

Conviction In Pusok Beating Denotes Significant SBC Cultural Shift

In rapid order this and last week, what registered with some as a significant cultural shift in San Bernardino County took place, with the conviction of one and reduced charge guilty pleas of two of the sheriff's deputies charged with having used excessive force in the April 9, 2015, beating of Francis Pusok.

On March 30, the jury

that had heard the case against San Bernardino County sheriff's deputies Michael Phelps, Nick Downey and Charles Foster on felony charges of assault under the color of authority deadlocked 8-4 in favor of conviction against Phelps and Downey and convicted Foster. Four days later, with the district attorney's office and the two defendants' attorneys set

for an April 21 pre-trial hearing on a second trial, Phelps and Downey entered guilty pleas to misdemeanor disturbing the peace charges, and the case, minus a yet-to-be filed appeal of Foster's conviction, was brought to a close.

Yet even before the jury returned with its verdicts, the San Bernardino County law enforcement establishment

shuddered with a series of convulsions and serpentine twists no less extraordinarily improbable than Pusok's experience almost two years ago that started out as what should have been for him a non-encounter, when he found himself outside his own Apple Valley neighborhood at the home of an acquaintance when deputies arrived with a search warrant.

Pusok, who had previous felony and misdemeanor convictions on resisting arrest, animal cruelty and attempted robbery charges, escalated the chance circumstance into a mad and unnecessary dash for escape, first through both the incorporated and unincorporated areas of Apple Valley and the unincorporated area of Hesperia, the theft of a **See P 4**

Faintest Glimmer Of Hope That Oxford Prep To Be Granted Rechartering



Sue Roche

With all four walls closing in on Oxford Preparatory Academy, there was this week a slight glimmer of hope for the embattled charter school, the first turnaround in a consistent succession of blows the institution has sustained for more than a year. This week, the Advisory Commission on Charter Schools in Sacramento considered providing a positive recommendation to the California Department of Education with regard to Oxford's final chartering extension request, which is due to be considered in May. After a hearing in which advocates for the charter school spoke in support of extending the charter and others, including representatives of the Chino Valley Unified School District, spoke in opposition to extending the charter, the commission voted 4 to 3 in favor of recommending the chartering extension. According to the commission's by-laws, however, such a recommendation cannot be made on a simple 4-3 majority vote, but must be done by a 5 to 2 margin or greater.

Nevertheless, the record of the discussion of the commission and majority vote will be provided to the Department of Education.

Breathing space for the once-vaunt- **See P 3**

Showdown Between Two Attorneys Provides Drama In Colonies Trial

By Mark Gutglueck

Week Thirteen of the Colonies Lawsuit Settlement Public Corruption Trial featured an epic confrontation between two skilled, knowledgeable and well-prepared attorneys over facts, issues, interpretations and events underlying the criminal case.

Deputy San Bernardino County Counsel Mitch Norton, whose testimony began last week, had been a strong key witness for the prosecution under direct questioning by California Supervising Deputy Attorney General Melissa Mandel. He provided an overarching and detailed description of the civil litigation the Colonies Partners had pursued against the County of San Bernardino and its flood control district from 2002 until 2006. That case served as the backdrop for the criminal charges that



Stephen Larson

would eventually be filed against two former members of the board of supervisors, Bill Postmus and Paul Biane, the chief of staff of another board member, Mark Kirk, the former president of the county sheriff's deputies union, Jim Erwin, and one of the principals in the Colonies Partners development consortium, Jeff Burum.

This week, Burum's attorney, Stephen Larson, began what is expected to be an extended and two-pronged cross examination of Norton intended to not just simply mitigate whatever

damage Norton inflicted under direct testimony on Larson's client and his codefendants but to explore other legal ramifications of the civil litigation and its settlement which Mandel did not dwell upon and which the defense contends delegitimizes the prosecution's entire case.

The Colonies Partners, which purchased 434 acres in northeast Upland from the San Antonio Water Company in 1997, sought to develop that property both residentially and commercially. Of significance in that effort was that as the first phase of the project, consisting a residential subdivision, was coming to fruition, the California Department of Transportation, known by its acronym Caltrans, was moving ahead with the construction of the below-grade 210 Freeway extension through that area. This was of both



Mitch Norton

benefit and hindrance to the Colonies Partners. One benefit was that the northernmost strip of the 434 acres the Colonies Partners had purchased would be needed by Caltrans for freeway right-of-way. The outcome of Caltrans' effort to condemn, take by eminent domain and utilize less than ten percent of the property acquired by the development company was that the Colonies Partners was paid \$18 million - \$2 million more than it had paid for the entire 434 acres - for the roughly 40 acres of land used for the foot-

print of the freeway. The terms of the agreement between the Colonies Partners and Caltrans for the purchase of the land used for that span of the freeway included a clause that the Colonies Partners accepted this payment as compensation for any damage the Colonies Partners may have sustained as a consequence of the severance, taking and use of that property. Another benefit to the Colonies Partners was that the immediate proximity of the freeway to the company's land greatly enhanced the value of the commercial subdivision the company was purposed to establish. The hindrance to the Colonies Partners was that the development of the freeway and the accompanying improvements in the area resulted in the need to create storm water infrastruc- **See P 5**

Legislation Would Do Away With Monetary Bail In Many Criminal Cases

A legislative committee this week pushed further toward law nearly identical California State Senate and Assembly bills that would in many cases eliminate the imposition of monetary bail on criminal defendants.

Senator Robert Hertzberg (D-Van Nuys) and Assemblyman Rob Bonta, (D-Oakland) have authored legislation that, if passed, either does away

with bail on accused criminals involved in non-violent acts or takes the income of the accused into consideration when setting bail. Under the law, instead of necessarily being consigned into detention facilities, those arrested or awaiting trial would be placed into home detention and/or be outfitted with electronic monitoring ankle bracelets that would al-

low authorities to monitor their location and travel.

At present, California law gives judges some degree of latitude with regard to the decision to impose bail but requires that they remain within the relatively rigid standards laid out in predetermined but slightly different bail schedules for each of California's 58 counties.

The legislation would give officials at the county level the discretion of imposing bail and releasing those arrested upon a determination that they represent little or no risk to public safety.

According to the California Legislative Counsel, "Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance

and release of an arrested person. Existing law requires that bail be set in a fixed amount, as specified, and requires, in setting, reducing, or denying bail, a judge or magistrate take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of **See P 2**

Legislation Would Do Away With Bail In Most Cases *from front page*

his or her appearing at trial or at a hearing of the case. Under existing law, the magistrate or commissioner to whom the application is made is authorized to set bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, and to set bail on the terms and conditions that he or she, in his or her discretion, deems appropriate, or he or she may authorize the defendant's release on his or her own recognizance. Existing law provides that a defendant being held for a misdemeanor offense is entitled to be released on his or her own recognizance, unless the court makes a finding on the record that his or her release would compromise public safety or would not reasonably ensure the appearance of the defendant as required."

With regard to AB 42, which is a companion bill SB 10, the California Legislative Counsel states, "This bill would implement a revised pre-trial release procedure. The bill would require, except when a person is arrested for certain felonies, that a pre-trial services agency conduct a pre-trial risk assessment on an arrested person and prepare a pre-trial services report that includes the results of the pre-trial risk assessment and recommendations on conditions of release for the person immediately upon booking. The bill would require the pre-trial services agency to transmit the report to a magistrate, judge, or court commissioner and the magistrate, judge, or court commissioner, within an unspecified number of hours, to issue an oral or written order to release the person, with or without release conditions, subject to the person signing a specified release agreement."

Furthermore, according to the Legislative Counsel, "The bill would require, if a person is in custody at the time of his or her arraignment, the judge or magistrate to consider the pre-trial services report and any relevant information provided by the prosecuting attorney or the defendant and to order the pre-trial release of the person, with or without conditions, subject to the person signing a specified release agreement. If the judge or magistrate determines that pre-trial release, with or without conditions, will not reasonably assure the appearance of the person in court as required, the bill would require the judge or magistrate to set monetary bail at the least restrictive level necessary to assure the appearance of the defendant in court as required. The bill would authorize, if the judge or magistrate has set monetary bail, the person to execute an unsecured appearance bond, execute a secured appearance bond, or deposit a percentage of the sum mentioned in the order setting monetary bail."

The new legislation is not universally applicable to those arrested and it authorizes a prosecuting attorney to file a motion seeking pre-trial detention of individuals arrested, jailed or awaiting trial with regard to serious crimes, including all capital crimes when the prosecuting attorney alleges that the facts are evident or the presumption of guilt overwhelming. Upon the filing of such a motion by a prosecutor, the legislation requires that there be a hearing to determine whether the person pending trial should be released, unless the person in custody waives the hearing. The bill requires that a court make at least one of several specified findings to justify someone being detained pre-trial.

All of the state's counties would be required to establish a pre-trial services agency to gather information about arrested individuals, conduct

pre-trial risk assessments, and prepare individually tailored recommendations to the court regarding release options and conditions.

Corrin Rankin, the spokeswoman and legislative affairs co-chair for the California Bail Agents Association told the *Sentinel*, "From where we sit, we see this as history repeating itself. In 1978 AB 2 was introduced by Majority Leader Howard Berman aimed to do the exact same thing as AB42 and SB10. Governor Brown passed the bill and after five years the bill sunset and was realized to be a complete failure. There is a long history of the judicial pendulum swinging too far to the right and then too far to the left. For some reason, in California we can't get it down the middle where it should be. Assembly Bill 2 failed, and if this passes, which I do not believe it will, in three to five years' time it will fail."

Rankin continued, "Lawmakers implemented something very similar to this in New Jersey in January and about 30 days later they discovered they couldn't pay for it and now they [the New Jersey Legislature] are talking about raising property taxes to cover the cost. This sounds warm and fuzzy and for a lot of people it sounds like something everyone should support, but when it comes down to raising people's property taxes, then people will have a different view about it. What bail bondsmen do is they assure the person who has been accused shows up for court. We have the ability under the current law to pick them up and take them to jail or to court."

AB 42 and SB 10 will transfer that function and law enforcement, will have to pick up the slack, Rankin said, resulting in large numbers of criminal defendants who will not show up in court, either for trial or sentencing.

"That [serving bench warrants on those who fail to appear] is a low priority for the police,"

she said. "These will go to the back of the line of what police officers do. So the odds are the courts will be waiting a long, long time for law enforcement officers to go pick those who fail to appear in court up. That is what bail bondsmen do. We actively pick them up from their homes or find them wherever they are and return them to court. That is one of the services we provide. In the current bills there is no provision or legal authority pre-trial to act in that manner. As bail bondsmen, our accountability and our performance requires that we deliver every single day. Just about everybody shows up at their first court appearance. It is down the line, where they don't like where their case is headed or about to be sentenced that they skip out."

With regard to the legislature, Rankin said, "I appreciate what they are trying to do. I understand the need to improve the bail system. Unfortunately, as this bill is written, it just needs to be scrapped. They need to bring us to the table so we can shape something that will work, not something that will be shown to be a complete failure within three to five years. So we're not going to just sit back [and let this pass]. We want to educate them and let them know that this is the exact same thing that failed before. Why do something that has already proved to be a failure? The way it is written now, the counties will not be able to bear the cost. Why do they [legislative reformers] have such a problem with the way it is now? This is something, where, if you cannot afford it, you buy an insurance policy, which is what bail is, a type of insurance."

Rankin also took issue with the concept of putting the criminally accused under the supervision of the state, which she likened to the policy of a "Third World" regime. "You are talking about ankle monitors and urine tests," she said. "Who wants

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to live like that? That is not freedom. These are people who have been accused of a crime but haven't been convicted who will be living like a parolee. That is not helping people. We should all be working together to do the right thing for society. Their [lawmakers'] argument is that this [AB 42 & SB 10] is in the best interests of the minority communities. That argument baffles me because sixty percent of the bail bond businesses in California are minority and/or woman owned. We're talking about hardworking people who abide by the law and work within the system. The penal code encourages people to own their own businesses. Now we have members of the legislature, elected officials, slandering our profession in the press every day. These are legal businesses that we operate. We provide a service that is outlined in the California Constitution Article 1 Section 12. We invested into our businesses because the California Constitution says surety bail shall be required.

"They [lawmakers] are now willing to circumvent the Constitution and sacrifice our community of hard working, law abiding minority business owners, supposedly in order to 'help minorities,'" Rankin said. "In other words they are willing to hurt minorities in order to help minorities. It makes no sense. Many of us have made years of investments and have long term leases on of-

space. What are we supposed to do after, as Assemblyman Rob Bonta likes to put it, they starve us out? Are we supposed to go on welfare or file bankruptcy? Will we be considered a minority community worthy of consideration then? This legislation, if it passes, will put many minority entrepreneurs out of business with no regard to the sacrifices we've made for our communities. The California Constitution provides for surety bail. That is why we are in this business to begin with. The State of California tells us in the Constitution that this method of pre-trial release is what they want. That is why we do it."

There has been what is referred to as bail bond reform in Washington, D.C., Kentucky and New Jersey. Substantial efforts in that direction have also taken place in San Francisco, Santa Clara and Santa Cruz counties. This reform movement grows out of the perceived need to limit mass incarceration and eliminate disparities in the justice system's treatment of the wealthy versus the poor. This movement is reflected in the consideration that since 2012, every state in the nation has made adjustments to pre-trial custody release policies. Statistically, approaching 40 percent of those arrested and jailed are not convicted of the crime for which they are being held. In a significant number of those cases, an individual re-

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State Charter School Advisory Commission Gives Oxford Unofficial Boost In Appeal To State Department Of Education *from front page*

ed charter school has long been in short supply. Oxford Preparatory Academy soared into the academic stratosphere earlier this decade, utilizing the educational formula of its founder, Sue Roche, who had been afforded the trust of the Chino Valley Unified School District with the school board's unanimous January 2010 approval of Oxford's charter to operate in Chino for a two-year term from July 1, 2010 to June 30, 2012. Oxford distinguished itself as the highest performing school in San Bernardino County, and Oxford's charter school petition was renewed in December 2011, again with a 5-0 unanimous vote by the Chino Valley Unified School Board, for a five-year term from July 1, 2012 to June 30, 2017.

Though Oxford continued to outperform the vast majority of other schools, public and private, in the state and expanded to three campuses, Chino Unified School District Superintendent Wayne Joseph, who had been instrumental in convincing the school board to back Roche in her effort to create Oxford in 2010, became aware that Roche was attempting to cash in on the success of Oxford. Roche had created two for-profit entities, Yorba Linda-based Edlighten Learning Systems and a Nevada corporation, Educational Excellence, in which she was the principal, and arranged with Barbara Black, whom she had installed as her successor as Oxford's executive director, to have Oxford contract with both Edlighten and Educational Excellence for the provision of administrative services as well as education-related materials. Roche was able to do so because of her ability to dominate Oxford's corporate board as it was previ-

ously composed. Upon Joseph's recommendation, on March 17, 2016, the Chino Valley Unified School Board denied Oxford's charter renewal petition, asserting Oxford was demonstrably unlikely to successfully implement the program set forth in the petition, that the petition failed to describe a reasonably comprehensive description of 8 of 15 required elements, and the petition failed to provide legally required affirmations and assurances in compliance with state law, most notably with regard to the conflicts of interest inherent in Roche's attempts at profit-taking.

Oxford Preparatory appealed to both the San Bernardino County Board of Education and the California State Board of Education. Both boards elected against taking any action on the petition, sending Oxford Preparatory Chino Valley back to Chino Valley Unified to pursue rechartering under the aegis of a revised petition. In August 2016, San Bernardino County Superintendent of Schools Ted Alejandro called upon the California Department of Education to initiate with the assistance of the state's Fiscal Crisis Management and Auditing Team an audit of Oxford Preparatory Chino Valley pursuant to Education Code section 1241.5 (c). The findings of that audit, published on November 22, 2016, cataloged how Roche, in the characterization of the auditors, deliberately and with calculation created Edlighten and Educational Excellence "to divert and launder funds from Oxford Preparatory Academy," in dodging accountability through a "daisy chain" of payments between for-profit companies which employed her family, friends and associates. The audit said Roche purposefully hid or obscured financial transactions and operations in such a way that the auditors, not to mention Chino Valley Unified officials and even Oxford's own in-house employees, could not

easily track them. Those contracts, the audit said, imposed management service fees up to 10 percent, funneling charter school dollars from Oxford Preparatory Academy schools, such that Oxford was charged "for services that already existed."

Oxford Preparatory paid Edlighten \$4.2 million in management fees between January 2013 and June 2016, according to the audit. Those numbers were steadily growing, from \$821,490 in 2013, to \$1.2 million in 2014 and \$1.3 million in 2015. Edlighten was on track to take in more than \$2 million from the academy in 2016, but as a result of the cancellation of Edlighten's contract with Oxford in May 2016, Edlighten's payments were cut off at \$834,522 in 2016.

The issue of renewal was heard by the Chino Valley Unified School District for the second time on November 28, 2016, with the school board following Joseph's recommendation and voting 5-0 vote to deny the appeal. On January 3, 2017, the San Bernardino County Board of Education voted unanimously not to receive the Oxford Prep Chino Valley appeal or establish a timeline for review. On January 31, 2017, Oxford submitted a last ditch petition to the California Department of Education. The California Department of Education will hold a public hearing on the matter in May and make a determination most likely before the expiration of Oxford's charter in June. In preparation of that, Oxford sought to have the California Advisory Commission on Charter Schools review the matter to hopefully forward a positive recommendation on the requested rechartering to the Department of Education.

At the hearing on Wednesday, April 5, Andrew Vestey, the newly appointed chairman of the board of Oxford Preparatory Academy, said he did not see the "audit as the end for Oxford." Rather, Vestey said, "We see it as a road for

change." He said upon reviewing the audit, Oxford moved with alacrity in correcting its course. "In less than two weeks we removed the chairman of the board, executive director and management team, all who had ties to the founder," Vestey said. "Next, we turned our focus to the task of rebuilding," including he said, finding an interim management team. "We looked internally first and soon realized that Denise Pascoe, chancellor of our Mission Viejo campus, met all requirements," said Vestey "She is ethical, with no ties to the previous management team. Just two weeks later Mrs. Pascoe was selected as interim director. The board chose Mr. Andrew Crowe to step into the role of interim managing director. Neither Mrs. Pascoe nor Mr. Crowe had any authority over the [past] governing or operations. Simply put, they were not part of the problem. This was important because the new board understood we needed to send a clear message that illegal and dishonest behavior has no place at Oxford. Today Oxford has an experienced and highly qualified board to lead us through this transition."

Chino Valley Unified's attorney, Steven Chidester, conversely called upon the commission to support denying the charter extension. Saying "Local boards as well as parents and teachers have a right to expect that charter schools will hue not just to the law but to their charters," he said that "beginning in 2012 the charter school actively act[ed] to evade the school district's oversight. Oxford's leadership withheld facts regarding Edlighten. Oxford's management, with the help of the Oxford board, repeatedly lied to Oxford's own auditors. Oxford's governance structure is essentially the same as when Oxford engaged in financial mismanagement and Oxford's actions continue to raise rather than address concerns about Oxford's integrity and transpar-

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

By Count Friedrich von Olsen



All this talk about the 100 year anniversary of the start of American involvement in what we now call World War I but which, when I was young, we called The Great War has me whistling and singing songs from the hit parade of 1917. If you look me up, I'll serenade you by voice in person. In the meantime, you can enjoy the lyrics on the printed page!

I'm a Yankee Doodle Dandy
A Yankee Doodle, do or die
A real live nephew of my uncle Sam's
Born on the Fourth of July
I've got a Yankee Doodle sweetheart
She's my Yankee Doodle joy
Yankee Doodle went to London
Just to ride the ponies
I am a Yankee Doodle boy

You're a Grand Old Flag
You're a high flying flag
And forever in peace may you wave
You're the emblem of
The land I love
The home of the free and the brave
Every heart beats true
For the red white and blue
Whenever there's a boast or brag
Should old acquaintance be forgot
Keep your eye on that grand old flag

Keep the Home Fires Burning,
While our hearts are yearning.
Though the lads be far away
They dream of home.
There's a silver lining
Through the dark clouds shining,
Turn those dark clouds inside out
Til the boys come home

ency."

Chidester then referenced a matter that complicated Oxford's effort to rehabilitate its reputation.

"Only 12 days ago," said Chidester, "on March 24, the district obtained copies of two different account and security loan agreements, each for one million dollars, between Oxford and the California Credit Union, signed by executive director Barbara Black on August 31, 2016, that not only raise doubts about Oxford's claimed strong financial position but raise questions about Oxford's transparency because Oxford has never before provided documentation of transparency and respect for California law. On March 10, 2017, the

district submitted a public records act request to Oxford for a copy of the March 2, 2017 board of directors meeting agenda packet. To this day, 26 days later, the district has received no response and no documents from Oxford. The district respectfully and with sincere sympathy for Oxford students and families asks for a non-renewal recommendation, not because the district is anti-charter or out to get Oxford, but because the district has had its serious concerns about Oxford's governance and finance. Oxford should not be renewed because two separate California state agencies, the Fiscal Crisis Management and Audit Team and the

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Does Guilty Verdict In Pusok Beating Case Denote Cultural Shift? *from front page*

horse, a wild ride across some extremely rugged terrain in the area of Bowen's Ranch and Deep Creek Hot Springs with several deputies, disembarked from their vehicles and in foot pursuit, before the misadventure concluded with Pusok being thrown from the horse on a chaparral-strewn hilltop, then being swarmed upon by one arriving deputy after another and being pummeled while he lay on the ground, with the last stages being videoed by a Los Angeles-based news helicopter.

In delivering his closing arguments, the prosecutor trying the case, Robert Bulloch, offered what, it seems, two thirds of the jury concurred with, an observation that the San Bernardino County Sheriff's Department embodies an ethos in which those in authority believe they have license to apply physical force to achieve their objectives. During his closing argument and in his rebuttal to the closing statements of attorneys Michael Schwartz, Kasey A. Castillo and Heather Phillips, representing Downey, Phelps, and Foster, respectively, Bulloch engaged in an animated and free-ranging condemnation of the accused, referencing Scripture and the parable of the Good Samaritan, and at one point asserting, "We have to have the will to take on the machine of the San Bernardino County Sheriff's Department" which he said was home to a "culture of violence" maintained through a "code of silence."

That resulted in a firestorm of criticism being leveled at Bulloch, originating within the law enforcement community, with which, as a prosecutor, Bulloch routinely coordinates. Most vociferous was SEBA, the Safety Employees Benefit Association, which represents the San Ber-

nardino County's sheriff deputies. SEBA President Laren Leichter demanded that Bulloch apologize for and retract the aspersions he said Bulloch had cast upon the deputies he represents.

"Law enforcement is a complex profession and its members confront perilous situations," Leichter said. "Deputies must make split-second decisions during dangerous circumstances that are later exhaustively scrutinized. We back our members and understand the precarious position in which they were placed."

In an official pronouncement, SEBA pronounced, "The Sheriff's Employees' Benefit Association is outraged by the comments made by deputy district attorney Robert Bulloch, who without warrant, made a sweeping indictment of all our members who work diligently to protect our community. The statements made by deputy district attorney Robert Bulloch regarding a 'culture of violence' perpetuated by the San Bernardino County Sheriff's Department are reprehensible and baseless. Bulloch used inflammatory language and antics to sway a verdict, at the expense of every deputy in this county. Furthermore, Bulloch's comments about having the 'will to take on the machine of the San Bernardino County Sheriff's Department' flies in the face of the spirit of collaboration in the public safety sector. Bulloch's focus should remain on the facts at hand, not inflict undue damage on those who put their lives on the line every day for other's (sic) protection. He owes the hardworking deputies of San Bernardino County an apology."

San Bernardino County District Attorney Mike Ramos, who employs Bulloch as one of his deputy prosecutors, was elected with SEBA's support when he defeated former district attorney Dennis Stout in 2002 and has relied upon SEBA endorsements and

political contributions ever since. With few exceptions, he has consistently backed the sheriff's department in those circumstances where officer activities have fallen into question, the exceptions being those cases where independent videographic evidence, such as that in the Pusok case, reached the media or in matters where testimony against deputies was available. In all officer involved shootings by members of the sheriff's department or any municipal police departments in San Bernardino County, for example, with the lone exception of deputy Ivory Webb's 2006 shooting of a surrendering airman Elio Carrion caught on video, Ramos has made findings the shootings, many of them fatal, were justifiable.

Having declared his candidacy for reelection in 2018 in which he is being challenged by one of his own deputy prosecutors, and faced with the contretemps brewing between Bulloch and SEBA, Ramos sided with SEBA. The day after closing arguments in the Downey, Phelps and Foster case, Ramos utilized social media to state, "As district attorney, the remarks that were made in closing arguments regarding the alleged 'culture of violence' brought on by a 'code of silence' do not reflect my views or my longstanding support and faith in the San Bernardino County Sheriff's Department," Ramos said in his statement. "I want to make it very clear that I have the utmost respect for and confidence in their organization, at every level. Our deputy sheriffs are the most hardworking, ethical and dedicated law enforcement professionals in the nation."

With the fate of Foster, Phelps and Downey yet hanging in the balance as the jury deliberated, Bulloch, at Ramos's instigation, fired off the demanded-for apology to Leichter by email, in which he abjectly wrote, "I personally and sincerely apologize to each

and every deputy in the San Bernardino County Sheriff's Department for the comments I made in my rebuttal argument. While it was my position and intention that my comments be limited to the three deputies charged in this particular case, I can certainly see that the way it read in the press could be construed that I was painting with a broad brush across all the San Bernardino Sheriff's Department. That was never my intention."

Bulloch's retreat notwithstanding, the following day the jury returned with a verdict of guilty against Foster, whose arrival at the Pusok arrest scene came well after the suspect was on the ground. The jury further deadlocked 8 to 4 in favor of conviction against Phelps and Downey, who were in the thick of the arrest from shortly after Pusok was thrown from the horse.

Foster's conviction and the jury hanging with regard to Phelps and Downey was remarkable from a multitude of standpoints.

Historically, the district attorney's office rarely files charges against law enforcement officers stemming from action in the line of duty. And within the subset of cases thus filed, convictions are just as rare. Cases filed against law enforcement officers in San Bernardino County share at least one of four features, consisting of the act having been caught on video; a level of heinousness or egregiousness that shocks the senses; victimization that includes another law enforcement officer; and sexual crimes by officers against underage or vulnerable females.

In the 1980s, former district attorney Dennis Kottmeier was unable to get a conviction against one of his own investigators, Tom Dawson, when he charged him with misappropriation of the district attorney's department assets.

Traditionally in San Bernardino County, law enforcement officers have been granted

license to employ whatever degree of force they alone deem appropriate in their contact with citizens. There is an increasingly wider perception that the level of force used on occasion is unnecessary or crosses the threshold into brutality.

In San Bernardino County, charges against police officers and sheriff's deputies for excessive use of force are exceedingly rare, and charges against police or sheriff's officers for falsifying their police reports to downplay that use of force are virtually unheard of.

The most celebrated cases relating to excessive use of force in San Bernardino County prior to the Pusok matter were the prosecution of sheriff's deputy Ivory Webb, accused of shooting an unarmed U.S. Air Force airman back on leave from Iraq in 2007, and the prosecutions of two former Adelanto police officers, Thomas Chandler and Kenneth Gailey, charged in the previous decade with trying to beat a confession out of one suspect and beating another before forcing him to lick his own blood off a booking room floor.

In the case of Webb, he was caught on video at the end of a pursuit of Luis Escobedo, reaching at times 120 miles per hour through the unincorporated county area between Ontario, Montclair and Chino on January 29, 2006 after Escobedo slid out of control and wrecked his Corvette. On that video, taken by a nearby resident who turned his video camera on in the aftermath of the crash, Webb can be seen pointing his gun at Carrion, who is on his hands and knees and appears to be complying with Webb's profanity-laced commands, before Webb, rather inexplicably, opened fire, wounding but not killing Carrion in a hail of fire. Ramos, who called the video "shocking," filed charges against Webb and assigned the case to one of his more experienced prosecutors, Lew-

is Cope. But Cope put on a rather lackluster case against Webb, prompting charges from many quarters, including within the district attorney's office itself, that Cope was purposely, at Ramos's direction, throwing the case. Cope was consistently outthusted, outmaneuvered and outlawyered by Webb's attorney, Michael Schwarz, considered a premier litigation specialist in the area of defending peace officers in criminal matters within the State of California.

Previously, the San Bernardino County District Attorney's Office, then led by Ramos's predecessor, Dennis Stout, took up the case against Chandler and Gailey, but ran into a buzz saw of opposition when local police and deputy sheriff's unions closed ranks to protect two of their own, making sure that Chandler and Gailey had the strongest legal team available to protect them, while officers worked pro bono as defense investigators on the case, going over virtually everything with a fine toothed comb. They found some anomalies in the way the matter was being handled, and the case against Chandler and Gailey was dismissed because of prosecutorial misconduct. While the matter was under appeal, the U.S. Attorney's Office in Los Angeles stepped in and filed charges against Chandler and Gailey, who then pleaded guilty in 1997 to federal civil rights violations.

In 2012, Ramos made a rare, and far less publicized, criminal filing against two San Bernardino County deputies, Michael Parham and Shadia Adham, in connection with the May 20, 2012 beating of a highly intoxicated Mario Madrigal in the backyard of his home in the 4000 block of North F Street in an unincorporated pocket of San Bernardino. After a complaint from a neighbor, Parham and Adham responded with two other

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Glimpse Of SBC's Past The Rains House



John Rains, a former soldier, married the wealthy Maria Merced Williams after he arrived in California as a cattle and sheep driver in 1847. The couple purchased the 13,000 acre Rancho de Cucamonga. In 1860, they commissioned the building of the Rains House by Ohio brick masons who utilized bricks made



by Joseph Mullaly from the red earthen clay available on the site. Its flat roof was waterproofed by tar from the brea pits in Los Angeles. An open flume carried water from springs through the kitchen, into the patio, and under the house to the orchard, thereby providing cooling for the structure. The original house had an entry hall, a parlor, and three bedrooms in the front, with a patio area flanked by a dining room, a kitchen, a padre's room, and two guest rooms.

Attorney Cross Examines Attorney from front page

ture. The county had recorded flood control easements on the Colonies property in 1933, 1934 and 1939 when the property was owned by the San Antonio Water Company, which gave the county the right to use 31 of those acres as a water holding basin and to use another 30 acres on the property for flood control purposes, pursuant to arrangements between the county and the property owner.

Controversy would subsequently erupt when the county conferred a \$102 million settlement on the Colonies Partners to end litigation over this matter. The substance of that controversy is the lynchpin of the corruption case and pertains to whether the Caltrans damage clause in the \$18 million payment to the Colonies Partners covered the county's liability for its flood control district's use of existing easements for greater-than-historical amounts of flood water that would be directed through the county's catchment basins as a result of the new

and larger storm drain improvements built to control flooding flowing off of what was then the newly-constructed freeway.

The City of Upland had land use authority within its jurisdiction and had the power of approval of the Colonies Partners' residential and commercial subdivisions. The county flood control division, at the behest of the City of Upland and Caltrans, had constructed the 20th Street Storm Drain, which was designed to channel rainwater from the watershed area north of the freeway as well as water accumulating within the trough of the 210 Freeway itself. Relying on the easements from the 1930s, the county placed the terminus of the 20th Street Storm Drain on the Colonies Partners property. In giving approval to the Colonies Partners' first residential phase, known as the Colonies at San Antonio, the City of Upland had not made clear which entities bore responsibility for the provision of drainage and flood control infrastructure. In 1999, the county and the Colonies Partners had entered into

an agreement relating to the Colonies Partners constructing a water retention basin, but subsequent issues relating to the channeling of storm water onto the Colonies property and what the Colonies Partners perceived as interference with its development plans instigated a dispute with the county that led to the litigation which began in 2002.

As that litigation dragged on, the Colonies Partners engaged in increasingly more intensive efforts to bring the litigation to a close on terms it considered favorable. This included, according to prosecutors, efforts to pressure Bill Postmus, who in 2005 and 2006 was the chairman of the county board of supervisors and the chairman of the San Bernardino County Republican Central Committee, and Paul Biane, who in 2005 and 2006 was the vice chairman of the county board of supervisors and the vice chairman of the San Bernardino County Republican Central Committee, to settle the lawsuit. That pressure, prosecutors allege, included creating "hit piece" mailers which dwelled upon Bi-

ane's financial difficulties and Postmus's drug use and homosexuality, and threatening to post them to voters throughout San Bernardino County. According to prosecutors, one-time San Bernardino County sheriff's deputies' union president Jim Erwin had participated in conveying those extortionary threats, having done so as part of his effort to assist Colonies Partners co-managing principal Jeff Burum in achieving a settlement of the litigation. On November 28, 2006, the board of supervisors in a 3 to 2 vote, with Postmus, Biane and then-supervisor Gary Ovitt voting in the affirmative, approved a \$102 million payout to the Colonies Partners to settle the lawsuit. Beginning four months later, in March 2007 and running until the end of June 2007, Burum and the other managing principal in the Colonies Partners, Dan Richards, made three separate \$100,000 contributions to political action committees which prosecutors allege were either openly or secretly controlled by Biane, Erwin and Mark Kirk, who was Ovitt's chief of staff, along with two \$50,000

donations to two political action committees secretly controlled by Postmus. By early 2007, Postmus, who had successfully run for county assessor in 2006, was serving in that capacity and had hired Erwin to serve as assistant assessor. The contributions to the political action committees were disguised bribes, prosecutors allege, made in return for the \$102 million settlement. Prosecutors allege the bribe to Kirk was made in return for delivering Ovitt's vote in favor of the settlement. Postmus and Erwin were charged with participating in an extortion and bribery scheme in February 2010. Both entered not guilty pleas, but in February 2011, Postmus entered guilty pleas to 14 political corruption charges and agreed to turn state's evidence. He then served as the star witness before a grand jury which in May 2011 handed down a 29-count indictment alleging conspiracy, extortion, bribery, perjury, conflicts of interest, and income reporting violations that named Burum, Biane, Kirk and Erwin. That indictment superseded the charges lodged against

Erwin the previous year.

During Norton's single day of testimony last week, Mandel questioned him in such a manner as to bring about an illustration of the underlying situation and the basis and much of the substance of the legal wrangling that had been ongoing between the Colonies Partners and the county. This included descriptions of and references to the flood control easements, the degree to which they played a vital role in the dispute, and the victory the county had scored after the judge who heard the first phase of the litigation, Judge Peter Norell, was overturned in 2005 by the appellate court on his 2003 ruling that the county had abandoned those easements. The county's victory on appeal significantly compromised the Colonies Partners' strength in the litigation, according to Norton. He further corroborated elements of the prosecution's case by giving detail with regard to a March 25, 2005 meeting at Biane's Rancho Cucamonga office. During that meeting, Norton, as

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County Lawyer Grilled By Former Federal Judge

from page 5

deputy county counsel, and the county's outside attorneys, Paul Watford and Steven Kristovich, provided to Biane and Postmus interpretations of the status of the litigation, including the appellate court's tentative but not yet finalized decision reversing Norell's finding with regard to the easements. Competing interpretations were offered by the Colonies Partners' legal representatives, Scott Sommer and Heidi Timken, who were present at the meeting with Burum and his colleague in the Colonies Partners, Dan Richards, along with the Colonies Partners' lobbyist, the then recently termed out California State Senator Jim Brulte. After the lawyers concluded their briefing/debate, they left the conference room, Norton testified, and he gave a description of what he was able to witness inside the glass-walled meeting room as Brulte refereed and guided the negotiating session that ensued, in which Postmus and Biane were outnumbered and outgunned. Norton testified that Biane, had gone into the meeting anxious to use the county's advantageous strategic position derived from the appellate ruling on the easements which essentially eradicated the Colonies Partners' contention that the county was seizing its property without having the right to do so. But after the one-sided negotiating session with Brulte, Burum and Richards, Norton testified, Biane and Postmus emerged with a proposed \$77 million settlement, giving the Colonies Partners \$22 million in cash and some surplus county flood control property valued at \$55 million. Norton testified how that proposal was opposed by Watford and Kristovich and all of the county attorneys in the loop on the matter, and that Watford and Kristovich authored a memo counseling the

entire board of supervisors to reject it. Postmus and Biane sought to keep the memo from being distributed to the other members of the board, Norton testified. When the board pushed toward finalizing the \$77 million settlement, Norton testified, Watford and Kristovich and their law firm, Munger Tolles & Olson, resigned. The subsequent public revelation of what had occurred resulted in the deal not going through, Norton testified.

Norton last week gave further testimony about the pressure the Colonies Partners were exerting in seeking to move the board toward a settlement in its favor, including using what he termed "inappropriate" benchmarks in making appraisals to raise the claimed value of its property and inflate its loss claims.

This week, on Monday, Norton was again testifying on direct examination by Mandel, unmolested by defense counsel. In that forum, he continued to provide an account of events, tinged with his interpretation that both generally and in specific detail comported with the prosecution's theory of guilt.

One such indicator was the degree of intensity with which Postmus was shepherding, indeed stampeding, his board colleagues and the entire county toward a settlement on the Colonies Partners' terms. By late 2005, Postmus had commandeered from Biane, who had earlier been the board member most intent on bringing closure to the Colonies Partners' lawsuit, the lead in getting the matter resolved. That effort came during phone calls Postmus made to him, Norton testified, as well as during in-person one-on-one contact he had with the then-board of supervisors chairman, during closed session meetings with the other supervisors present, as well as at meetings with members of the county's legal team.

One of those phone

calls from Postmus came at about 3 p.m. on December 14, 2005, Norton testified. He had been so struck by it that he had memorialized it in a "memo to file" he said he believed he had written that day. Mandel displayed that memo to those in the courtroom, including the jury hearing the case against Burum, Biane and Kirk, and a separate jury that is to decide Erwin's fate, using the courtroom's video and visual display screens.

In that memo, Norton said that Postmus had called him to ask "where we stand on the mediation." Norton replied that "at this point we are waiting for the hearing on Monday to get the matters consolidated."

The issue of consolidation pertained to the county's efforts to involve Caltrans and the City of Upland, as well as the regional transportation agency, San Bernardino Associated Governments, all of which had a hand in creating the flood control issues impacting the Colonies Property, into the negotiations or the litigation to achieve what Norton referred to as a "global settlement." In this comprehensive settlement, Norton said, the Colonies Partners' true damages, if any, would be recompensed in accordance with each agency's differing level of responsibility. But Norton's memo makes clear that Postmus was not concerned with safeguarding the county's interest and was more focused on advancing the Colonies Partners' efforts to achieve a settlement on its terms.

"Well, you got an email from the Colonies lawyers, right?" Norton's memo quotes Postmus as having asked. The memo then says that Norton told Postmus "We would not agree to go with Justice Panelli." Norton testified that the legal team did not approve of using former California Supreme Court Justice Edward Panelli to mediate a settlement because Panelli was generally in his mediation services

less focused on the issues than on arriving at a compromise, and that the county's legal team felt that the issues in the Colonies matter favored the county. Using Panelli, with his focus on accommodation rather than issues, Norton said, would be likely to lead to a settlement far less favorable to the county than was likely to be had under some other mediator's guidance. Panelli had been the mediator the Colonies had suggested should be used. In the memo, Norton pointed out that Postmus tried to simply blast through the county's lawyers' objections to Panelli. "Well, you would not agree to go with Justice Panelli – the board hasn't said so," Postmus said, according to the memo. Norton said he then attempted to refocus Postmus to the legal team's conclusion that using Panelli was not in the county's best interest. "We would recommend not using Panelli," Norton told Postmus, according to the memo. This provoked Postmus. "You guys have had your gig," Postmus then replied. When Norton said that the entire board had not voted to authorize unilateral negotiations, Postmus snapped, "There are three votes on the board to get this past us and we need to get rolling."

Mandel asked why Norton had made note of the conversation in the memo. Norton testified that the phone encounter with Postmus was "jarring" and "I found his demeanor very strange and out of character and irritating. I wanted to document it because I wanted to have a very clear record of it moving forward on what he said and how I replied."

Norton said Postmus was becoming "rude, short-tempered and impatient" throughout this time and was evincing anger and extreme disrespect toward members of the county's legal team who were attempting to be methodical and deliberate in their handling of the litigation. One such manifestation came dur-

ing what Norton referred to as the "Valentine's Day Massacre" on February 14, 2006. Norton, along with the assistant county administrator who had responsibility over the county flood control division, Norm Kanold, came with Tom Malcolm and Jeffrey Kirzner, two of the attorneys with the law firm Jones Day, which had replaced Munger Tolles & Olson in representing the county in the Colonies Partners litigation the previous year, to meet with Postmus to discuss issues arising out of a mediation session that had taken place with Panelli some 11 days previously, on February 3, 2006.

Postmus was "abhorrent" in his comportment during the meeting, Norton said. He said Postmus "accused me of being a monkey wrench in whatever type of settlement we were trying to achieve."

Mandel asked Norton how he had responded. Norton said in a "respectful manner" he told the board chairman "We're evaluating all of our options and trying to make sure whatever settlement we achieve is acceptable to the county."

When Kirzner was giving his presentation, Norton said, Postmus was especially disrespectful. "He would talk over Mr. Kirzner saying, 'Blah, blah, blah,' as if to say, 'There is no importance to what you are saying.' It was amazing."

Norton testified that on March 10, 2006, he and Kirzner had a meeting with supervisor Josie Gonzales in which they discussed the upcoming trial in the case which was no longer being heard by Norell but would go before Judge Christopher Warner.

"We had a conversation about the upcoming trial in April of that year and the settlement under consideration and all of the mediation issues being discussed by the parties," Norton said. "She informed us that she would prefer to take the case to trial as opposed to settling."

It was at that time

that the Colonies Partners settlement demands reached toward the \$100 million mark, Norton said. He said Gonzales near that time indicated that Biane and Postmus were the only members of the board inclined to support the settlement at that figure.

Provided with documentation from a closed session of the board of supervisors on April 4, 2006, Norton confirmed there had been direction from the board majority authorizing a \$78.5 million settlement with mutual releases and that there had been subsequent objections to it by the Jones Day firm. To Mandell's question, Norton indicated that Postmus had not disclosed to the board or the legal team that he had spent three hours in a meeting with Burum's public relations team just prior to that settlement being approved. "He did not disclose that at any time," Norton said.

Norton testified that on April 11, 2006, Jones Day brought a senior member of the firm's home office in Cleveland, Brian Toohey, to a meeting with the board to emphasize the "ethical significance" of the firm's objection to the proposed \$88.5 million settlement.

"I don't think it really moved Bill [Postmus] at all," Norton said.

During the trial in Warner's court, Norton testified, he saw Jim Erwin in the gallery and that at one point Burum coordinated Erwin's interaction with the press and that Erwin gave a statement to reporters.

Mandel asked Norton if Ron Reitz, who was then chief county counsel had resigned during the trial.

"He did," said Norton, saying he remembered it occurring in either April or May of 2006. Mandel asked if Norton knew why Reitz resigned.

Norton said he did have an understanding of why Reitz left, having gleaned the reason from multiple conversations over the years. Mandel,

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Guilty Verdict In Pusok Beating

from page 4

deputies, Ryan Cook and John Deen, shortly after 1 a.m. and detained the then 46-year-old Madrigal. When Madrigal became combative and resisted arrest, he ended up on the ground. Upon the deputies attempting to lift Madrigal, he resisted further and Parham repeatedly kicked Madrigal hard in the ribs, saying, according to a later sheriff's department incident report, 'Oooh, that had to hurt,' and 'You're gonna fucking hurt in the morning.' Another sheriff's department report said that Parham was stepping on Madrigal's head and kicked him in the groin while he was handcuffed.

When a witness to the beating asked Adham for her name, she gave the names of two other deputies in the department, a man and a woman, who were not there. It was the fallout from the other deputies being subjected to the false accusation of having beaten Madrigal rather than the beating itself which led to the charges. Parham was fired by the sheriff's department in November 2012 as a consequence of the follow-up investigation, which entailed Cook and Deen writing more comprehensive reports than they had originally in order to clear the two deputies who were

not on the scene and had been identified as taking part in the incident as a result of Adham's misidentification of herself and Parham. Adham was charged with a single count of impersonating a police officer, a misdemeanor, but the charge was later dropped. Parham insisted on going to trial on the matter in the summer of 2014, represented by attorney Harry Stern, and on August 27, 2014 was convicted on charges of assault by a police officer and battery.

The Parham and Chandler/Gailey cases entailed extraordinary elements that set them aside from other examples of excessive use of force and police brutality. Parham was undone, essentially, by Adham's effort to shift the focus of what had occurred from Parham to another law enforcement officer. In the case involving Chandler and Gailey, an audiotape recorded in May 1994 the pair did not know about came into the possession of the prosecutors. In that recording, Chandler could be heard asking Joseph Valdes, who was suspected of abusing his daughter, "Are you going to tell us what we want to hear?" as he and Gailey beat him, twisted his limbs and kicked him. In October 1994, Chandler and Gailey beat Henry Easley, who had been arrested on drug

charges, in retaliation for Easley having spat on a fellow police officer. Easley was hit so hard on the head that he started to bleed, at which point Chandler ordered Easley to lick his blood off the floor. A just-hired police officer who had witnessed the beating came forward to inform on and then testify against Chandler and Gailey.

Dan Lough, who was a prosecutor with the San Bernardino County District Attorney's Office from 1977 until 1985, was then a senior prosecutor with the Riverside County District Attorney's Office from 1986 to 1994 and assistant district attorney in San Bernardino County from 1995 until 2001, told the Sentinel in the aftermath of the media frenzy over the worldwide broadcasting of the Pusok beating that the reluctance to prosecute law enforcement officers is an outgrowth of the close relationship between the prosecutor's office and the law enforcement agencies within the prosecutor's office's jurisdiction. He suggested that the pass peace officers are given on citizen abuse cases is less a result of prosecutors trying to cover up wrongdoing than a reflection of the practical difficulties entailed in obtaining convictions against law enforcement officers, who are generally viewed more favor-

ably by juries than are run-of-the-mill criminal defendants.

"Police officers are trained as witness and for that reason they make a really good impression on a jury," Lough said. "In addition, the investigators on these cases are often friendly to the officer."

Lough was heavily involved in the district attorney's office's prosecution of Chandler and Gailey matter, while he was second-in-command under Stout. He said the "quality of evidence" was paramount in prosecuting law enforcement officers. "As the assistant district attorney, I had to personally sign off on all of the cases involving charges against police officers. Before they would be filed they went to me. If you could prove they [the officers] were good for it [i.e., guilty] and there was the evidence to make a case and get a conviction, then I would approve going in that direction. That did not happen often. We passed on [rejected] most of those cases. I saw conduct by officers a lot of time I did not approve of, but I had to evaluate the case from a prosecutorial standpoint as to whether we could prove criminal intent and criminal conduct to a jury. Juries are much more willing to side with the officer. More often than not, the police officers are not going out there to kill or

hurt someone. A lot of times they do make mistakes. But does that rise to the level of a crime? For me, it is the provability of a case that translates into willingness to prosecute someone."

Lough said he understood that officers are intent on maintaining command presence and sometimes overreact to any challenges, real or just perceived, to their authority. That overreaction, he said, can escalate into the use of force. "Very often, the police are concerned about control," Lough said. "There is a reason for that. Sometimes control comes down to perception or just a feeling. They have been trained to control a situation and when that control drifts away from them, they often act badly. In this society, we have a right to disagree and a right to do certain things even if others do not like it, but if you are interacting with a police officer, and are even within your rights, you might flunk his attitude test, and things can end up going badly for you."

After the fact, the police officer has a last word of sorts, Lough said, because he can put his description of what occurred into a police report, which has official status. Lough said he often detected in police reports an effort to obfuscate the use of excessive force. "The reports

are written in such a way to support the officer," Lough, who is now retired, said. "Seldom, if ever, do you get the story from the citizen."

Ramos, who was elected and reelected district attorney with the support of law enforcement, including police administrators, management, and officers, including police employee unions, in his public statements and acts has made little in the way of acknowledgement of the reality of officer-on-citizen violence, instead focusing on citizen-on-officer violence. While this has generally endeared him to law enforcement officers, in some specific cases, as with the case involving Phelps, Foster and Downey, it has struck a discordant note. Since Phelps, Foster, and Downey were identified and charged on September 1, 2015, it has been widely noted by many, including other members of the sheriff's department, that Foster, Phelps and Downey were among the youngest and lowest ranking of the contingent of officers that converged on Pusok, and that at least five of their sheriff's department colleagues can be seen in the video raining blows, kicking or stepping upon Pusok after he was in a prone position. One of those officers on the scene was the scion

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Oxford Making Last Ditch Try For Rechartering

from page 3

California Department of Education, in addition to the Chino Valley Unified School District have found that Oxford has not been transparent, that Oxford has failed to commit to its responsibility for the stewardship of public funds and that Oxford has failed to prove themselves deserving of the public trust."

Oxford Board of Directors Vice-Chairwoman Sandra Garner told the commission that Childester's remarks were applicable to the previous management at

Oxford, which has been supplanted with a new team intent on salvaging the core values that Oxford represents but which were sullied by the actions of a few who are no longer present.

"The trajectory of some of these children's lives will be forever changed if Oxford Chino closes its doors," said Garner. "Some students will land on their feet and do well but others will suffer great harm. As educators and parents we have all seen a child with great potential and dreams suddenly go sideways because of one decision that no one can ever take back. These are the children we are

fighting for today. With your help we can get this right. At this point it really comes down to one question: 'Do you trust this board?'"

She insisted Oxford has put the self-dealing of the past behind it. "New board members took office at the end of last year," she said. "I was convinced this board could make the tough calls and have the insight to see what was wrong and how to fix it. They acted quickly and decisively. They had what was needed to take charge of Oxford and turn this around. Does anyone really think these board members are going to put their careers

and pensions at risk to allow anyone to do something illegal? This is the board you want to be in charge. This is the board who will not let you down. We ask for your vote."

The pleas from Oxford's proponents made a positive impression on several of the seven members of the commission present.

Commissioner Caitlin O'Halloran said she, for one was convinced that Oxford deserves support.

"I think what we're hearing collectively around this dais is the desire on the part of the school, the commitment on the part of the orga-

nization, to engage with somebody, a third party, and to bring that [financial accountability] forward," said O'Halloran. "At least in the responses that I have seen in writing and heard today, if I weren't satisfied that the overwhelming majority of the Fiscal Crisis Management and Audit Team issues had been addressed, I wouldn't be making the statements that I am today." Commission Chairman Brian Bauer then made a motion "that this school be recommended for renewal before the state board satisfying the requirement that's been mentioned numerous times."

The motion passed, 4 to 3, with commissioners Brian Bauer, Caitlin O'Halloran, Dr. Mark Ryan and Wesley Sever in favor and Curtis Washington, Cindy Chan and Jon Gundy opposed. "So the item doesn't move forward with an official recommendation for anything," said Bauer. "To move out of this commission with a recommendation, it requires five votes. Nonetheless, there's enough of a transcript of what's transpired, which is going to be part of the record, anyway, for the state board that you can present." -Mark Gutglueck

Public Notices

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
CASE # CIV DSI1702968
TO ALL INTERESTED PERSONS: Petitioner JESSICA RENEE MINICK has filed a petition with the clerk of this court for a decree changing names as follows:

JESSICA RENEE MINICK to JESSICA RENEE ARQUETTE

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
DATE: 04/11/2017
TIME: 8:30 A.M.
Department: S-17

The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT-CIVIL DIVISION 247 WEST THIRD STREET SAN BERNARDINO, CA 92415-0210.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause be published in THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County, California, at least once each week for four successive weeks prior to the date set for hearing of the petition

Date: FEBRUARY 17, 2017
s/ MICHAEL A. SACHS, Judge of the Superior Court
Run dates: 02/24, 03/03, 03/10 & 03/17, 2017 Corrected & superseding run dates: March 31, 2017 & April 7, 2017

FBN 20170002940
The following entity is doing business as:

HELP U SELL INLAND EMPIRE GROUP 7365 CARNELIAN ST SUITE 231 RANCHO CUCAMONGA, CA 91730 BERNARDO VALENZUELA 12956 RAE CT EASTVALE, CA 92880

This business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ Bernardo Valenzuela
Statement filed with the County Clerk of San Bernardino on 3/14/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/17, 03/24, 03/31 & 04/07, 2017.

FBN 20170002747
The following entity is doing business as:

PRECISION SURGICAL GUIDES [and] SPEEDENT DENTAL SUPPLIES 9591 CENTRAL AVE MONTCLAIR, CA 91763 CUNNING ENTERPRISES 9591 CENTRAL AVE MONTCLAIR, CA 91763

This business is conducted by: A CORPORATION.

The registrant commenced to transact business under the fictitious business name or names listed above on: 03/01/2012 [PRECISION SURGICAL GUIDES] and 08/20/1992 [SPEEDENT DENTAL SUPPLIES].
By signing, I declare that all

Public Notices

information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ Keith Cunning
Statement filed with the County Clerk of San Bernardino on 3/09/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/17, 03/24, 03/31 & 04/07, 2017.

FBN 20170002609
The following entity is doing business as:

MVP REALTY 11933 SAGEMONT DRIVE RANCHO CUCAMONGA, CA 91739 MONA PATEL 11933 SAGEMONT DRIVE RANCHO CUCAMONGA, CA 91739 3

This business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ Mona Patel
Statement filed with the County Clerk of San Bernardino on 3/07/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/17, 03/24, 03/31 & 04/07, 2017.

NOTICE OF PETITION TO ADMINISTER ESTATE OF SHIRLEY JOANNA HEIL, CASE NO. PROPS1700162

To all heirs, beneficiaries, creditors, and contingent creditors of SHIRLEY JOANNA HEIL and persons who may be otherwise interested in the will or estate, or both: A petition for PROBATE has been filed by MARY E. HEIL in the Superior Court of California, County of SAN BERNARDINO, requesting that MARY E. HEIL be appointed executor of the estate of SHIRLEY JOANNA HEIL and full authority be granted to administer under the Independent Administration Estates Act.

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

A hearing on the petition will be held in Dept. No. S35 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on APRIL 18, 2017 at 08:30 AM

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 deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court

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within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Filed February 21, 2017
Petitioner: Mary E. Heil
Attorney for Petitioner: Mary M. Bader Law Office of Mary Bader 9227 Haven Avenue, Suite 368 Rancho Cucamonga, CA 91730 PH 909-945-2775 FAX 909-945-2778 officemarybader@veizon.net

Published in the San Bernardino County Sentinel 3/24 3/31 & 4/07, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
CASE # CIVRS 1700085

TO ALL INTERESTED PERSONS: Petitioner JESUS MORGHA has filed a petition with the clerk of this court for a decree changing names as follows:

JESUS MORGHA to JESUS CARMONA

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
DATE: 05/05/2017
TIME: 8:30 A.M.
Department: R-8C

The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO RANCHO CUCAMONGA JUDICIAL DISTRICT 8303 NORTH HAVEN AVENUE RANCHO CUCAMONGA, CA 91730.

IT IS FURTHER ORDERED that a copy of this order be published in THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County, California, once a week for four consecutive weeks prior to the date set for hearing of the petition

Date: MARCH 17, 2016
s/ R. GLENN YABUNO, Judge of the Superior Court
Run dates: 03/17, 03/24, 03/31 & 04/07, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
CASE # CIVRS 1700077

TO ALL INTERESTED PERSONS: Petitioner KATRINA CASTRO has filed a petition with the clerk of this court for a decree changing names as follows:

BROOKLYN JADAH BATTLE to BROOKLYN JADAH CASTRO

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the

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petition without a hearing.
NOTICE OF HEARING
DATE: 05/05/2017
TIME: 8:30 A.M.
Department: R-8

The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO RANCHO CUCAMONGA JUDICIAL DISTRICT 8303 NORTH HAVEN AVENUE RANCHO CUCAMONGA, CA 91730.

IT IS FURTHER ORDERED that a copy of this order be published in THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County, California, once a week for four consecutive weeks prior to the date set for hearing of the petition

Date: MARCH 10, 2016
s/ R. GLENN YABUNO, Judge of the Superior Court
Run dates: 03/17, 03/24, 03/31 & 04/07, 2017.

NOTICE OF PETITION TO ADMINISTER ESTATE OF JANICE SMITH, CASE NO. PRO PS 1700120

To all heirs, beneficiaries, creditors, and contingent creditors of JANICE SMITH and persons who may be otherwise interested in the will or estate, or both: A petition for PROBATE has been filed by JANICE FELIX in the Superior Court of California, County of SAN BERNARDINO, requesting that JANICE FELIX be appointed as the personal representative to administer the estate of the decedent, JANICE SMITH and full authority be granted to administer under the Independent Administration 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 administrative 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 in Dept. No. S35 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on APRIL 10, 2017 at 08:30 AM

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 deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Filed February 21, 2017
In Pro Per
Petitioner: JANICE FELIX 10975 EL ESTEBAN PHELAN, CA 92371 760-887-6876
Published in the San Bernardino County Sentinel 3/24 3/31 & 4/07, 2017.

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Summons
Montana Fourth Judicial District Missoula County

In the marriage of DEANNA RODRIGUEZ, petitioner, and JEFFREY RODRIGUEZ, respondent
Cause No. DR-17-96 Dept. 4

The State of Montana sends greetings to the above named respondent: You, the respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty days after service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you for relief of the demanded Petition. This action is brought to obtain a dissolution of marriage.

Title to and interest in the following real property will be involved in this action: Home owned by both parties.

Dated this 13th of March, 2017.

Shirley E. Faust, Clerk of Court

Petitioner Pro Se
Deanna Rodriguez 1811 Colley St. #D Missoula MT. 59802

P.O. Box 18181 Missoula, MT, 59808
406-240-3457
moldylocks54@gmail.com

Published in the San Bernardino County Sentinel 03/17, 03/24, 03/31 & 04/07, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
CASE # CIVRS 1700087

TO ALL INTERESTED PERSONS: Petitioner CASEY DEWOLF-DOMINGO and FRANCESCA SABATELLI have filed a petition with the clerk of this court for a decree changing names as follows:

CASEY DEWOLF-DOMINGO to CASEY MAKANA and
FRANCESCA MARIE SABATELLI to FRANCESCA MARIE SABATELLI MAKANA

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
DATE: 05/12/2017
TIME: 8:30 A.M.
Department: R-8C

The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO RANCHO CUCAMONGA JUDICIAL DISTRICT 8303 NORTH HAVEN AVENUE RANCHO CUCAMONGA, CA 91730.

IT IS FURTHER ORDERED that a copy of this order be published in THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County, California, once a week for four consecutive weeks prior to the date set for hearing of the petition

Date: MARCH 17, 2017
s/ R. GLENN YABUNO, Judge of the Superior Court
Run dates: 03/31, 04/07, 04/14 & 04/21, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
CASE # CIVDS 1705399

TO ALL INTERESTED PERSONS: Petitioner PHUNG QUE HOANG has filed a petition with the clerk of this court for a decree changing names as follows:
PHUNG QUE HOANG to

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MARY HOANG MARTIN
THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
DATE: 05/8/2017
TIME: 8:30 A.M.
Department: S-17
The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT-CIVIL DIVISION 247 WEST THIRD STREET SAN BERNARDINO, CA 92415-0210.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause be published in THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County, California, at least once each week for four successive weeks prior to the date set for hearing of the petition

Date: MARCH 24, 2017
s/ MICHAEL A. SACHS, Judge of the Superior Court
Run dates: 03/31, 04/07, 04/14 & 04/21 2017

FBN 20170003111
The following entity is doing business as:

TWISTED SPOON CHARITY 23043 PINE LANE CRESTLINE, CA 92325-6012 WE CARE ABOUT ALL, INC 23043 PINE LANE CRESTLINE, CA 92325

This business is conducted by: A CORPORATION.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ James Morse
Statement filed with the County Clerk of San Bernardino on 3/17/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/31, 04/07, 04/14 & 04/21, 2017.

FBN 20170002667
The following entity is doing business as:

SAPO PLASTECH [and] SA TECH 755 S. LUGO AVE SAN BERNARDINO, CA 92408 SAPO, LLC 199 W HILLCREST AVE SAN BERNARDINO, CA 92408

This business is conducted by: A LIMITED LIABILITY COMPANY.

The registrant commenced to transact business under the fictitious business name or names listed above on: 3/01/2012.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ Larry Rivas
Statement filed with the County Clerk of San Bernardino on 3/08/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/31, 04/07, 04/14 & 04/21, 2017.

FBN 20170003013
The following entity is doing business as:
GREEN COAST LAW FIRM 10535 FOOTHILL BOULEVARD,

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SUITE 300 RANCHO CUCAMONGA, CA 91730 GEOFFREY W NEWMAN 9458 GOLDEN STREET RANCHO CUCAMONGA, CA 91730

This business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ Geoffrey W. Newman
Statement filed with the County Clerk of San Bernardino on 3/16/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/31, 04/07, 04/14 & 04/21, 2017.

FBN 20170003358
The following entity is doing business as:

NEWMAN & ALLEN 10535 FOOTHILL BOULEVARD, SUITE 300 RANCHO CUCAMONGA, CA 91730 GEOFFREY W NEWMAN 9458 GOLDEN STREET RANCHO CUCAMONGA, CA 91730 [and] JENNIFER C ALLEN 10721 LA VINE STREET RANCHO CUCAMONGA, CA 91701

This business is conducted by: A GENERAL PARTNERSHIP.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

S/ GEOFFREY WILLIAM NEWMAN
Statement filed with the County Clerk of San Bernardino on 3/23/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 03/31, 04/07, 04/14 & 04/21, 2017.

APN: 1076-571-24-0-000
TS No: CA05000643-16-1 TO No: 8640826 NOTICE OF TRUSTEE'S SALE (The above statement is made pursuant to CA Civil Code Section 2923.3(d)(1). The Summary will be provided to Trustor(s) and/or vested owner(s) only, pursuant to CA Civil Code Section 2923.3(d)(2).) YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED October 24, 2006. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER. On May 16, 2017 at 09:00 AM, North West Entrance in the Courtyard, Chino Municipal Court, 13260 Central Avenue, Chino, CA 91710, MTC Financial Inc. dba Trustee Corps, as the duly Appointed Trustee, under and pursuant to the power of sale contained in that certain Deed of Trust Recorded on November 15, 2006 as Instrument No. 2006-0777125, and that said Deed of Trust was modified by Modification Agreement recorded on July 16, 2015 as Instrument Number 2015-0303426, of official records in the Office of the Recorder of San Bernardino County, California, executed by GARY L. SMITH, HUSBAND AND WIFE AS JOINT TENANTS,

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as Trustor(s), in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as nominee for GMAC MORTGAGE CORPORATION DBA DITECH.COM as Beneficiary, WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER, in lawful money of the United States, all payable at the time of sale, that certain property situated in said County, California describing the land therein as: THE LAND REFERRED TO IN THIS GUARANTEE IS SITUATED IN THE STATE OF CALIFORNIA, CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO AND IS DESCRIBED AS FOLLOWS: LOT 114, OF TRACT NO 13059, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 192, PAGES 66 THROUGH 69, OF MAPS, AND AMENDED BY THE MAP RECORDED IN BOOK 197 PAGES 41-44 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR, AND STORING IN AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES WITHOUT, HOWEVER, THE RIGHT TO ENTER UPON, DRILL, MINE, STORE, EXPLORE OR OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AS RESERVED BY THE WILLIAM LYON COMPANY IN THE DEED RECORDED OCTOBER 31, 1986, AS INSTRUMENT NO. 86-323879. OFFICIAL RECORDS. The property heretofore described is being sold "as is". The street address and other common designation, if any, of the real property described above is purported to be: 10959 MCLENNAN STREET, RANCHO CUCAMONGA, CA 91701. The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made without covenant or warranty, express or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum

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of the Note(s) secured by said Deed of Trust, with interest thereon, as provided in said Note(s), advances if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. The total amount of the unpaid balance of the obligations secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of this Notice of Trustee's Sale is estimated to be \$201,856.71 (Estimated). However, prepayment premiums, accrued interest and advances will increase this figure prior to sale. Beneficiary's bid at said sale may include all or part of said amount. In addition to cash, the Trustee will accept a cashier's check drawn on a state or national bank, a check drawn by a state or federal credit union or a check drawn by a state or federal savings and loan association, savings association or savings bank specified in Section 5102 of the California Financial Code and authorized to do business in California, or other such funds as may be acceptable to the Trustee. In the event tender other than cash is accepted, the Trustee may withhold the issuance of the Trustee's Deed Upon Sale until funds become available to the payee or endorsee as a matter of right. The property offered for sale excludes all funds held on account by the property receiver, if applicable. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee and the successful bidder shall have no further recourse. Notice to Potential Bidders If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a Trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a Trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same Lender may hold more than one mortgage or Deed of Trust on the property. Notice to Property Owner The sale date shown on this Notice of Sale may be postponed one or more times by the Mortgagee, Beneficiary, Trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about Trustee Sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call Auction.com at 800.280.2832 for information regarding the Trustee's Sale or visit the Internet Web site address www.Auction.com for information regarding the sale of this property, using the file number assigned to this case, CA05000643-16-1. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. Date: March 27, 2017 MTC Financial Inc. dba Trustee Corps TS No. CA05000643-16-

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1 17100 Gillette Ave Irvine, CA 92614 Phone: 949-252-8300 TDD: 866-660-4288 Stephanie Hoy, Authorized Signatory SALE INFORMATION CAN BE OBTAINED ONLINE AT www.Auction.com FOR AUTOMATED SALES INFORMATION PLEASE CALL: Auction.com at 800.280.2832 Trustee Corps may be acting as a debt collector attempting to collect a debt. Any information obtained may be used for that purpose. ISL Number 29465, Pub Dates: 04/07/2017, 04/14/2017, 04/21/2017, SAN BERNARDINO SENTINEL

FBN 20160013503
The following entity is doing business as:
SAFE INVESTMENT REALTY GROUP 8311 HAVEN AVE SUITE #180 RANCHO CUCAMONGA, CA 91730 AKXELEM TEJEDA PATZAN 10757 LEMON AVE APT 1925 RANCHO CUCAMONGA, CA 91737.
This business is conducted by: AN INDIVIDUAL.
The registrant commenced to transact business under the fictitious business name or names listed above on: 11/03/2016.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ Akxelem Tejada Patzan
Statement filed with the County Clerk of San Bernardino on 12/13/2016.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 12/23, 2016 and 01/06 & 01/13, 2017.

FBN 20170003796
The following entities are doing business as:
S & A ELIAS TRAVEL 7436 PEPPER TREE LANE FONTANA, CA 92336
ANA B ELIAS 7436 PEPPER TREE LANE FONTANA, CA 92336 [and] SERGIO ELIAS 7436 PEPPER TREE LANE FONTANA, CA 92336
This business is conducted by: A MARRIED COUPLE.
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ Ana Elias
Statement filed with the County Clerk of San Bernardino on 04/04/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/7, 4/14, 4/21 & 4/28, 2017.

ABANDONMENT OF A FICTITIOUS BUSINESS NAME
FBN 20170003763
RELATED FBN 20150010944
ORIGINALLY FILED 9/30/2015
The following entity was doing business as:
1st STREET COLLISION 555 W. FIRST STREET RIALTO, CA 92376 NELDA Y QUINTANA 555 W. FIRST STREET RIALTO, CA 92376
This business is conducted by: AN INDIVIDUAL.

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The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ Nelda Y Quintana
Statement filed with the County Clerk of San Bernardino on 04/03/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/7, 4/14, 4/21 & 4/28, 2017.

FBN 20170003764
The following entity was doing business as:
1st STREET COLLISION 555 W. FIRST STREET RIALTO, CA 92376 IRST COLLISION, INC 555 W. FIRST STREET RIALTO, CA 92376
This business is conducted by: A CORPORATION.
The registrant commenced to transact business under the fictitious business name or names listed above on: 10/01/2015.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ Nelda Y Quintana
Statement filed with the County Clerk of San Bernardino on 04/03/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

FBN 20170003796
The following entities are doing business as:
S & A ELIAS TRAVEL 7436 PEPPER TREE LANE FONTANA, CA 92336
ANA B ELIAS 7436 PEPPER TREE LANE FONTANA, CA 92336 [and] SERGIO ELIAS 7436 PEPPER TREE LANE FONTANA, CA 92336
This business is conducted by: A MARRIED COUPLE.
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ Ana Elias
Statement filed with the County Clerk of San Bernardino on 04/04/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

Public Notices

FBN 20170002787
The following entities are doing business as:
JBS NURSERY 11016 MAPLE AVE BLOOMINGTON, CA 92316 JOSE A SUAREZ 11205 SPRUCE AVE BLOOMINGTON, CA 92316
This business is conducted by: AN INDIVIDUAL.
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A.
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ JOSE SUAREZ
Statement filed with the County Clerk of San Bernardino on 03/10/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/7, 4/14, 4/21 & 4/28, 2017.

FBN 20170002471
The following person is doing business as: I.E AUTO SALE 15111 FOOTHILL BLVD FONTANA, CA 92335. SAMER F DAOUD 14685 STAGELINE LANE FONTANA, CA 92336
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ SAMER F DAOUD
Statement filed with the County Clerk of San Bernardino on 03/06/2017.
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

FBN 20170002473
The following person is doing business as: INLAND AUTO GROUP WHOLESALER 15117 FOOTHILL BLVD FONTANA, CA 92335. SAMER F DAOUD 14685 STAGELINE LANE FONTANA, CA 92336
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ SAMER F DAOUD
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

FBN 20170002481
The following person is doing business as: PRECISION TRAINING GROUP 6145 CEDAR HILL PL RANCHO CUCAMONGA, CA 91739. DANIEL J MONTOYA 6145 CEDAR HILL PL RANCHO CUCAMONGA, CA 91739
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ DANIEL J MONTOYA
Statement filed with the County Clerk of San Bernardino on 03/06/2017.
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111703
The following person is doing business as: LUCIAN'S PIZZA 33946 YUCAIPA BLVD SUITE B YUCAIPA, CA 92399. LC & RS INC 30290 FRONTERA DEL NORTE HIGHLAND, CA 92346
This business is conducted by: AN CORPORATION
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ LC & RS INC. Statement filed with the County Clerk of San Bernardino on 03/06/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111704
The following person is doing business as: LIVE VULNERABLE 1651 N. RIVERSIDE AVE APT# 1018 RIALTO, CA 92376. SUMAYA J SKEETERS 1651 N. RIVERSIDE AVE APT# 1018 RIALTO, CA 92376
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: 02/10/2017
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ SUMAYA J SKEETERS
Statement filed with the County Clerk of San Bernardino on 03/06/2017.
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111705
The following person is doing business as: CHACAL TRUCKING 18187 GRANADA AVE FONTANA, CA 92335. ALEJANDRO LOPEZ 18187 GRANADA AVE FONTANA, CA 92335
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ ALEJANDRO LOPEZ
Statement filed with the County Clerk of San Bernardino on 03/06/2017.
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111709
The following person is doing business as: WEST COAST DRIVING SCHOOL 14726 RAMONA AVE STE 410-S21 CHINO, CA 91710; 3878 ALDER PLACE CHINO HILLS, CA 91709; JORGE L CHAVEL 3878 ALDER PLACE CHINO HILLS, CA 91709
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: 07/17/2012
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ JORGE L CHAVEL
Statement filed with the County Clerk of San Bernardino on 03/06/2017.
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/ Deputy
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111708
The following person is doing business as: ESPINOZA ADULT CARE HOME II 12799 PETALUMA ROAD VICTORVILLE, CA 92392; 4037 PHELAN ROAD SUITE A 265 PHELAN, CA 92371. R.A.C. ESPINOZA, INC. 8260 HOLLISTER ROAD PHELAN, CA 92371
This business is conducted by: AN CORPORATION
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ R.A.C. ESPINOZA, INC.
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111709
The following person is doing business as: ROWKO SOLUTIONS 11261 SNOW BELL PL FONTANA, CA 92337; JUDE E OKWOR 11261 SNOW BELL PL FONTANA, CA 92337
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.
S/ JUDE E OKWOR
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111709
The following person is doing business as: ULTIMATE PARTY ENT 17949 YELLOW DOCK WAY SAN BERNARDINO, CA 92407; 15218 SUMMIT AVE SUITE 300-224 FONTANA, CA 92336; MICHAEL B STICKLER 17949 YELLOW DOCK WAY SAN BERNARDINO, CA 92407
This business is conducted by: AN INDIVIDUAL
The registrant commenced to

Public Notices

rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111706
The following person is doing business as: WEST COAST DRIVING SCHOOL 14726 RAMONA AVE STE 410-S21 CHINO, CA 91710; 3878 ALDER PLACE CHINO HILLS, CA 91709; JORGE L CHAVEL 3878 ALDER PLACE CHINO HILLS, CA 91709
This business is conducted by: AN INDIVIDUAL
The registrant commenced to transact business under the fictitious business name or names listed above on: 07/17/2012
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S/ JORGE L CHAVEL
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Published in the San Bernardino County Sentinel 3/17, 3/24, 3/31, 4/7/2017.

111707
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This business is conducted by: AN CORPORATION
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
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This business is conducted by: AN INDIVIDUAL
The registrant commenced to

Larson Goes Eyeball-To-Eyeball With Norton

from page 6

however, stopped short of asking Norton what the reason for Reitz's departure was.

To Mandel's questions, Norton indicated that the next county counsel hired to replace Reitz was Dennis Wagner, who had been Postmus' private attorney, and that he learned of Wagner's hiring when Burum told him about it.

Norton testified that on July 31, 2006 Judge Christopher Warner entered his intended statement of decision following a trial over the issues dividing the county and the Colonies Partners, and that it was not favorable to the county. He characterized it as "Armageddon [and] very harsh."

He said the county had made written objections to Warner's findings and decisions, which he had participated in drafting as an assistant to the Jones Day legal team. Those findings included referencing "fraudulent" dealings by the county and criticism of the county's flood control district director, Ken Miller. "I believe the legal team expressed disagreement with Judge Warner on those issues," he said.

Mandel asked if Norton "became aware that day or shortly thereafter that Mr. Postmus and Mr. Biane spoke to Mr. Burum's public relations team?"

"This is the first I heard of it, so no," said Norton.

Norton confirmed the accuracy of closed session memos showing that as of August 15, 2006, just a little over two weeks after Warner's statement of intended decision, he and another deputy county counsel, Charles Scolastico participated in the drafting of a history of the litigation to outline the issues to be taken up on appeal. Included in this was "substantive inconsistencies with the court of appeal opinion holding that all easements still exist for omnibus flood control."

Warner had heard the matter as a bench trial, serving in the capacity of both judge and jury. A central tenet of his decision was that the county no longer had a valid claim to the flood control easements, not because it had abandoned them as Norell had ruled, but because it had overused them. Warner had used the term "surcharged," which had been provided to him by Colonies Partners attorney Scott Sommer to convey the concept of overuse.

"Was it your position the county should, and did you advise the board they should, wait for the Warner decision to become final and then appeal it?" Mandel asked.

"I believe so," said Norton.

Norton further testified that Dennis Wagner while serving as county counsel "had submitted a written document to the California Office of the Commission on Judicial Performance," that is a complaint, and that "the correspondence identified a concern regarding the two judges [Norell and Warner] who had been presiding over the quiet title trial."

Norton testified that during settlement negotiations in October and November, Postmus was using his Blackberry device to communicate with outsiders outside the negotiating room.

Norton testified that as the board was heading toward adopting the \$102 million settlement in late October and November of 2006, the board had been informed that the county could be subjected to a taxpayer lawsuit as a consequence. He said Postmus "was not mindful of the risks going forward of exposing the county to a taxpayer challenge" and had said, "Be that as it may, it is still preferable to settle the lawsuit and deal with those consequences at a later date."

Norton testified that the Colonies Partners and its attorneys were not forthcoming with the documentation of the losses the Colonies Partners were claiming until the very last minute before the settlement was

voted upon, which did not give adequate time to examine that documentation.

"Without evidence and without documentation of the damage claims Colonies was advancing, a settlement at such a high number would be hard to justify," he said.

Norton said he was advising against the settlement because "other agencies [the City of Upland, the regional transportation agency and Caltrans] should be legally encouraged to contribute to any settlement the county would pay in respect to the Colonies."

When Mandel asked Norton why he had advised against the settlement but then prepared and worked to pursue a validation of the settlement once it was passed by the board of supervisors, Norton justified it thusly, "The validation action was a very important tool to enable the county to perform the settlement agreement. We had to approve the settlement in order to protect the county's interest and the taxpayers' interest. At the bottom, we had to take the necessary steps not to be in default of our obligation under the settlement. Because of the \$80 million [in bonds issued to eventually pay the Colonies Partners in addition to the first \$22 million cash installment put up in November 2006], it was an important part of enabling the county to perform its obligation under the settlement and not be in breach."

With Mandel's direct examination of Norton concluded on Monday, and no court proceedings on Tuesday or Wednesday, the cross examination of Norton began on Thursday. Entrusted with the first sally against Norton, his credibility and the breadth and depth he had contributed to the prosecution's narrative was Burum's lead attorney, Stephen Larson. The Larson-Norton confrontation featured two combatants with impressive educational, legal, professional and experiential backgrounds.

Larson, 52, attended Georgetown University and USC Gould School of Law, passing the bar at the age of 25. After two years of private practice, he went to work in the U.S. Attorney's Office and was elevated to the federal bench in 2005 where he remained for nearly four years before returning to private practice with the law firm of Girardi Keese. In 2011 he moved to the law firm Arent Fox in Los Angeles as a partner and shortly thereafter became the lead attorney in Arent Fox's complex litigation division. He formed, with Robert C. O'Brien, the law firm of Larson O'Brien in 2016. In addition to his domestic law practice, he practices in international courts and he is vice president and lead counsel for the Ontario Airport Alliance.

Norton is a year younger than Larson, a summa cum laude graduate of UCLA and Georgetown University Law Center. He has been practicing law since the age of 28. Considered among the leaders of the county's staff attorneys, he is on a career trajectory toward becoming chief county counsel in San Bernardino County.

Going into their head-to-head confrontation on Thursday, Norton found himself at a distinct disadvantage. A litigator by profession, he was thrust into what is for him the rare position of being a witness cross examined by a hostile attorney. That attorney, Larson, was being called upon to dig into a set of facts and circumstances of tremendous moment to his wealthy client, Burum, who has spared no expense all along in providing his legal team with the information, background and preparation needed to advance his civil case and now finds himself in a situation of tremendous extremity, engaged in the fight of his life to not only clear his name and avoid prison but prevent the State of California and the County of San Bernardino from forcing his company and all of its investors to disgorge

the \$102 million paid out to it more than a decade ago. More disadvantageous yet, Norton found himself in the highly problematic circumstance of having been the county's lead in-house attorney representing it in its arguments, assertions and court papers that the Colonies Partners' claims were invalid prior to the settlement, while having been, and remaining, the county's lead in-house attorney in representing it in the effort after the settlement to recover from its insurers the money the county claims is owed to it over its indemnification policies that are applicable to its \$102 million payout to the Colonies Partners. In this way, in attempting to recover from the county's insurance carriers, Norton has, on occasion, filed court documents, and made assertions in court that the county was justified in having conferred the \$102 million settlement on the Colonies Partners. Making the matter more problematic still is that while one of its insurers, Travelers Insurance, provided the county flood control district \$9.5 million to satisfy its indemnification responsibility with regard to the Colonies Partners' lawsuit settlement, the California State Association of Counties Excess Insurance Authority has rejected the county's claim. In the legal action for recovery the county has pursued, lawyers for the California State Association of Counties Excess Insurance Authority have propounded the prosecution's theory that the settlement vote was tainted by conspiracy, graft, extortion, bribery, collusion and political corruption, which they claim absolves the authority of having to make good on its indemnification of the county. This has put Norton in the position of taking up at least a portion of the position of the Colonies Partners' lawyers in arguing that the county had wronged the company.

Present in the courtroom during all of Norton's testimony was

Andrew Prout, a lawyer from the firm Theodora Oringer, which is serving with Norton as co-counsel in the effort to force the California State Association of Counties Excess Insurance Authority to make good on its indemnification commitment. Prout made occasional objections to the questions thrown at Norton, all of which Judge Michael Smith overruled.

Larson, a skilled examiner made more effective still by his imperious bearing and resonant baritone, refrained from the tactic of questioning Norton at a frenetic pace as he had previously done with another prosecution witness, former supervisor Dennis Hansberger. Instead, Larson proceeded with an air of calm deliberation, giving Norton, for the most part, the opportunity to choose his words carefully and run through the relevant issues raised in the questions he was asked. On occasion, though, Larson made use of a show of impatience, particularly when Norton appeared to avoid or move away from the subject Larson was inquiring about. On one occasion, Larson made use of indirection, essentially asserting that Norton and other county lawyers had failed to disclose to the board of supervisors that there was a risk of loss to the county if it continued to litigate the matter with the Colonies Partners. When Norton said that he had made that disclosure and read through a document and found the passage where that caveat had been provided, Larson pounced and referenced verbiage a few lines down which he took Norton to task over. Larson also offered up changes of pace in his questions, asking what came across as general or almost philosophical questions with regard to legal concepts or practices and then punctuating such an opening with a riveting and hard-edged and even barbed point of inquiry on a specific issue. Larson in this

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San Bernardino County Coroner Reports

Coroner case #701702188 On 03/24/2017 at 3:16 AM, Emauri Kahjancye Scott, age: 21, from San Bernardino, was a passenger in a Chrysler Sebring that was travelling eastbound on Interstate 210 near Archibald Avenue in Rancho Cucamonga. A California Highway Patrol officer had just happened to come upon the collision apparently just after it occurred and found the vehicle to have major collision damage with several injured persons inside. No other vehicles appeared to have been involved in the collision. Paramedics were summoned who responded and pronounced Scott dead at the scene. The California Highway Patrol is investigating the collision. [03242017 1355 EM]

Coroner Case #701702026 On Thursday, 03/16/2017, at approximately 7:45 am, officers from the Colton Police Department responded to a train versus pedestrian on the railroad tracks north of Barton Rd., and S. La Cadena Dr., in Colton. A 45 year old male transient was found to have been struck by a train while trespassing on the railroad right of way and was pronounced dead at the scene from his injuries. When next of kin has been notified, his name will be released. The Colton Police Department and the BNSF Police Department are investigation the incident. [03162017 1604 EM]

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Conviction Of Deputy In Pusok Beating Case Of Historic & Cultural Significance *from page 7*

of a former top ranking member of the department who is himself on a career trajectory that will likely take him into the command echelon. This has given rise to the insinuation that Downey, Foster and Phelps were in some measure scapegoated.

Following Foster's conviction, his attorney, Heather Phillips, told the *Sentinel*, "Mr. Foster and his family are saddened by the jury's verdict. This is not what we hoped for and, quite honestly, not what we expected.

"Evidence was presented in the form of an expert witness in an attempt to help the jury understand a deputy's perspective, as that is the legal standard by which Mr. Foster's actions must be judged," Phillips continued. "It appears that the jury ignored that evidence and, instead, bought into the dramatic and improper arguments made by the prosecution."

Phillips said the trial and closing arguments in particular were marred by improper conduct by Bulloch which deprived her client of fair consideration. "I moved for a mistrial on Monday [March 27] morning and again on Tuesday," Phillips said. "While the court acknowledged that the prosecution willfully violated a court order in his closing argument, the court denied the motion for mistrial. The

motion was renewed on Tuesday, based again on prosecutorial misconduct for what appeared to be an intentional misrepresentation by the prosecution regarding the violated court order on the day prior, as well as a number of religious, irrelevant, and prejudicial remarks during closing arguments that were expressly discussed and ordered not to be mentioned by the Court prior to the trial beginning."

Phillips said, "Unfortunately, the prosecution chose to present this case in a manner that caused a circus-like atmosphere throughout the trial, bending the rules past their breaking point every time it seemed to suit its case. The combined effect of the prosecution's inflammatory presentation of the case, coupled with the prejudicial and improper arguments made seem to have distracted the jury from its primary duty: to render a verdict based on the facts, evidence, and principles of law presented to them."

Phillips said she is committed to making whatever efforts she must to ensure the verdict does not stand.

"We will appeal on those grounds as well as the inclusion of a jury instruction, over objection, that misstated the law and likely served only to confuse the jury on the relevance of a deputy's state of mind in this case," she said.

In response to her perception of why her client, Foster, had been convicted while the jury was unable to come to a consensus with regard to Downey and Phelps,

Phillips said, "The difference in verdicts is explainable most likely due to the fact that Mr. Foster's involvement in the incident with Mr. Pusok took place at a time after the contact for which the two co-defendants are charged. The facts and circumstances of the interaction were very different for Mr. Foster, as he was alleged to have committed assault after Mr. Pusok had been handcuffed, while the co-defendants are alleged to have committed assault upon their initial contact with Mr. Pusok."

Foster was convicted on the basis of atmospherics rather than facts, Phillips asserted.

"If the jury had been presented with this case in a non-prejudicial and proper manner, I would trust in the jury system and not appeal the verdict solely because I disagree with it," Phillips said. "However, it seems an inescapable conclusion that the jury was swayed by the unfortunate way in which the case was presented, over many defense objections. It was presented as an attack on the sheriff's department in general so as to attack the credibility of the defense's expert witness, despite the fact that the San Bernardino County District Attorney's Office has retained the very same expert to prosecute more than a dozen cases. Apparently, the sheriff's department and anyone who has ever worked for it cannot be trusted, unless it would be beneficial for the district attorney's office to do so. The prejudicial and improper closing arguments simply sealed Mr. Foster's

fate, in that he would be convicted on exaggerated theories of what happened, rather than the actual evidence."

Phillips said, "I will file a motion for judgment notwithstanding the verdict in the near future and, if it becomes necessary to ensure my client's right to a fair trial is protected, an appeal to the California Court of Appeals."

Michael Schwarz, who represented Downey and has had a consistent string of success in representing police officers throughout California and particularly in San Bernardino County heretofore, told the *Sentinel* this week the atmospherics and the dynamics of the law, or its interpretation, as it relates to law enforcement officers in San Bernardino County is changing, as is it elsewhere. That is most apparent, he said, in the liberties taken by the prosecution.

"To be blunt, considering how the jury was instructed in accordance with the law, and closing arguments, I was surprised it wasn't a not guilty verdict," he said of the 8-4 verdict for conviction of his client and Phelps.

As to Mr. Bulloch's closing arguments and rebuttal, Schwarz said, "I thought they were highly inappropriate and unprofessional."

Did he believe Bulloch's statement had crossed the line to prosecutorial misconduct?

"Yes," said Schwarz. "I made three motions for a mistrial during closing arguments." Beyond Judge Dwight Moore's denial of that

motion, Schwarz said he will not pursue the matter. "My client pled guilty to a drastically reduced charge of disturbing the peace. My role in the criminal proceedings is over."

Law enforcement officers are no longer considered sacrosanct, Schwarz said, in San Bernardino County and elsewhere.

He said that what is going on here is "a microcosm of what is going on in parts of this country, if not the entire country. Anyone who has the experience of going through a criminal trial must be afforded a presumption of innocence and the only exception to that is in the case of police officers."

The images caught on the video and broadcast to the world created a perception of guilt that hovers over the deputies, Schwarz said.

"The video is a window into part of the story," he said. "It is never the entire story. The law mandates that the jury base its decision on the perspective of a police officer on scene, and not from the vantage point of a detached, two-dimensional video. Unfortunately, the public doesn't see it that way."

The verdicts belie a larger reality in San Bernardino County, which as recently as a decade ago was one of the last bastions of Republicanism in the Golden State. California, from which three Republican U.S. Presidents hailed in the 20th Century, and which was celebrated as "Reagan Country" a generation ago, has been growing more and more

Democratic, with the Democrats now holding supermajorities in both houses of the state legislature, while occupying the Governor's Mansion and the office of Attorney General. San Bernardino County had defied that trend and over much of the last two decades, all of its district attorneys, all of its sheriffs and consistently two thirds or four fifths of the members of the board of supervisors during that time have been Republicans, although ostensibly, but only ostensibly, those positions are considered non-partisan. But more than five years ago, in conservative San Bernardino County, the voter registration numbers crossed over in favor of the Democrats. At present, the Democrats in San Bernardino County have widened that lead. As of Sunday, 366,847 of the county's 915,919 voters, or 40.1 percent, were registered Democrats, while 290,523 or 31.7 percent, were registered as Republicans. With Democrats being the progenitors of prison realignment and ending incarceration for significant portions of the population convicted of non-violent criminal offenses, liberalizing drug laws and reforming the bail bond system among other rejections of the law and order ethos that once dominated the society, a new attitude toward the law and lawgivers is in ascendency, putting lawmen at a social station no higher than other professionals, denuding them of their patina of invulnerability

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County Wildlife Corner

Silverfish

Silverfish (*Lepisma saccharina*) are not fish at all but rather small, primitive, silvery light grey and blue wingless insects in the order Thysanura.

Nocturnal, silverfish are typically half an inch to an inch long, have two long cerci and one terminal filament at the tips of their abdomens, and have two small compound eyes and long antennae, and move in a wiggling motion that resembles the movement



of a fish. Living for two to eight years, silverfish are agile runners and can outrun most of their predators on horizontal surfaces, but, lacking additional appendages, are not fast enough to climb walls at the same speed.

They avoid light and inhabit moist areas, and can be found in attics, basements, bathtubs, sinks, kitchens, and

showers.

Silverfish engage in a mating ritual involving the male and female standing face to face, touching their quivering antennae, followed by the male running away, to be chased and caught by the female, at which point the bugs stand side by side and head-to-tail, with the male vibrating his tail against the female, before laying a spermatophore, a sperm capsule covered in gossamer, which the female

takes into her body via her ovipositor to fertilize her eggs. The female lays groups of fewer than 60 oval-shaped, whitish, 0.031-inch long eggs at once, deposited in small crevices.

After hatching, the



nymphs moult, shedding their exoskeleton, and continue to do so into

adulthood, perhaps as many as 60 times in their lifetime.

Silverfish consume matter that contains polysaccharides, such as starches and dextrin in adhesives, book bindings, carpet, wallpaper, clothing, coffee, dandruff, glue, hair, some paints, paper, photos, plaster, cotton, dead insects, linen, silk and sugar. They can live for a year or more without eating if water is available. Considered household



pests due to their consumption and destruction of property and the contamination of food, they are not recognized as transmitting disease. Earwigs, house centipedes, and spiders are known to be silverfish predators.

County Lawyer Testifies

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and other ways sought to keep Norton off balance. Larson further sought to shape Norton's responses to both his own client's as well as the other defendants' benefit, by layering into his questions assertions of fact that undergirded the defense's theory of innocence. Norton to some extent allowed Larson to proceed in this manner, but qualified some of his answers or phrased them in such a way to state that he was answering to accommodate the question and the spirit of inquiry rather than the facts. At one point, Norton from the witness stand attempted to question Larson with regard to an element in one of the questions he had been asked. Larson would not indulge the question at all. At another point, Norton lightly chided Larson, saying

his questions were based on "hypotheticals." Nevertheless, by the day's end, Larson was indeed able to wring from Norton statements and admissions that undercut a portion of the prosecution's assertions and even some of what Norton had himself added to that narrative. Remarkably, Norton managed to hold up under Larson's sometimes vicious cross examination without losing his equanimity, basic credibility or dignity. And rather subtly, Norton managed to use his disadvantageous position as the individual being questioned, to deliver the suggestion that he possessed a more comprehensive, accurate and nuanced understanding of the civil case than Larson, Judge Warner, Judge Norell and several others.

Larson sought to make headway with Norton by having him acknowledge that the county's attorneys had overvalued the appellate court's reversal

of Norell's ruling with regard to the abandonment of the easements and had misrepresented the degree of its significance to the members of the board of supervisors, in so doing referencing that the county had still lost at trial before Judge Warner afterward. Norton stood by his belief that the appellate court's ruling "meant that the Colonies would not be able to successfully advance the inverse condemnation claim."

Inverse condemnation is a government's taking of private property without just compensation for it.

"But the inverse condemnation case was alive and well after that tentative decision, correct?" Larson asked.

"Yes," said Norton.

"That was bad advice," Larson asserted.

"Given the full context of the pending tentative decision and circumstances, I would not agree that was bad advice," Norton said.

When Larson pointed out that as a matter of law, in an inverse condemnation case the governmental entity taking the property must pay a price on the property as valued when put to its highest and best use, Norton acknowledged that was so, but still managed to contest Larson's suggestion that all of the property the county needed to use would have been obtained through inverse condemnation.

Larson got Norton to acknowledge that though the lawyers had reservations about members of the board holding settlement discussions with the Colonies Partners principals, it was permissible for those meetings to be held.

"There is nothing illegal or inappropriate about that from an ethical perspective, right?" Larson asked.

"Correct," said Norton.

Larson referenced the meetings between Post-

mus and Biane and Richards and Burum outside the presence of the attorneys, and asked, "Did you state an objection to that?"

Norton said, "No, not that I recall."

Larson then scored his biggest coup of the day when he delved into the outcome of the trial before Judge Warner and how that carried over to the \$102 million settlement. He referenced Norton's use of the term "Armageddon."

Norton said of the trial "It's fair to say it was going badly."

Larson then referenced another phrase Norton had used, in which he said Warner's ruling represented "changing the landscape." Norton acknowledged having said both.

When Norton was questioned about the \$102 million settlement before a grand jury in 2009, he had come to accept it as being, he said "objectively reasonable," he acknowledged.

Norton explained that based on the "risk and exposure of going forward, I would describe it as objectively reasonable given the extremely negative language in Judge Warner's tentative decision. It having become finalized would have exposed the county to about \$300 million [in potential damages]. A compromise on that claim for one third on the dollar was objectively reasonable given all the factors at that time."

Larson asked Norton to provide the basis of his and the Jones Day law firm's advice to the board of supervisors to spurn the \$102 million settlement and appeal Warner's decision. Norton said the leverage to be gained in the settlement talks was one reason, the belief that Judge Warner had defied the appellate court by essentially repeating Judge Norell's ruling that the county no longer held

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State Looking To Do Away With Bail In Most Criminal Cases from page 2

leased from custody on bail put up by a bondsman loses in its entirety the percentage paid to the bondsman to secure the bail.

Bail is money put forth or pledged to ensure that a suspect who is released from custody will appear for trial or later court

dates. When the bail set is beyond an arrestee's means, he or she will often arrange with a bail company to put the bond up, typically for a fee that is near ten percent of the bail amount. If the accused fails to appear, the bond is forfeited to the state. Once the individual is acquitted or the charges are dropped or the person is convicted and sentenced, the bail money put up on his or

her behalf is returned, either to the bail company that put up the money or the person charged, if he or she was able to collect the money on his or her own. In the case where an individual obtained bail from a bail bond company, even upon acquittal, exoneration or the dropping of charges, the ten percent paid to the bail bond company is not returned to him or her. In this way, an in-

nocent person can lose money by being processed through the justice system.

According to the Public Policy Institute of California, the me-

Deputy Convicted In Pusok Beating

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to the rule of order they are licensed to enforce. In this way, Charles Foster has attained a status

dian bail in California is \$50,000.

Moreover, reformers maintain, the financial onerousness of the bail system can result in the innocent remaining in-

he would rather have not had as a significant San Bernardino County historical personage, the first of its law enforcement personnel to have felt the tangible impact of members of his profes-

carcerated until they are vindicated, such that many who are not in fact guilty of a crime plead guilty to get out of jail. -Mark Gutglueck

sion now being deemed to be of no higher standing in the eyes of the law than the general citizenry, including its various and sundry miscreants, they are called upon to police. -Mark Gutglueck

California Style Bolding

By Grace Bernal



Black and white together can be very bold and look great with hints of other colors like silver or pink. It's primordial when you see black



and white together because the colors are so traditionally stark. But, as usual, the new generation knows how to make traditional extraordinary. They can mix, match and mismatch outfits with a creative flair. They're mixing black skirts with white



tops, black dresses with white sandals, and black denim with white sneakers. It's nice to see the younger set take on the



black and white in new ways. The young people know how to twist



things around with their black and white graphics etc., and women always know how to add a



hint of some color when wearing black and white, handling it in a very



tasteful way, too. Take the color silver, which makes black and white



look refreshing and neat. If you think there's nothing going on in fashion, take a look at the young people out there expressing their daring through their dressing. Have an awesome time mixing and matching traditional color this weekend.



"Women think of all colors except the absence of color. I have said that black has it all. White too. Their beauty is absolute. It is the perfect harmony." – Coco Chanel

As always, if there's anything you need, I'd love to hear from you: Greygris@aol.com or visit my page I Love Your Style on Facebook Copyright Grace Bernal all rights reserved

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the flood control easements was the second reason and a third reason was that there was yet a pending complaint pertaining to judges Norell and Warner to the Commission on Judicial Performance.

Larson challenged Norton with regard to the latter two. Larson pointed out that Warner's ruling that the county no longer had the easements was based on his contention the county had overused or surcharged the easements, while Norell had said the easements were abandoned for having not been used. The differing reasoning the judges used notwithstanding, Norton said, the bottom line was that the appellate court said the county still had the

easements.

Larson strongly suggested the basis of the judicial performance complaint had been based on erroneous information provided by one-time Hesperia Mayor Jim Lindley. Norton, however, indicated that he did not believe the information was inaccurate and he said the basis of the complaint came from sources and information other than that originating with Lindley.

Larson pressed Norton on whether the board of supervisors had been informed that continuing with the litigation had carried with it the potential of defeat and a substantial monetary loss to the county. Detecting some softness in Norton's response that a disclaimer had been made but "I don't have a specific recollection of a specific conversation,"

Larson asked, "Did you give them a realistic assessment of the risks and benefits of pursuing litigation and the odds or percentages of failure?"

Recognizing at once that he had been presented with a rare opportunity to derogate Larson, Norton did not squander it.

"I can almost guarantee you that I didn't give them odds," Norton responded.

Larson cited and displayed for the jurors and courtroom observers a November 1, 2006 email Norton had sent to Paul Watford, who had resigned as the outside counsel representing the county on the Colonies matter in 2005, about a mediation session that was to take place later that day, following by not quite two weeks a previous mediation session on October 19.

Larson got Norton to acknowledge he "never had authorization from the board of supervisors to discuss with Mr. Watford that mediation session." Larson then focused on the email's contents. "I'll call in the next day or so and give you the post-mortem," Norton had written. "We've taken their draft agreement generated after the 10/19 session and added a panoply of what I like to call poison pills. We even added a 'mediator's certificate' for Panelli to warrant that it's fair equitable and legal. We'll see how that goes over. Also, still huge is their refusal to produce any documents to substantiate their damage claims until after the agreement is signed and performed. That may swing the two swing BOS [board of supervisors] votes back."

Larson focused on the

"poison pills" reference, averring that Norton was actively seeking to sabotage any concordance that might have been forming between the supervisors and the Colonies Partners.

Norton said, "My objective was to protect the county's interests as best I could. If that meant putting provisions into the agreement to give the members pause before going forward with the agreement, that was my purpose. It is my job to give the county the best foot going forward. I did not try to sabotage the settlement or keep it from going forward." He said the use of the phrase "poison pill" essentially conveyed "the fact that I don't think Mr. Burum or Mr. Richards are going to like them. That's the meaning."

Norton is due back on the witness stand Mon-

day morning.

It is anticipated that Larson will focus some of his cross examination on Norton's previous testimony before the grand jury and the demonstrable differences in that testimony with assertions in documents relating to the county's efforts to force the California State Association of Counties Excess Insurance Authority to honor its indemnification of the county with respect to the Colonies Partners lawsuit settlement. There is a further expectation that Larson will attempt to have Norton shed light on supervising deputy district attorney Lewis Cope having actively obstructed him from informing the grand jury of exculpatory evidence during his testimony before that panel.

