnering an infusion of up to \$26.3 million in federal Quality Assurance Funds within two years.

Pursuant to the hospital board's December 3 vote, Tyk said negotiations are now ongoing to put the partnership agreement terms into a draft form. That agreement ultimately will come before voters in the district in May or June as a mail-in ballot. A simple majority vote would actuate the partnership.

Frank Guzman

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Glimpse Of SBC's Past

Marie Michell

By Mark Gutglueck
The Women Air-
force Service Pilots

of ferrying military air-
craft both from the fac-
tories where they were



Marie Michell

(WASPs), also known as the Women's Flying Training Detachment (WFTD) and the Women's Auxiliary Ferrying Squadron (WAFS)

were the pioneering organizations of civilian female pilots first organized in September 1942 and, employed to fly military aircraft under the direction of the United States Army Air Forces during World War II. The WFTD and WAFS were merged on August 5, 1943, to create the paramilitary WASP organization.

Their contribution to the war effort consisted

produced to military bases and in some cases from military bases to other military bases, thus freeing up Army Air Corps pilots for combat duty. WASPs did not receive combat training and did not fly in combat roles. Records do not reflect that they ever served overseas, though one WASP who lived in Southern California in the 1980s claimed she had ferried planes to Greenland. Between September 1942 and December 1944, the WASPs delivered 12,650 aircraft of 78 different types.

Some 25,000 wom-

en applied to join the WASP, but only 1,830 were accepted and took the oath. Only 1,074 of them passed the training and joined, receiving commercial pilot certification in the process. They were trained to fly using Army Air Corps standards by the U.S. Army Air Forces in a four-month military flight training course at Avenger Field in Sweetwater, Texas.

Thirty-eight WASPs died in service to their country.

One of those was Marie Michell.

Born on May 23, 1924, in Detroit, Michigan, Marie Michell joined the WASP in late 1943 when she was 19. She already had her private pilots license when she reported to Avenger Field. She graduated on March 13, 1944 in Class 44-W-2.

She was initially assigned to the Fifth Ferrying Group at Love Field in Dallas, Texas. The Fifth Ferrying Group was part of the Air Transport Command. While with the Fifth, Michell flew all order of military planes from their factories to various bases around the Continental United States.

She was later transferred to Victorville Army Air Field, later renamed George Air Force Base in what is today Victorville.

Regulations prohib-

ited WASPs from being married. Nevertheless, secretly in August or September 1944, Marie Michel married a U.S. Army Air Corps flight surgeon, Major Hampton C. Robinson.

On October 2, 1944, Michell Robinson reported to replace another WASP pilot on what was in official log books described as a "day transition" training mission. In the B-25D Mitchell bomber with her were First Lieutenant George Danilo Rosado from San Diego, a twenty-seven-year Army Air Corps pilot with two sons, and Staff Sergeant Gordon L. Walker, also married with a two-year-old son. Rosado was the pilot; Michell was the copilot; Walker was acting as the crew chief, whose task

local time with Rosado, who had 1,521.5 flight hours to his credit, at the controls.

Two other aircraft, Bell-P-39 were in the air during that approximate time. One of the P-39 pilots, Second Lieutenant Lawrence A. Beishel, reported that he saw the B-25D stall and then enter a spin from which there was insufficient altitude to recover. The centrifugal force from the spin would have prevented any of the crew from ejecting. Lieutenant Beishel reported he could see no parachutes emerge from the plane, which crashed into the desert floor roughly 25 miles west of Victorville Army Air Force Station at 1:30 p.m., and burst into flames.

The army board look-

from which there was insufficient altitude to recover. Who was actually flying the craft at the time of the fatal plunge could not be conclusively determined. The North American Aviation Corporation flight manual for the B-25 gravely warns pilots that the aircraft should not be intentionally entered into a spin under any circumstance.

Unlike Army Air Corps pilots, WASPs



Marie Michell in her flight attire

were considered civil service employees and did not receive military benefits. Because they were not considered military under the existing guidelines, a fallen WASP was sent home at family expense without traditional military honors or note of heroism. The army would not allow the U.S. flag to be placed on the coffin of the fallen WASP. Major Robinson was granted leave to accompany his wife's body home to Flint, Michigan, where her remains were interred.



B-25

would be to lower the landing gear in the case of a hydraulic failure.

The plane took to the air in clear weather from Victorville Army Air Force Station at 1:15 p.m.

ing into the crash made a finding that the pilot, assumed at that point to have been Rosado, had permitted the B-25D, serial number #41-30114 to stall and enter a spin

The Count

from page three

to "The Interview" has been cited as yet further proof of how unsuited he is to be seated at the pinnacle of governance in his country. And the anger at him has been extended toward Sony executives and theater owners for what is essentially deemed cowardice and a craven willingness to abandon the American principle of artistic license and freedom of thought, expression and speech in the face of the Korean reaction and threats...

Lost in all of this, it seems to me, is our sense of decorum, proportionality and, yes, decency. The problem

is not on the east side of the Pacific, we reason, but on the west side of the Pacific, at the top half of the Korean Peninsula. As Americans, native and naturalized, we figure it is not along the boulevards or in the theater houses of Main Street USA where this brouhaha originated but in the palace in Pyongyang. This international incident did not come about because of the creative fancy of our movie makers or the license the studio heads gave them but because of Kim Jong-un's inability to take a joke in the spirit in which it was intended...

No matter how funny some of us may find them, some jokes are simply inappropriate. I

would suggest that even a short one or two line joke about murdering a head of state is inappropriate. When that two line joke is transformed into an 110-minute moving picture presentation that costs \$40 million to produce and which will be seen by 100 million Americans and at least 50 million citizens of other nations all over the globe, I would say it has gone beyond merely being inappropriate to being, well, an international incident with potentially grave implications...

In 1865, in 1881, in 1901 and in 1963 assassins succeeded in killing four U.S. presidents. In 1933, in 1950, 1975 and in 1981, assassins

attempted and failed to kill four U.S. presidents, coming very close each time. This is not something we Americans, native or naturalized, find to be funny or worthy of farce...

By extension, it should be easily understood why the citizens of another country, no matter how backward we perceive that country to be, would find objectionable making jokes about the killing of their ultimate political leader...

I am all for free speech and artistic license. I can imagine a movie script, for example, in which the current president is represented as a simplistic, platitude-mouthing moron of the lowest political instinct who has

demeaned the White House by transforming its living room into a basketball court and engaging in every other stereotypically ethnic behavior imaginable, while promoting all order of unworthy and unqualified personages to head the important ministries of government, who proceed to break the national treasury through a series of welfare agency giveaways to the teeming masses of Democrats who voted him into office in the first place. The plot would revolve around the resolve of some patriotic duck hunters from Louisiana to take matters into their own hands by embarking on a zany and fun-filled series of hijinx-prone ca-

pers ultimately intended to dispatch the occupant of the executive mansion. Somehow, I don't think that script would ever be transformed into an actual Hollywood production...

And that is the point. Some things are in such poor taste that they are not worthy of being validated by our celebration of freedom of expression, and by a \$40 million show of faith by studio executives...

Lest someone point out my own hypocrisy before I do, I will acknowledge now that probably at some point, I will order up a copy of "The Interview" and sit down to view it in the

Continued on Page 9

Giving Up On Grossman Prosecution, Upland Does Not Amend Criminal Complaint

The criminal case the city of Upland had pursued against attorney Marc Grossman was closed out with absolute finality on December 22 when San Bernardino Superior Court Judge Gerard Brown dismissed the case in the interest of justice.

On August 6, the city cited Grossman, the

proprietor of a law firm which employs eight attorneys and twelve support staff including paralegals, investigators and clerical workers operating out of an office he owns located at 100 North Euclid Avenue, for not having a business license on display for a second hand store/pawn shop he was running

out of a second building he owns in Upland, this one located at 525 North Central Avenue. Rather than pursuing the case as an infraction, the city ratcheted the matter up to the status of a misdemeanor, citing him for two separate violations of the business and professions code in addition to the city citation for not

having an Upland business permit.

The business and professions code charges were within the county district attorney's prosecutorial province. After examining the facts in the case, the district attorney declined to proceed against Grossman.

The city then used its municipal prosecu-

tor, Dan Peelman, to initiate a prosecution of Grossman on the business permit matter, filing criminal charges against him in West Valley Superior Court in Rancho Cucamonga. Grossman's attorney, Michael Vollandt, filed a demurrer motion with regard to the charge, challenging both the legal and factu-

al sufficiency of criminal charges. If a court grants a demurrer motion in total, the charges are dismissed.

With respect to the charges against Grossman, Vollandt was able to demonstrate that Grossman and the individual running the second hand

Continued on Page 8

Suit Tests Red Light Camera Tickets from front page

violates the California Penal Code, according to Conaway. Declarations for the red-light camera citations from the Redflex system issued in Victorville are certified under "information and belief," which the lawsuit maintains is akin to hearsay, not a police officer's personal knowledge.

The officer(s) who issued Jaquez, Curran and Macias their citations did not contemporaneously witness the alleged red light violations, rendering the tickets they received invalid, according to Conaway. In addition, according to the lawsuit, the proofs of service was signed by a Redflex computer operator and was bulk mailed, further rendering the tickets invalid.

Utilizing a computer controlled camera to initiate and carry out the citation process, Conaway asserts, deprives defendants of the opportunity to confront their accuser in court, a guarantee granted all citizens under the Bill of Rights. Beyond the Constitutional issue, Conaway contends Australia-based Redflex violated the California Business and Professions Code Sec. 17200 by engaging in unfair business practices that unjustly enriched the company. Moreover, according to Conaway, Redflex should be held accountable under the product liability doctrine because of the flaws in the design and operation of its system.

The suit sought \$9 million in damages and more in punitive damages for the roughly 5,000 motorists impacted by the system.

That case was removed to federal court where the Redflex defendant

was able to convince a federal trial court that California's so-called anti-Slapp statute prevented the action from proceeding. SLAPP is an acronym for strategic lawsuit against public participation. In its anti-SLAPP motion the city claimed Redflex was exercising its first amendment commercial speech rights by taking pictures and selling the images to the city. The federal trial court indicated it would remand the case to State Court for the handling of the remaining claims against the city.

After the case was remanded, the action filed on February of 2012 was dismissed without prejudice and refiled in State Court making further allegations under 42 USC 1983 of the federal civil rights act and under a declaratory relief count that the Victorville system, which relies upon strobes to operate, was illegal under the California and federal Manual on Uniform Traffic Control Devices and that the due process rights of the plaintiffs and those similarly situated were violated by the way the citations were being processed.

Conaway argued that the prosecutions were handled by unsworn peace officers with no personal knowledge of the offense having been committed, that the citations were served by a private corporation and not the citing entity, the confrontation right was being violated by there being no one actually observing the offense who could be cross examined and the so-called evidence was otherwise inadmissible on hearsay and foundational grounds. The trial court in the second case dismissed the case on the contention that none of the plaintiffs had standing to sue.

After the second case was briefed, the California Supreme Court handed down its decision in *People v Goldsmith*, another automated traffic light citation case in California, which the Court of Appeal asked for further briefing on.

In that briefing Conaway's clients contended that Redflex edits and processes data in a backroom, compiles secret software whose reliability can't be challenged in infraction trials due to Redflex and the city claiming it to be proprietary information and a trade secret that they do not have to (or want to) disclose.

In addition, Conaway argued that the city was able to change the duration of its yellow signals to increase citation volume. With regard to the integrity of the evidence the city and Redflex have been relying upon to make cases against defendants, Conaway asserted in his brief dated December 9, "The photo is not just taken and retrieved. It is a product of three pieces of identified software. Is the image which is being shown the same as was created? That is not a trivial distinction considering what is known about the non-man-caused failures of software being used."

In the brief, he also raised questions about possible problems related to degrading software, image compression, image warping [which can change location of objects like cars in an intersection] and data corruption.

On behalf of his clients, Conaway also noted Redflex relies on the Window XP operating system, which is no longer supported by its creator, Microsoft, and is therefore vulnerable to outside manipulation, hacking, viruses and

breakdown. "Windows XP data corruption can occur when the buffers in the computer get overrun," Conaway wrote, and he noted that the "data loss can occur with Windows XP even when attempting to reinstall, repair or upgrade."

Assumptions are being made about the reliability and accuracy of the system that Redflex and the city have in place, Conaway asserted, but those assumptions have not been tested. He said the discovery he is requesting would allow such tests and verifications of the system's accuracy to be carried out. Not allowing that verification to be made, he said, would entail a violation of the due process right & equal protection

rights of those cited and adjudicated guilty under the red light camera system. He said such reliability verification and standards have been recognized by the courts and other branches of the government in similar and different contexts.

"Courts have compared computer animations to classic forms of demonstrative evidence such as charts or evidence that illustrates expert testimony," Conaway's brief states. The Supreme Court, he said, has required judges "to make a preliminary finding on reliability and that analysis effectively mirrors federal due process and confrontation clauses set out in appellants' opening brief."

One major issue to ex-

plore in discovery, Conaway said, is the editing that is done with the video images and whether exculpatory evidence is edited out. "Editing is such a problem and so difficult to detect the United States Postal Inspector commissioned Johns Hopkins University's Applied Physics Lab to write software to detect editing," Conaway wrote.

Under the way Redflex and Victorville have been operating their camera and citation system, Conaway said, the "burden of proof is reversed" such that guilt is presumed. That approach is compounded by the inability of those cited to examine and bring into question the

Continued on Page 9

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Award Vindicates sbX Project
from front page

such as a dedicated lane for more than a third of the route that has been fashioned from what were once street medians. And each sbX bus driver has been given virtual command of the traffic lights encountered along the route so that the busses will rarely if ever encounter a red light.

But compromises from the original plan were made in which the number of busses that were to cover the route each hour daylong - three to six - were reduced and the number of stops along the route were increased to 13, pushing the duration of each excursion from 24 to 41 minutes.

That 41 minute duration still compares favorably with the 65 minutes that Omnitrans - the local mass transit provider - previously provided with its busses along the same route. Nevertheless, critics have been vociferous in their objection to the expense of the news system that has

only marginally more ridership than the previous bus service. And sbX was widely opposed by many of the businesses along its route running along Hospitality Lane and then up E Street through the southern portion of San Bernardino because of the negative impact they anticipated the project would have on commerce.

Part of the negative imposition of the project that was anticipated indeed played out. This imposition consists of the elimination of the turn lanes along Hospitality Lane and E Street, such that motorists are now unable to make left turns and are now obliged to continue further down the street to make a U-turn where that is possible and then retrack back to access businesses, including many of the restaurants in that area. The owners of several once-thriving businesses located along the route, including Ammons Diamond & Coin Gallery, Burger Mania, Pride Envelopes and Barber Shop 215, saw patronage of their businesses diminish. Some closed.

Some critics of the sbX

system have inveighed against it on the basis of the traffic hazard represented by the buses traveling at speeds in excess of the speed limit for passenger vehicles along the same span of roadway.

Omnitrans, the public transit agency serving the San Bernardino Valley which operates the sbX line, and SAN-BAG, the county transportation agency which acted as the lead agency in obtaining \$75 million in federal funding which was applied toward the \$192 million project, hailed the line as a major leap forward for beleaguered San Bernardino, which declared municipal bankruptcy in 2012.

Omnitrans and SAN-BAG officials are hopeful that bus ridership along the 15.7 mile route will increase significantly over the next several years, demonstrating the gamble all of the participants took in the effort toward modernizing public transportation option was one that will pay off.

With the end of an urban monitoring website's competition over the se-

Continued on Page 10

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San Bernardino County Coroner Reports

Coroner Case #701409626 On December 24, 2014, at 5:52 P.M., Victor Noe Santana, a 21 year old resident of Sugarloaf, was driving west bound on State Hwy 38 just south of State Ln., in Big Bear City, in a 2001 red Ford Mustang. The vehicle left the highway for unknown reasons and struck a tree. Santana was pronounced dead at the scene. The California Highway Patrol is investigating. [12252014 1340 SC]

REQUEST FOR PUBLIC ASSISTANCE: Coroner case #701409404 On December 16th at 3:18 p.m., 78 year-old Apple Valley resident James Edward Crouse died at the scene of a structure fire in the 18000 block of Symeron Road in Apple Valley. The fire is under investigation of the Apple Valley Fire Protection District (AVFD) and San Bernardino Sheriff Department (SBSD) – Bomb/Arson Investigators. The San Bernardino Sheriff Coroner Division is searching for next-of-kin. Anyone with information that will assist in locating Mr. Crouse's family is encouraged to call (909) 387-2978 and speak with a Deputy Coroner Investigator. [121914 1352 SY]

Coroner case #701409431 On Wednesday, December 17, 2014 at 7:55 PM, 78 year-old Apple Valley resident John David Kelley died as a result of injuries incurred in a traffic collision on December 10, 2014 at 8:20 PM in the area of Bear Valley Road and Kiowa Road in Apple Valley. Mr. Kelley had been in a vehicle that struck a semi-truck that was parked on Bear Valley Road. Initially, Mr. Kelley was transported to Saint Mary Medical Center. Later, he was transferred to Loma Linda Medical Center for a higher level of care. The San Bernardino County Sheriff Department, Major Accident Investigation Team is investigating the incident. [121814 0849 SY] Correction: Mr. Kelley was a resident of Lucerne Valley [121914 1145 SY]

Coroner case # 701409352 On December 14, 2014, at 7:55 PM, a 22 year-old female was walking on the outer roadway of Bear Valley Road and Mohawk in Apple Valley when she was struck by a vehicle. She was transported to a hospital where she died from her injuries at 10:04 PM. The name of the decedent will be released when she has been positively identified. The San Bernardino Sheriff Department is investigating the collision. [121514 0245 TC] Name corrected: Jillian Marie Dean, a 22 year old resident of Apple Valley [121614 1506 SY]

The Coroner Reports are reproduced in their original format as authored by department personnel.

Grossman Prosecution Falls Flat
from page six

store/pawn shop at 525 Central Avenue, Romie Singh, had previously secured an Upland business license for the es-

tablishment and that in February 2014, the license for this year was renewed and paid for. The city had not forwarded the license to the business, thus preventing Grossman and Singh from being able to

display the 2014 business license on the premises. Apprised of these circumstances in the demurrer, Judge Brown on December 12 dismissed the city's case against Grossman, but gave Peelman and the city leave

to amend the criminal complaint within ten days. Brown scheduled an arraignment date of December 22 on those amended charges on the prospect that the city would amend and refile a case against Grossman.

Peelman did not file an amended complaint against Grossman and on December 22, Peelman failed to show up for the arraignment. Judge Brown, noting that "the complaint has not been amended with-

in 10 days," ordered that the "matter be dismissed by a matter of law." The minute order in the case reflects that "on the motion of the court, count 1 is dismissed in the interest of justice."

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Red Light Camera Challenge

from page six

evidence being used to convict them, Conaway said.

“The notion that computer-generated data and stored information is presumed to be infallible and therefore any citizen-defendant is guilty discriminates against lower income citizens, seniors or fixed income and minority communities,” Conaway wrote. “The court is telling poor and low income people on fixed incomes who do not believe they ran a red light to just plead guilty as common sense as the City is well aware that most people cannot hire a lawyer and certainly don't have the money in an infraction case for discovery with an out of state corporation (Redflex) to produce software, code, input procedures, batch controls, verifiable processes, input edit routines, system controls, library handling procedures and controls, accuracy of input method, proper conversion of machine readable data, capacity, reliability, software checks, samples tests of processing of source documents/data--all of which must be obtained to prove operational defects in or tampering of the system--making it even worse is the fact the city has agreed with the out of state vendor (Redflex) that the information needed on the software and processing in the backroom is proprietary. It's an authentication issue because 'is this the same photo?' ” he said. “We've got to address that 500-pound gorilla in the glass shop.”

Redflex maintains that its processes are legal and constitutional and contribute to public safety. In a corporate statement, Redflex said “There's no good excuse for running red light.”

The Court of Appeal

indicated from the bench that plaintiffs had standing and then stated that they were taking the matter under submission to review presumably the other potential independent grounds to support the dismissal of plaintiffs' claims.

The appellate court is tentatively scheduled to rule on Conaway's clients' appeal to open discovery by late March.



The Count

from page five

chalet's screening room, alternately chortling and howling like a hyena throughout the showing. So to the extent that I will view it and most likely enjoy it myself, I am afraid, I too will, at some level, be encouraging this exercise in poor taste. But my personal shortcoming does not render any less inadvisable drawing upon the assassination of a foreign head of state as subject matter for comedic presentation...



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County Wildlife Corner Black Throated Sparrow

The black-throated sparrow (Amphispiza bilineata), also known



as the desert sparrow or New World sparrow is present in San Bernardino County in plentiful numbers, as is it in the southwestern United States and Mexico.

It is referred to as the desert sparrow due to its preferred habitat of arid desert hillsides and scrub. These birds, however, should not be confused with the desert



sparrows of Africa and Asia.

Black-throated sparrows are roughly 4.5 inches to 5.5 inches in length. They are pale gray on top, with a distinctive black and white head pattern. These birds' throats do not turn black until they mature.

Black-throated Sparrows are very common in the Mojave Desert, living in a variety of dry open areas, including in barren flats of creosote bush which most birds avoid. They thrive

as well among Mojave shrubs and cacti, and in saltbush. They occur as well in grasslands and pinyon-juniper woods.

In winter, flocks feed on the ground in open areas, making little tinkling, metallic and shrill callnotes and trills. In spring during the mating season, males perch atop low bushes to sing, using their high and bell-like song to defend nesting



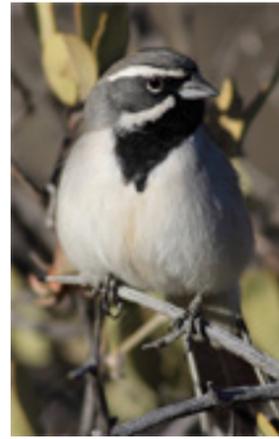
territory. Though larger groups may accumulate around sources of desert water, they travel generally in small groups.

Black throated sparrows feed mostly on seeds and insects, dining more on seeds in the winter and more on insects in the summer. They also devour fresh green shoots, other green



vegetation, and ripe berries and fruits when available. They can survive without water for extended periods during the drier part of the year, drawing liquid from insects and green plants. The young are fed most-

ly insects. They forage primarily while scampering on the



ground but occasionally forage up in shrubs and desert trees. When an opportunity presents itself, they will make short flights to catch insects in mid-air.

They create loose nests of grass twigs and plant fibers carefully hidden in brush six to eighteen



inches above the ground. The female of the species typically lays three or four white or pale blue eggs.

The nesting activity can vary with the timing of rains. A typical nest site is in a low shrub or branching cactus, well hidden and usually within 2 feet of the ground. Nests are sometimes located on the ground at base of shrub. A nest is bulky and sturdy, entailing an open cup of grass,

weeds, plant fibers, and small twigs, lined with fine grass, plant down, and often with animal hair. Both parents will feed the nestlings once they hatch. A pair will often raise two broods per year.

Unlike some desert birds, the black throated sparrow has not adapted well to encroaching civilization and development. As a result, their



numbers have declined in some areas. In their undisturbed habitat, these birds are yet widespread and common.

The black throated sparrow is a permanent



resident in much of the Southwest, but migrates farther north. Its northern limit of breeding range may vary from year to year, with occasional northward “invasions.” Strays sometimes wander as far east as the Atlantic Coast.

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By Grace Bernal



ginning of what the new year has in store, so ring it in fashionably.

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for you to look new and refreshed, if you take the time to find it. Enjoy putting your New Years Eve outfit together because life wouldn't be fun without fashion, and neither would the new year. This is only the be-



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Award Vindicates sbX Project from page 7

lection of what its readers deem to be the country's most significant vignette of urban improvement fast approaching, sbX supporters are confident they will at last see some

recognition - in this case national recognition - that their faith in the fast bus line project was well placed. In its annual competition to have the readers of streetblog.usa weigh in on what they consider to be the "best urban street transformation," throughout the 50

states, the site's competition committee selected portion of E Street which was made over with a number of improvements in conjunction with the sbX undertaking as one of five finalists. As of late this week, San Bernardino's span of E Street is

leading the pack of this year's nominees. Voting in the competition ends on December 28.

At press time, E Street in San Bernardino was out in front with 43%, or 616 votes, leading Western Avenue in Cambridge, Massachusetts, which had 27% or 380 votes, Washington Avenue in Minneapolis with 19%, or 267 votes, Broadway in Seattle with 7% or 106 votes and Penn Avenue in Pittsburgh with 4% or 60 votes.

While the results of the balloting are by no means scientific, the first place ranking does indicate that the work on E Street carried with it an aesthetic plus.

San Bernardino city officials, Omnitrans

officers, and San Bernardino Chamber of Commerce members all hailed the streetblog vote as a positive reflection on the city and sbX. The city is looking to create a synergy off the combination of improvements that have been made to the city of late, not the least of which is sbX and the new 11-story county courthouse that opened

downtown in May.

Others, however, were unconvinced, pointing out that city and transportation officials may have stuffed the ballot box by a campaign that has promoted the sbX project and an effort to have locals cast ballots at the streetblog website in favor of the E Street nomination.

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