

Tow Franchise Lawsuit On The Brink Of Exposing Decades of SB Corruption

By Mark Gutglueck

The City of San Bernardino appears to be headed toward a trial in which two generations of the city's political leadership, ten of its city managers, nine of its police chiefs and dozens of its police officers ranging from the rank of captain down to that of sergeant and other city officials over the years are on tap to be exposed as having been enmeshed in a long

running scheme that allowed for the trading of lucrative franchises in return for payoffs and career advancement.

While the pay-to-play scheme has locked in the advantage of what has essentially been the same six separate tow companies that have been placed on the police department's rotation to deal with vehicles parked in no parking zones, left on the streets

in a specific location for more than 72 hours or those of individuals arrested for driving under the influence or those taken into custody after a traffic stop or arrest, the franchise system did not prevent other companies from engaging in business involving the public in general, such as towing broken down vehicles or conveying cars from one place to another. Still, with each

police department-authorized tow, the car's owner is subject to a tow fee, another service fee and a per-day impound fee that begins to accrue immediately upon the tow company removing the vehicle to its operations yard. Placement on the city's towing rotation virtually ensures a towing company's viability as a going concern. The competition to obtain a franchise is fierce, in-

volving intimidation tactics employed against not only rival franchise applicants but city officials and the elected leadership who serve as the ultimate arbiters of who is to receive a franchise and who will not. As a matter of course, many or in fact nearly all of those elected decision-makers – the mayor and city council – have simultaneously found themselves to **See P 2**

No Explanation Forthcoming On Deeding Of Easement To Landowner

Redlands city officials have yet to clarify the circumstance relating to the curious grant deed-ing of a strip of property that borders the frontages of a significant number of residential properties in Redlands.

According to tract map documents on file at the San Bernardino County Recorder's Office, the sliver of land in question running along Alta Vista Drive was dedicated for public use in 1948 as part of Hilltop Estates Tract 3311.

The property was deeded to the city as a road, ingress, egress, road support, culvert and drainage easement. Apparently in 2016 it was deeded to a private property owner, Don Paulson, but it is difficult to discern why. Paulson owns property in the neighboring subdivision of Dunlap Ranch, but not in Hilltop Estates. The land for the Hilltop Estates Tract 3311 subdivision was at one time owned by the University of Redlands, but recorded documents reveal that the University of Redlands gave clear title to subdivision land owners and dedicated this area for public use on March 22, 1948. There is no record of fees or ownership of this strip of land by the University of Redlands after 1948.

In 1988 and 1989, the University of Redlands sent documents to all residents in the Hilltop Estates Tract 3311, stating that the University held "no economic interest" in Tract 3311. These documents were signed by University of Redlands treasurer Julie K. Phelps. **See P 3**

Colton Mayor Navarro Removes Woods From RR Committee In Favor Of Toro

With a railroad project on tap for completion on Colton's west side, Mayor Frank Navarro, over the objection of Fifth District Councilman Jack Woods, displaced Woods from the city's railroad committee, replacing him with First District Councilman David Toro.



Jack Woods

Colton, like three other of San Bernardi-

no County's 24 cities, is a railroad town. It

is named after David Colton, who went to work for the Big Four – Leland Stanford, Collis Huntington, Charles Crocker and Mark Hopkins – after their company, the Central Pacific Railroad, constructed the westernmost portion of the first transcontinental railroad, which met the Central Pacific Railroad in Promontory,

Utah in 1869. Hoping that he might transform the Big Four into the Big Five and become the fifth member of that exclusive fraternity by managing the Central Pacific's effort to complete the western expanse of the Southern Pacific Railroad, David Colton took on the role of vice president of the Southern Pacific Rail-

road Company, while he oversaw the construction of the Southern Pacific Railway. Three years before death found him as a consequence of his being thrown from a horse in 1878, he founded the town of Colton in 1875 as a key stop on the Southern Pacific's route through the valley on its way eastward from Los An- **See P 8**

MUSD Struggles With Finances Following Superintendent's Exit

Morongo Unified School District Superintendent Tom Baumgarten has exited his position for an unknown reason. Equally unknown is whether his departure is a temporary leave of absence or for good.

Meanwhile, Doug Weller, Morongo Unified's former assistant superintendent of human resources, has been brought in to serve in the

capacity of acting superintendent.

The *Sentinel's* inquiries as to what the basis for Baumgarten's absence is, and whether he is merely playing hooky or has been expelled, were met with what were essentially non-answers to the quiz. Efforts to reach Weller ultimately led to the woman who was formerly Baumgarten's secretary and is now serving in **See P 3**

Faced With Three City Leadership Decisions, Upland Council Kicks Two Down The Road

Last week, the Upland City Council made one decision and two non-decisions with regard to municipal leadership.

The Third District city council position to which Ricky Felix was elected in November 2018 became vacant as of May 31, following Felix's resignation earlier last month in accordance with his decision to move with his family to Utah.

The announcement of

Felix's intended departure touched off a furious round of speculation as to how and with whom the gap would be filled. There was conjecture that Mayor Debbie Stone would seek to prevail upon her council colleagues to replace Felix with Gino Filippi, who had served two terms on the council from 2010 until 2018, and who was defeated for reelection two years ago as the city

transitioned from what had formerly throughout its then 112-year history been at-large city council elections to a district system. Filippi finished a distant third in the race to represent the Third District, which covers the city's southwest quadrant, behind Felix and another political neophyte, Irmalinda Osuna, who ran a close second.

Filippi had **See P 7**

Ontario Airport Sees Significant Decline In Ridership & Uprating In Freight Tonnage

Slightly less than ten years after the City of Ontario, led by City Councilman Alan Wapner, undertook a no-holds-barred and ultimately successful campaign to wrest control and ownership of Ontario International Airport from the City of Los Angeles, the ridership decline that occurred at the aerodrome over a decade ago which

was used as Ontario's justification for its takeover move has replicated itself.

Beginning in 2011, Wapner began a full-frontal attack on the City of Los Angeles, claiming the steady decline in the number of passengers at the airport from the 7.2 million that passed through its gates in 2007 was a function of the disregard and neglect

that Los Angeles and the corporate entity, Los Angeles World Airports, which Los Angeles used to manage the operation of Los Angeles International Airport, Van Nuys Airport and Ontario Airport, had exhibited toward Ontario and its aviation facility.

Most airline industry analysts and Los Angeles city officials maintained that the decline in pas-

sengers at Ontario International Airport, known by its Federal Aviation Administration abbreviated designation ONT, was a consequence of the steep economic downturn that gripped the nation, State of California and the region beginning in the fall of 2007 and which maintained itself for more than a half of a decade as the "great recession."

Wapner's intent, which was shared by his council colleagues and that of Ontario's top administrators, was to force the City of Los Angeles to disgorge the airport, and allow Ontario to take charge of its destiny rather than entrusting it to the megalopolis 45 miles to the west.

The larger city's acquisition of the airport had come about **See P 5**

In Return For Money From Tow Operators, A Legion Of SB's Elected Leaders Acquiesced In A Long-Running Questionable Franchise Set Up *from front page*

be the recipients of the largesse offered by the franchised tow companies in terms of political donations intended to keep those who have voted to approve the continuation of the franchises in office, and in a subset of those cases of bribes and kickbacks.

The city managers who led the city over the last 33-plus years, who under the city's code and charter served and serve at the pleasure of the council, and the litany of police chiefs who have served under those city managers, out of a sense of professional survival or a craven lack of fortitude, have consistently refused to defy their political masters, and have proven unwilling to make an issue of the consideration that at least some of the tow service franchisees failed to meet the city's specified standards for them to be afforded the special status that was vouchsafed to them. As political animals themselves, those city managers and police chiefs were informed by their own direct inquiries or through indirect osmosis of who was contributing how much to the mayors' and city council members' electioneering funds. Calculating that the council members and the mayors would take a dim view of any official action that interrupted the flow of money to the politicians' campaign donors, they remained silent about the manner in which some of the city's tow franchise operators were cutting corners. In some cases, police department personnel actively made misrepresentations in an effort to support the city council and mayor in sustaining the franchise set-up.

Those involved include a virtual Who's Who of the San Bernardino political and

municipal establishment going back more than three decades, with former mayors Eveline Wilcox, Bob Holcomb, Tim Minor, Judith Valles, Patrick Morris, and Carey Davis, current and former city council members Gordon Quiel, Jack Reilly, Esther Estrada, Steve Marks, Ralph Hernandez, Dan Frazier, Jack Strickler, Mike Maudsley, Betty Dean Anderson, Gordon McGinnis, Valerie Pope-Ludlum, Joe Suarez, Wendy McCammack, Susan Lien, Frank Schnetz, Neil Derry, Chas Kelley, Rikke Van Johnson, Dennis Baxter, Tobin Brinker, Virginia Marquez, Jason Desjardins, Robert Jenkins, Jim Mulvihill, Benito Barrios, Henry Nickel, John Valdivia, Bessie Richard, Juan Figueroa, Sandra Ibarra, and Ted Sanchez, along with city managers John Matzer Jr., Ray Schweitzer, Shauna Clark, Fred Wilson, Mark Weinberg, Charles McNeely, Andrea Travis-Miller, Allen Parker, Mark Scott and Teri Ledoux, alongside police chiefs Daniel Robbins, Wayne Harp, Lee Dean, Garrett Zimmon, Michael Billdt, Keith Kilmer, Robert Handy, Jarrod Burguan and Eric McBride having at the least tolerated the circumstance and in some cases having actively perpetrated it. Among the most prominent of those is Valdivia, who acceded to the mayor's position in 2018, more than seven years after his 2011 election to the city council representing the city's Ward Three.

Over the years, some tow operators have made efforts from time to time to break into the ranks of the franchised, with little or virtually no success. A sense of entitlement has descended upon those already given franchises, born of the advantage their status entails. Outsiders have been excluded from the club. When it has been suggested that the number of franchises might simply be increased to include any operation that meets the standards imposed by the city, those proposals have been shot down.

Nevertheless, an argument often asserted by the defenders of the franchise status quo is that those who have been granted entrance into the fraternity have made substantial investments in vehicles, equipment and facilities in order to qualify for their special status, and that the franchises they have been individually granted are a reflection of their willingness to make the outlays that guarantee the city and the public the level of service they are providing, which very likely would not be matched, they claim, by those would-be franchisees. This has served, in many cases, as the justification for leaving the system as it is. It is worth noting, however, that some of those tow companies with franchises do not meet all of the city's standards, and that there have been applicants for tow franchises that, while satisfying the essential gist of the city's requirements, have had their franchise applications rejected.

Though most of those entities which sought a franchise in San Bernardino only to be rejected have dropped out of the competitive process without further ado, one of those, Pepe's Towing, has not.

More than 19 years ago, Manny Acosta, who inherited that company from his father, began a committed effort to obtain a position on the City of San Bernardino's towing rotation. Frustrated at every turn, Acosta persisted. Having found himself hemmed in and prevented from obtaining a franchise no matter how he approached the matter, Acosta on October 24, 2018 filed a federal lawsuit against the city and 13 individual defendants, including Sixth District Councilwoman Bessie L. Richard, then-former City Manager Mark Scott, City Councilman James L. Mulvihill, then-City Manager Andrea Miller, City Councilman Fred Shorett, then-Mayor R. Carey Davis, San Bernardino Police Captain Paul Williams, then-City Councilman Benito

J. Barrios, then-Police Chief Jarrod Burguan, then-City Councilman John Valdivia, then-City Attorney Gary D. Saenz, then-City Councilwoman Virginia Marquez and then-former Chief Assistant City Attorney Jolena Grider.

At that time, Councilman John Valdivia and Mayor R. Carey Davis were locked in an election battle for mayor, which was to be decided in the election held on November 6, 2018.

The suit, filed in the U.S. District Court for the Central District of California, alleged the defendants violated the company's rights of free speech and equal protection in the course of rejecting Pepe's Towing's efforts to contract with the city to handle police and code enforcement towing duties.

For years, the City of San Bernardino had rejected expanding its towing rotation beyond the group of six towing contractors that presently have a franchise. Acosta had been the most energetic of the tow company operators pressing the city to reopen the request for proposal process to all qualified tow companies. According to Acosta's legal team, which includes former Federal Judge/former Assistant U.S. Attorney Stephen Larson; former Los Angeles City Attorney Carmen A. Trutanich; former Ventura County Deputy District Attorney/former Redondo Beach Prosecutor's Office Attorney William Dance; attorney Jonathan Phillips; and attorney R.C. Harlan, "Pepe's Towing of San Bernardino spent 18 years attempting to provide towing services for the City of San Bernardino. The San Bernardino Police Department currently uses six tow companies, most for nearly 20 years without them having been subjected to competition. Several of those are significantly lacking in the facilities and quality of service required to comply with their contracts. In fact, Pepe's is regularly called on by the city to provide services the existing tow

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operators cannot provide."

Furthermore, according to Acosta's legal representatives, "To stymie Mr. Acosta's effort, in 2011 the city placed an additional barrier to competition by instituting a new requirement, mandating that new city tow contractors have outdoor storage of at least 65,000 square feet. This requirement was not applied to the existing six tow companies. Four of the six present city towing contractors do not meet this requirement. It should be noted that this requirement affects only new tow contractors that contract with the city. That requirement appeared to be a needless disqualifier for any new competition. The city did not apply this 65,000-square foot requirement to the existing tow contractors, just new ones that may apply, thereby grandfathering an exemption to the storage space requirement for existing tow contractors. It should further be noted that one of the two complying tow contractors merged with another, non-contracting towing company to garner a combined, partially unpaved outdoor storage space of 65,000 square feet, achieving numerical compliance. This new 65,000 square foot requirement forced any new tow contractors to compete on an uneven playing field with existing tow contractors and was apparently designed to ensure that no new towing companies could qualify as city tow contractors."

In addition, Pepe's

suit alleged that all six current tow contractors failed and continue to fail to comply with many key contract terms, including the Clean Water Act and other environmental laws. It is further alleged against the City of San Bernardino that the city retaliated against Pepe's Towing when Acosta brought these breaches of contract to the attention of the public.

Initially through its suit, Pepe's Towing Service sought reconsideration of the decision not to reopen the bidding process and of its application, and to enforce strict scrutiny of the contract terms and compliance upon existing tow contractors. The complaint also sought to abolish the 65,000-square foot requirement imposed in 2011 and made applicable only to those who seek to qualify since that time for new towing contracts. The suit sought to have Pepe's Towing evaluated in the bidding process on the same terms as all the current authorized tow contractors.

While there at first seemed to be some prospect that the filing of the suit would prompt the city to make a quick settlement by which the existing six tow contractors would have been saddled with the city increasing to seven the number of tow franchises, that did not occur. As the matter has proceeded, Acosta has not relented, as some on the city's side of the equation were hoping he might. Rather, he has continued, accruing

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As Precautionary Sequestering & Business Closure Mandates End, SBC COVID-19 Cases Surge

Two-and-a-half weeks into the loosening of restrictions imposed by the State of California and San Bernardino officials relating to public movement and commercial enterprises that by their nature involve the large-scale congregation of people, the corona crisis, by several objective measurements, appears to be intensifying in San Bernardino County.

For two months, a substantial percentage of both the inhabitants of San Bernardino County and the California population generally complied with state directives intended to slow the spread of the potentially fatal disease. The first of those was issued

on March 11 with Governor Gavin Newsom and California's public health authorities calling for all gatherings with 250 people or more to be rescheduled or canceled. Following that there was a March 15 directive that all "non-essential" businesses be closed, and then a March 17 order that all restaurants statewide should suspend dine-in service. Newsom on March 19 mandated that the state's residents, within certain parameters, stay at home and self quarantine. On March 17, San Bernardino County's public health officer, Dr. Erin Gustafson, ordered that as of March 18 all movie theaters, gyms, health

clubs, bars, adult entertainment establishments, and other businesses that serve alcohol but do not serve food were to close.

Thereafter a whole host of retail and service establishments were shuttered, including all types where individuals routinely come into close physical contact with one another, such as hair and nail salons, barber shops and tattoo parlors.

Initial statistics based upon testing of San Bernardino County's population showed an increase in the number of COVID-19 cases, but the gradual swelling of the county's numbers were not out of proportion with either neighboring counties nor most jurisdic-

tions elsewhere in the state. The measure of the spread of the contagion might have been compromised by the county's dearth of testing supplies, brought on by the general nationwide shortage of such kits and primarily the reagent used in them. The short supply of these crucial testing tools came about as a consequence of the heightened demand for them locally and nationally, and the failure of then-San Bernardino County Public Health Director Trudy Raymond to order and secure stores of those supplies when she had the chance in the early stages of the outbreak.

After two months of

the public's general compliance with the shuttering of society and the collapsing economy it provoked, the mood of the citizenry chaffing under the seemingly interminable restrictions, manifesting in occasional public protests and isolated showings of defiance, apparently convinced both state and local officials to loosen the restrictions in gradual steps in correspondence with end of May and into the beginning of June. Parks, which were formerly off limits, were opened. Restaurants opened earlier this month, and today the State of California gave clearance for nail salons, tattoo studios, and pro-

viders of other personal care services to resume operations, including those in which a professional engages in touching a client's face in order to perform facials, electrolysis, and waxing, and in other cases a client's body as with estheticians and cosmetologists, those engaged in skin care and electrology, as well as those offering body piercing and massage therapy. At this point, some consider the state to have achieved progress, putting it more than two-thirds of the way back to the tenor of social interaction formerly taken for granted, with California

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Four Years Later, Redlands Not Prepared To Explain Sale Of Easement Property To Private Landowner from front page

In 2016, the University of Redlands, despite the consideration that the university did not own the land and had previously claimed it had no interest in it, recorded a grant deed relating to the property being deeded from the University to Paulson, with notarized signatures of University President Ralph Kunch, Vice President of Finance Cory Nemuro and Board of Trustee Secretary Stanley Weisser.

It is not clear how the university could convey land it did not own

and which was entirely encumbered with an easement to Paulson, or anyone for that matter. In March 2019, Paulson started cutting down trees on the easement.

What was reported to the Sentinel was that when Paulson was questioned about his actions, he claimed that he owned the easement and had "made a deal with the city."

Some Redlands residents have characterized the conveyance of the property as a gift of public land for private gain.

The Sentinel has a document dated March 28, 2019 in which Don Young, the engineering division manager for the City of Redlands, makes a few contradictory statements. Young confirmed that the property

was never vacated by the City of Redlands, which under State law would have been required to hold a public hearing so city council approval for the grant deeding could take place. No such hearing was held, as far as the Sentinel's research of city records can determine.

Young then said that in 2016 the University of Redlands filed a "quit claim," deeding the strip of land to Don Paulson. However, the document, 20160547075, recorded at the San Bernardino County Recorder's Office on 12/14/2016 clearly states it is a "grant deed."

Young further remarked that "No transaction or deal [was] made." But then he seemed to contradict that when he said that Paulson is en-

titled "to develop the property" and to engage in "grading of the property." Young, in contradiction to the 1948 document, maintained that the University of Redlands was the "underlying fee owner." However, city parcel documents prior to 2016 and recorder's office records clearly show the area in question was held for public use by the City of Redlands, and the University of Redlands had no involvement and was not paying fees or taxes with regard to it.

When Paulson was questioned about the matter by homeowners on Alta Vista Drive about what had occurred, he asserted he had assumed ownership of the easement through an arrangement with the city.

Landowners in the area told the Sentinel that Young indicated that he recognized there was a problem with what had occurred, and that he and the city would endeavor to correct it and cure a situation in which homeowners were stuck in a position where their property is potentially landlocked, such that they would be restricted from reaching the street from their property because Paulson owned the land between theirs and the road.

Questions yet remain, in particular whether the city was or is a party to the acquisition of the property by Mr. Paulson and if Paulson's claim that he owns the property is valid or the possibility that the grant deed is a forgery.

City officials have not responded explicitly to questions as to whether Paulson's claim that he cut a deal with the city to obtain the property is true, and, if so, what the terms of that deal were. City officials have not made clear what benefit accrued to the city in the deal referred to by Paulson and whether money, in fact, changed hands in the deal.

City officials were unable, as of press time, to produce any record of city council action with regard to the matter. Nor were city officials willing or capable of saying if a public entity such as a city can simply abandon an active easement used for road, ingress, egress, road support,

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Leaderless MUSD Struggling With 2020-21 Budget from front page

that capacity for Weller.

Asked if Baumgarten's departure is temporary and, if so, what date he is to return, the superintendent's secretary said, "That is information we cannot share." Asked then if Baumgarten would be back before the onset of the new school year, she said, "That is not public

information."

The timing of Baumgarten's retreat appears to have left the district in the lurch, as a combination of factors has imposed on the district a severe reduction in its operating revenue. While Baumgarten was yet in place last month, the State of California informed the district that it would likely impose a ten percent reduction in the Local Control Funding Formula throughout the state, meaning that the district will have less

money for operations in the upcoming 2020-21 fiscal year than it did in the nearly-concluded academic year. In 2019-20, the Morongo Unified School District had expected revenue of roughly \$107.3 million and planned expenditures of \$109.2 million, with the difference made up through a contribution from an unclarified source. Because of the coronavirus crisis, the city has taken what is either an undisclosed or undetermined hit, re-

ducing the available revenue for this year, even as teachers and students have been absent from their classrooms since March.

Baumgarten was to wrestle with making various economies to the district's operations, which speculation has suggested would entail reducing teaching positions, not purchasing new textbooks and teaching materials, and deferring maintenance to school facilities. The state has indicated that

the inflow of money to the district will be reduced, but has not specified the precise amount.

The district is anticipated to see a basic decrease in revenue because of the drop off in student population, pegged at somewhere around 150 fewer enrollees in Academic Year 2020-21. A commensurate reduction in teaching staff would be at least six. One report held 13 teachers would be axed.

Baumgarten is not in

place to make or suggest cuts to the school board.

On the fly, the *Sentinel* was told, Weller is scrambling to achieve \$3 million to \$4 million in reductions.

The *Sentinel* is informed that at a meeting on June 30, the school board will consider a 2020-21 budget calling for \$109 million in expenditures and \$106 million in revenue, with the difference being drawn from the district's reserves.

-Mark Gutglueck

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Irregularities In City Towing Fran- chises Lurching Into Full Public View *from page 2*

hefty legal costs along the way. That is not all that has been accrued. Acosta's legal team has succeeded in arming itself with more and more facts and tidbits relating to questionable dealings, most but not all in relation to the tow franchisees, ones in which there are accounts of the fashion in which city officials and the police hierarchy have become aware of shortcomings on the part of certain franchisees while powerful and elite city officials insisted that any reference to those shortcomings be buried under an avalanche of bureaucratic obfuscation, even as procedural and legal corners were being cut hand in hand with graft, quid pro quos and outright bribery taking place.

A telling consideration in the power struggle between Pepe's Towing and the city was that early in the going, prior to the Acosta resorting to a federal suit, he had sought to gain leverage by retaining Jim Penman, San Bernardino's former city attorney, to represent his company in its petition to the city council to enter the towing rotation. Penman had been San Bernardino's elected city attorney from 1988 until 2013. Occupying that position for the quarter of a century during which the now-known exploita-

tion of the tow franchise system had taken root, Penman doubtless had further insight into the depravation inherent in the city's awarding of advantages to the various franchisees, and how that favoritism had come about.

At some point within the last year, a growing number of city officials, reportedly including the city council's three newest members – Third District Councilman Juan Figueroa, Second District Councilwoman Sandra Ibarra and First District Councilman Ted Sanchez – have come to recognize that the city's prospects for prevailing in the legal contest against Acosta are dim. Additionally, Mayor John Valdivia, whose acceptance of bribe money had served to perpetuate the graft-ridden franchise arrangement, was acutely aware of just where a trial of the case Acosta has brought would lead, which would include the revelation of the kickbacks he has received. Those revelations would play out not in the venue of San Bernardino County's notoriously corrupt court system where the judges and district attorney would very likely ignore what was brought out, but rather in the venue of a federal court before a U.S. District judge, which in all likelihood would entail the sordid facts of the case falling under the scrutiny of both the U.S. Attorney's Office and the FBI. Thereafter, the prospect of Valdivia hearing the sound of a prison door

clanking behind him would not be insubstantial.

For a combination of reasons, will on the part of the entire city council to reach a settlement with Acosta has manifested. The snag at this point is that the formula for a settlement is no longer a simple one that consists of allowing Pepe's towing onto the rotation but one that includes coming to terms with Acosta's legal team. The settlement figure over which the city council is now choking, the *Sentinel* is reliably informed, is in the low seven figures, somewhere under \$5 million. On a daily basis, as Acosta's lawyers engage in further preparations to go to trial, that amount continues to escalate.

Meanwhile, the degree to which the city has something to fear is illustrated by how the city's law firm, Best Best & Krieger and its attorneys assigned to the case, Richard Egger, Damian Northcutt and Avi Rutschmann, successfully sought a protective order for what Best Best & Krieger asserted was "confidential, proprietary or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted."

For the time being, the lawyers for Acosta and Pepe's Towing have assented to going along with the order, and Judge Sheri Pym granted it.

Within the next month, the case is sched-

uled to go to trial before Judge Stephen V. Wilson and a jury yet to be chosen.

This week, the city council went into a closed session to discuss whether it could agree to forging a settlement. At what was ostensibly the last opportunity for the council to meet in a regularly scheduled setting to settle the matter before it goes to trial, its members collectively declined to accept the terms that Acosta's and Pepe's Towing's legal representatives have said they consider to be fair, and which the city officials, struggling with diminishing revenues and a substantial deficit in the about-to-end fiscal year 2019-20 and an even more forbidding deficit in upcoming 2020-21, believe to be beyond the city's means.

Among more than a score of weak points in the city's defense are some pronounced vulnerabilities knowledgeable entities believe the city will be hard-pressed to overcome.

One of those is a report dated July 18, 2018 put together by then-Police Chief Jarrod Burguan and Captain Paul Williams, referred to as a "smoking gun." In the report, Burguan and Williams state that in response to an August 23, 2017 petition by Pepe's Towing to be added to the city's towing rotation, that request had been denied, and that in November 2017, Pepe's Towing had appealed that decision, alleging the city had not taken seriously nor investigated

assertions that Pepe's Towing had made that the existing tow franchisees were out of compliance with the city's standards.

According to Burguan and Williams, "The police department conducted inspections of all six tow carriers. Requirements of the TSA [tow service agreement] were documented and items that were non-compliant were presented to each carrier with a timeframe for curing the items. The timeframe for cure of items considered non-compliant is still active within the time granted. Several of the items are cost neutral while other items carry a considerable cost. The TSA has disciplinary actions available that will be used if compliance is not met."

The Burguan and Williams report noted that the number of tow franchises was limited on the basis of population density, with the tow service agreement allowing one carrier per 35,000 residents. Since the City of San Bernardino's population had grown to 216,239 as of 2016, the chief and captain said, the city was by the spring of 2018 prepared to add a seventh carrier to those on the rotation. Pepe's Towing along with another company submitted bids to be considered as the city's seventh carrier, the report stated. "SBPD traffic unit conducted an inspection at the Pepe's Towing facility on March 27 and 28, 2018," the report said. "The lot size was found to be 39,834 square feet.

This was 25,166 square feet below the requirement set forth in the RFP [request for proposals] and TSA. The second bidder did not meet the requirements and has not appealed its denial."

According to Burguan and Williams, Pepe's Towing subsequently fell short of the city's minimum requirements when it failed to acquire, as it said it was seeking to do, a secondary lot to augment its existing yard and provide it with the required storage space.

The bottom line, Burguan and Williams asserted, was that "Pepe's Towing did not meet the requirements of the RFP and TSA. Therefore their request was denied. Pepe's Towing did not meet the requirements of the RFP and TSA (minimum 65,000 square feet of outside storage space) and failed to obtain a second lot to meet the requirement. The requirement of 65,000 square feet of outside storage space was negotiated with the tow carriers. In order to change this requirement, the city would have to get the consent of each of the six existing tow carriers."

While Burguan's and Williams' report asserted that "non-compliant items are being addressed [and] the timeframe given for correction is still active and disciplinary actions will be taken if needed," Pepe's Towing's legal team has ascertained that at least four of the six franchised tow companies were and remain

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Ontario Officials Seeing First Hand That National Trends Impact Airport Passenger Performance *from front page*

as the consequence of a joint operating agreement Ontario forged with the City of Los Angeles in November 1967, when Ontario Airport yet had a sand-flea-infested gravel parking lot and fewer than 200,000 passengers passing through its gates annually. Under that agreement, Los Angeles was to use its stronger negotiating position with the airlines serving Southern California to induce them to utilize the Ontario facility. Using its leverage, Los Angeles persuaded a whole host of airlines to begin flying into and out of Ontario.

Though a benchmark of 10 million passengers at the airport by 1975 was not achieved, Los Angeles World Airports was nevertheless assiduously promoting Ontario International Airport.

In 1981, a modern, second east-to-west runway was built, necessitating the removal of the old northeast-to-southwest runway.

By the early 1980s Los Angeles had met all the criteria laid out in the 1967 joint powers agreement. The City of Ontario was at that time led by Mayor Robert Ellingwood, who was resistant to the concept of Ontario complying with the terms of the joint powers authority agreement and turning ownership of the airport over to Los Angeles. In 1985, during Ellingwood's brief absence from the city, four members of the Ontario City Council as it was then composed voted to deed Ontario Airport to the City of Los Angeles for no consideration. That transaction was considered a public benefit transfer. With a few notable exceptions, such as Ellingwood, most Ontario officials at that time believed granting Los Angeles possession of the airport to be ben-

eficial.

Indeed, over the four decades from 1967 until 2007, the relationship between Ontario and Los Angeles vis-à-vis the airport could not have been more positive or cordial.

All told, Los Angeles instituted some \$550 million worth of improvements to the airport, including paving its parking lot, modernizing its runways, including the widening of taxiways and the addition of storm drains. Ontario Airport's landing and take-off paths were converted into the longest such civilian facilities in Southern California, and Los Angeles erected a state-of-the-art control tower, and constructed two ultra-modern terminals at a cost of \$270 million, augmented with a world class concourse. In 2007, 7.2 million passengers came through Ontario Airport, a 3,600 percent increase over what Ontario had been able to achieve on its own 40 years before.

Beginning in 2008 and until early 2014, passenger traffic at Ontario International declined steadily. This led to a deterioration in the working relationship between Los Angeles and Ontario. In his campaign, Wapner, called upon Los Angeles to simply deed the airfield and all it entailed back to Ontario. When this did not occur, he unleashed a strident and uncivil attack on Los Angeles, Los Angeles officials, and most pointedly against Los Angeles World Airports Executive Director Gina Marie Lindsey.

Cooler heads, meanwhile, were seeking to restrain Wapner, asserting that he was needlessly antagonizing Los Angeles officials, who in any event did not have the antipathy toward Ontario he was alleging, reminding him that Los Angeles was in a much better position to negotiate with airlines domestically and worldwide than was Ontario. Moreover, it was pointed out, Ontario Mayor Paul Leon and then-Los Angeles Mayor Antonio Villaraigosa had grown up in the

same neighborhood and were childhood friends. Leon's connection to Villaraigosa could be used with far greater effect to negotiate an outcome favorable to Ontario, it was suggested, than Wapner's more antagonistic approach. Wapner, ignoring such entreaties, stepped up his rhetoric, openly charging that Lindsey had evinced hostility toward the City of Ontario and its airport, and was deliberately mismanaging Ontario International operations to raise costs and minimize both revenues and ridership there as part of a plot to increase revenue and gate numbers at Los Angeles International Airport. Lindsey and her staff denied those accusations, pointing out that the airlines were being pushed by their own economic imperatives.

In 2013, in the waning days of Anthony Villaraigosa's tenure as Los Angeles mayor, the City of Ontario, through the Washington, D.C.-based law firm of Sheppard Mullin Richter & Hampton, sued Los Angeles in the neutral forum of Riverside Superior Court, charging Los Angeles and Los Angeles World Airports with willful mismanagement of Ontario Airport, and seeking the return of the aerodrome to the city in which it is located.

Having already raised the campaign of attack against Los Angeles to a fever pitch, Wapner personalized it even further after the lawsuit was underway. The Wapner-directed attacks occurred against a backdrop of jockeying between the two cities over the "value" of the airport, i.e., the amount of money that was to change hands if the airport title were to be handed back to Ontario. Wapner insisted that the airport was a "public benefit asset" and had no "value" as such. He called for Los Angeles to simply deed the airport back at no consideration. Los Angeles, on the other hand, pointed out that over \$500 million had been expended on improvements at the facility and that major

portions of the funds for those improvements originated from revenue generated at Los Angeles International Airport or at Ontario International Airport while it was in the possession of Los Angeles, as well as from federal grants Los Angeles secured or from bonds issued under the authority of Los Angeles as a public agency.

Ontario privately tendered a \$250 million offer to Los Angeles World Airports for transfer of the airport's title and operational control. That offer included Ontario assuming \$75 million of the outstanding bond debt obligations for past improvements to the airport, \$125 million in future passenger facility charges to be realized at the airport and \$50 million cash.

Los Angeles officials scoffed at that offer, giving indication they would accept no less than \$450 million for the airport and the property on which it sits, which in any case they considered to be a generously charitable counterproposal reflecting a roughly \$100 million discount of the cost of the improvements made to the airport during Los Angeles's 47-year managerial run there.

In August 2015, just as the matter was headed to trial before Riverside Superior Court Judge Gloria Connor Trask, Ontario and Los Angeles forged a tentative settlement, announcing that ownership and management of Ontario International Airport would be returned to the city whose name the aerodrome bears. Mayors Eric Garcetti and Paul Leon disclosed that Ontario was to lay out \$150 million for the airport and provide another \$60 million to purchase assets technically belonging to Los Angeles World Airports that were in place at Ontario Airport and which were crucial or indispensable to its operations. In addition, Ontario had agreed to assume the debt service on roughly \$60 million in bonded indebtedness Los Angeles had

taken on over the years to make improvements at the facility.

In December 2015, Los Angeles and Ontario signed an agreement finalizing the transfer as of November 1, 2016, with Ontario paying Los Angeles \$60 million out of its various operating funds and another \$30 million taken out of its reserves, and committing to make payments of \$50 million over five years and \$70 million in the final five years of the ten-year ownership transition. In addition, Ontario absorbed \$60 million of the airport's bond debt.

Ignored in all of the hoopla, self-congratulating and general backslapping among Ontario officials over Ontario's reclaiming of the airport was that in the previous two years, even as Ontario was badmouthing Los Angeles and suing it, ridership at the airport, which at one point had dwindled to less than 4 million annually, was again beginning to inch up under Los Angeles World Airports' direction as the economy was making a turnaround. Nor did Ontario officials dwell on how, in the immediate aftermath of the deal giving the city ownership and control of the airport, the number of passengers going through the airfield's turnstiles actually declined, an outgrowth of the consideration that Ontario did not have the leverage to offer the various airlines incentives, such as preferable gate positions at Los Angeles International Airport, to induce them to increase, or even maintain, flights into Ontario.

Under Ontario leadership and management over the last three-and-a-half years, the airport has been making some level of a comeback, though it has yet to see the passenger numbers it did in 2007 when Los Angeles was calling the shots. In 2018, China Airlines, a Taiwanese carrier, launched nonstop service between Taiwan's Taoyuan International Airport and Ontario International Airport,

a development which boosted the airport's status as a true international facility. Previously, the airport boasted flights to Mexico offered by both AeroMexico and Volaris, though the addition of those flights came in 2014, while the airport was being managed by Los Angeles World Airports.

Ontario's most spectacular show on the international flight stage came while the airport was still owned and managed by Los Angeles, in June 2013, when Chinese President Xi Jinping flew into Ontario International Airport for a summit with then-President Barack Obama. That raised hopes that some of the 20 airlines that are based in the People's Republic of China would initiate regular direct flights to and from Ontario International Airport. Ontario officials have not been able to make any headway in that regard.

On occasion, huge Russian Antonov-124 strategic airlift jets have landed at Ontario Airport.

Last month, with the coronavirus crisis continuing to put a damper on air passenger travel, the number of passengers who passed through Ontario International Airport's gates dropped by 85 percent, officials announced.

Unlike the way Wapner and Ontario officials used the economic downturn which created a drawdown in passengers flying into and out of Ontario to assert Los Angeles was mismanaging the airport, no one took the opportunity the recent passenger dip presented to criticize Ontario officials for their mishandling of the airport's management.

Ontario officials themselves sought to overlook the ridership decline, instead seeking a silver lining in the cloud.

Simultaneous with the decrease in passengers, the airport saw extraordinary growth in commercial air freight into the facility, with the

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fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code). Published in the San Bernardino County Sentinel on 6/19, 6/26, 7/3 & 7/10, 2020. FBN 20200004634 The following entity is doing business as: GROOVE'S KITCHEN 12838 YORBA AVE CHINO, CA 91710 JOAQUIN FLORES 2838 YORBA AVE CHINO, CA 91710 This Business is Conducted By: AN INDIVIDUAL Signed: BY SIGNING BELOW, 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

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& 7/10, 2020. FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200005319 The following person(s) is(are) doing business as: Kwang Construction Service, 5670 Arrow Hwy, Montclair, CA 91763, Whole Home Project Resource LLC, 5670 Arrow Hwy, Montclair, CA 91763 Business is Conducted By: A Limited Liability Company Signed: BY SIGNING BELOW, 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/ Wen Chih Shen

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FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200005118 The following person(s) is(are) doing business as: US China Properties Group, 12736 N. Bend Ct, Rancho Cucamonga, CA 91739, Mailing Address: P.O. Box 3358, Rancho Cucamonga, CA 91729, Carlton Premier Realty, Inc. 12736 N. Bend Ct, Rancho Cucamonga, CA 91739 Business is Conducted By: A Corporation Signed: BY SIGNING BELOW, 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/ Laura Zhang This statement was filed with

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Upland Officials Grow Tentative About Major City Hall Appointments from front page

been Stone's ally on the council. From shortly after the time she was elected mayor in 2016 until 2018, Stone had formed a ruling coalition that included Filippi and then-Councilwoman Carole Timm, as well as then-Councilman Sid Robinson, who had finished second behind Janice Elliott in the only council race in 2016, and was thereafter appointed to the council to complete the two years on the term for the council position to which Stone had been reelected to in 2014, but which she was obliged to resign from to move into the mayor's post. With the defeat of Timm and Filippi in 2018 and Robinson's decision not to run, the election of Felix into the Third District slot and Rudy Zuniga's defeat of Timm in the Fourth District seemingly brought an end to the controlling majority on the council that included Stone. Over time, however, Felix seemed to warm toward Stone, and he voted routinely in lockstep with her during the last seven to eight months he was on the council. Stone had also come to rely on the supporting votes of Bill Velto, who had been selected in early 2019

to finish out the at-large term Councilwoman Elliott had been elected to in 2016 but which she was obliged to resign from when she was elected to represent the Second District in 2018. Zuniga proved to be less consistent in his voting pattern vis-à-vis Stone's positions, although he from time to time has sided with her on some issues where Elliott, as has been the case since she was first elected in 2016, frequently differed with the mayor. Understandably, Stone was hoping she might ensure her control of the city by reigniting Filippi's political career.

There were segments of the city's population, however, who had a disaffinity for Filippi, and they asserted that a better move would be to elevate Osuna, who outpolled Filippi in 2018, to the council position representing the Third District. Osuna, however, engaged professionally and with her family, made clear that she at this point would not seek the post. Carlos Garcia, a resident of the Third District who has involved himself in a number of civic issues since he moved to the City of Gracious Living a few years ago, made his interest in replacing Felix known. Garcia's viability as a replacement seemed to be enhanced after Osuna, in informing the council

she was not interested in replacing Felix, recommended Garcia.

Stone, wary that Garcia, if selected, might represent a dynamic that would undo the voting block on the council that generally trends toward her positions, was reluctant to install him on the council.

Another issue that militated against Garcia was a feeling among some in the community that conferring the position on anyone would give that candidate the power of incumbency in the event that a decision was made to make the appointment a temporary one that would run only until November of this year, at which point an election would be held to select someone to complete the remainder of Felix's term until December 2022. Nor was there a sufficient comfort level to appoint Garcia or anyone else to serve two-and-a-half years. Ultimately, the council elected to make no appointment, and have the city bear the minimal cost of putting the matter before the voters during the presidential general election this year, when both Stone and Velto must stand for reelection and election, respectively, to remain in their current posts. There has been some speculation that Velto will opt out of running for First District councilman, and instead run for mayor. There is further speculation that Stone might choose not to run. Already, Elliott has announced she is going to seek the mayoralty.

At the same June 8 council meeting as the decision was made with regard to not immedi-

ately filling the Third District council position, the council was scheduled to confirm the tentative choices by Mayor Stone to replace two of the members of the planning commission, Yvette Walker and Alexander Novikov, with Thomas Grahn and Lorraine Kindred.

Walker has been on the planning commission since 2016. Novikov has been on the commission just about a year, having been chosen to replace Velto after his selection to the city council necessitated he absent himself from the commission.

There was some controversy over Stone's readiness to jettison both Walker and Novikov, as Upland has a tradition of allowing planning commission members to serve out two terms on that panel if they desire to remain in place after serving a first term. In Novikov's case, he has not yet served anything approaching a full term. It is widely believed that Stone was retaliating against the two because they had opposed the approval of the Bridge Point Project, a 201,096-square foot distribution center planned for occupancy by on-line retail behemoth Amazon. Four members of the city council supported the project as did the entirety of city staff.

Thomas Grahn has substantial credentials as a profession planner. He currently works in the planning department with the City of Ontario and formerly was employed in the Rancho Cucamonga and Redlands planning departments.

Kindred, Stone's other commission replace-

ment nominee who was considered at the June 8 meeting, is the vice president for public affairs with National CORE, a development company specializing in low-income to moderate-income housing, of which Jeff Burum is president of the board and James Previti is a board member. Kindred has 25 years experience in the real estate industry, and was formerly the chairwoman of the Upland Chamber of Commerce. She was also president of the Pomona Valley Chapter of Executive Women International and is on the board of the Upland YMCA and the Baldy View Chapter of the Building Industry Association.

When the appointments to the planning commission were considered, there was a consensus that Grahn deserved a berth on the panel which considers land use issues in the city and makes recommendations on such to the city

council. His appointment was confirmed.

Kindred's relationship to Burum and Previti, both of whom have development projects ongoing or pending in the city, was deemed to represent something of a conflict by both Elliott and Zuniga. While Stone and Velto were willing to place Kindred onto the planning commission, without a third vote, her selection did not materialize. With the council deadlocked 2-to-2 on the appointment, her appointment was turned down.

Another effort at appointing a suitable candidate from among a reported 11 applicants is to take place on Monday, June 22, in this case Brinda Sarathy, a professor of environmental analysis at Pitzer College in Claremont, who has previously been active in addressing city land use issues. Of note is that Sarathy was critical of the Bridge Point Project.

-Mark Gutglueck

Redlands Officials Unable, Or Unwilling, To Field Questions Regarding Claimed Sale Of Easement from page 3

to questions relating to whether active easement used for such purposes could be extinguished. the city was unresponsive

-Mark Gutglueck

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Administrators & Cops Never Flinched As They Followed SB Politicians' Lead Into The City's Graft-Filled Franchise Arrangements *from page 4*

out of compliance with the same regulation the city maintains disqualified Pepe's towing, and that no disciplinary action was taken against any of the other existing franchisees.

Pepe's Towing's legal team has since documented that "none of the current tow companies are in compliance with the 65,000 square foot outside storage requirement for tow operators approved by the mayor and city council in April of 2011."

Additionally, three of the current tow carriers, City Towing, Hayes Towing, and Wilson Towing, were sold since they first contracted with the city and failed to notify the city of a change in ownership pursuant to Section 15 of the agreement, constituting, Pepe's Towing's lawyers assert, a violation of the agreement, which, under Section 17 c of the agreement, should trigger the suspensions of the City Towing, Hayes Towing and Wilson Towing franchises.

Further, according to documentation compiled by Pepe's Towing's legal team, only Big Z Towing and Hayes Towing have the equipment necessary to tow Class B, medium, vehicles. This puts the remaining four current carriers in violation of Section 3 a, 5 j and 6 b of the tow services agreement. None of the six tow carriers have the equipment necessary to tow all Class C heavy (big rig) vehicles, putting all six tow carriers out of compliance with Section 3 a, 5 j and 6 b of the tow services agreement. Pepe's Towing does possess such equipment, and at times, was called upon by the city to perform in that regard.

Pepe's Towing is prepared to demonstrate in court that none of the six tow carriers have sufficient space to store 200 vehicles on paved surfaces impenetrable to certain liquids, allegedly in violation of Sections

3 a and 5 a of the agreement. This, Pepe's Towing's attorneys are purposed to demonstrate, puts the city itself in violation of certain state and federal laws pertaining to the prevention of the discharge of oil, solvents and other chemicals into the soil, and subsequently into the groundwater. Investigators hired by Acosta are prepared to reveal photographs and other evidence to demonstrate that certain tow companies listed on the city's rotation list routinely park towed and other vehicles on unimproved surfaces.

At least some of the city's current franchised tow service providers are not equipped, the law team can demonstrate, to preserve the towed vehicles and their contents in a secure circumstance that will prevent potential evidence to be used in criminal proceedings from being tampered with. This requirement in the city's franchise agreement calls for the tow carriers to have 'indoor' space that is sufficiently secure to store evidence, including vehicles impounded by the San Bernardino Police Department. Lack of such secure indoor storage for evidence is in violation of Sections 3 a and 5 b of the agreement.

One piece of evidence in the arsenal of the lawyers representing Pepe's Towing is an affidavit signed under the penalty of perjury by one of Mayor Valdivia's former legislative field representatives, Don Smith. According to Smith, he was present in October or November 2018 for a 1 a.m. rendezvous Valdivia had with Danny Alcaarez, the owner of Danny's 24 Hour Towing, Inc., when Alcaarez provided Valdivia with "a thick white envelope that appeared to contain a large amount of money," which Smith said he believed was a kickback provided to Valdivia for his support of city tow franchises remaining in

the exclusive possession of several of the city's towing operations.

Individuals involved with the City of San Bernardino over the last three decades both in elected and staff capacities told the *Sentinel* that the circumstance with regard to the city's tow franchises represents a multigenerational acceptance of quid pro quo arrangements by which the city's tow franchises were locked in for a relatively small number of operators, and that otherwise good people - mayors, council members, city managers, police chiefs and police department commanders - had simply acquiesced to the ethos set by a small handful of politicians who had accepted donations and money from tow truck company operators who in return expected that there would be favoritism shown toward them, which ultimately manifested in franchises being conferred upon them. These officials painted a picture of corruption having become encrusted, layer upon layer over the course of succeeding mayoral administrations, which was accepted by the city's administrators and its police chiefs and the department's command echelon in deference to

the power of the city's various elected officials, a majority of whom were provided benefits in terms of often hefty political support through their relationships with the tow franchise owners.

There are signs, the *Sentinel* is informed, that the current council has come to recognize the extent and depth of the problem, and that there is some impetus among its members to undertake reform, but doing so is problematic because of the expense inherent in Pepe's Towing's demands in the settlement negotiations because of the legal fees that must be paid to Pepe's Towing's attorneys, as their fees have escalated after several years of litigation.

Insisting to the *Sentinel* that "I am unable to comment on closed session discussions" carried out by the city council, Councilman Henry Nickel, said, "This case raises serious concerns as to the alleged misconduct that occurred over the course of many years. As a consequence, the city confronts significant potential liability."

Nickel said, "It is only appropriate that franchised city services be subject to fair and regular periodic pro-

cessments. Competition is good. It holds vendors accountable for providing the best quality services within our community at the best price. I have consistently raised concern over our tow service agreements throughout the time I have served on the city council. I do not recall any procurement for tow services during the six years I have served on the city council. Yet, we have procured many other services."

Nickel said the city is caught in a viciously treacherous strait. "I am extremely concerned what additional damaging allegations and facts may emerge during the course of discovery and trial," he said. "If the city were to lose, our community will suffer not only financial loss but so too acquire a terrible stain upon both our collective reputation as well as upon those individuals who held positions of authority and allowed alleged improprieties to continue year after year."

Nickel propounded, "Culture is often described as 'the way we do things around here.' A dysfunctional culture in turn can establish the banality of evil. Good people can be brought to do bad things. In many cases I don't think there

was anything deliberate, but everybody involved in this had dirty fingernails. Everyone who touched the tow contract was in some way implicated. We must reject any such corrosive cultural tendencies. We must practice propriety and fairness with all those who honestly seek to provide essential city services within our community. I expect for the sake of the city and those individuals involved in any alleged misconduct, either by choice or circumstance, that we can reach an amicable settlement before trial."

The Acosta/Pepe's Towing legal team is primed, in its own words, to demonstrate the "perpetuation of a monopoly in favor of privileged parties by assuring their continued placement on the San Bernardino Police Department's tow rotation list."

Stephen Larson, who now leads that team of attorneys, told the *Sentinel*, "While there are and have been many good, dedicated, and honorable men and women serving the City of San Bernardino, I anticipate that the trial will showcase what I believe is a history of recurring corruption in long-suffering San Bernardino."

Colton Takes Its Railroad Legacy Seriously *from front page*

geles. The City of Colton exists, with San Bernardino, Barstow and



David Colton

Needles, as one of the county's four original railroad towns. A key element of its landscape are the plentiful railroad bridges throughout its 15.32-square mile expanse, several of which were built a century or more ago, and which

would cost a billion of today's dollars to replicate.

The railroads remain a central element of life in Colton, and so the city council's railroad committee is both a prestigious and significant body.

At the May 5 meeting, held via teleconferencing without the public present because of precautions taken in the face of the coronavirus crisis, Mayor Navarro announced his intention to appoint Councilman Toro to the city's railroad committee, in so doing replacing Councilman Woods, who has held a position on that panel for two years.

"I am going to, this evening, make a change to a committee we have here in the City of Colton, which is the Council Railroad

Subcommittee. At this committee right now I have appointed Mr. Jack Woods from the Fifth District, and I am going to appoint Mr. David Toro in his stead," said Navarro. "With that, Mr. Woods, I'd like to say thank you for coming up when we established this committee and raising your hand, but I think it is very important that Mr. Toro does sit on that committee. So, consensus from the council?"

the mayor said in opening his proposal up for possible discussion and a vote. There tentatively appeared to be sentiment to go along with the mayor, but before the matter progressed far, technical difficulties ensued, affecting Woods electronic connection, preventing him from responding.

While that glitch was being dealt with by the

city's information technology staff, Councilman Isaac Suchil commended the mayor for making the change "because it's very important that as we get closer to that facility being closer [sic] that all aspects of the districts that are involved get involved in that discussion."

Navarro responded, "That's the idea behind it. In my conversation with Mr. Woods, I told him that in my thought it was important and imperative that Mr. Toro be on that committee because the majority of that project is within his district, and Mr. Toro should be there to get the information first hand, so that he can better be able to answer any questions from his constituents in the district as to what's

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Harsch's Death Was Suicide And Not A Lynching As Feared, Security Video Shows

Malcolm Harsch, whose formerly mysterious death on May 31 prompted what are now recognized as spurious accusations that he had been lynched, died by his own hand, it was confirmed by multiple sources including a video of the fatal incident.

Harsch's death came in the aftermath of the police killing of George Floyd in Minneapolis on May 25, and amid growing unrest nationally over that incident and the general issue of police brutality, especially as employed against African-Americans. That unrest, which manifested as protests which escalated into widespread looting and riots in many urban settings

across America, formed a backdrop for questions about what had befallen Harsch, a 38-year-old African-American who was living within a homeless encampment near Victor Street and Circle Drive in Victorville next to where he was found hanging from a tree with a cord around his neck.

As incomplete information about what had occurred emerged, suggestions that Harsch had been murdered turned to speculation of a lynching, which then devolved into rampant reports to that effect.

A coincidental circumstance further west in the Mojave Desert across the San Bernardino/Los Angeles

County line in Palmdale on June 10, in which Robert Fuller, a 24-year-old African-American man was likewise found dead hanging in a tree, prompted widespread reports and speculation that a serial killer targeting African-American men was on the loose in the midst of the contretemps that had grown out of the George Floyd killing.

The confluence of the Floyd/Harsch/Fuller events had the potential for touching off a major social conflagration, given the tinderbox of animosity on both sides of the racial divide as police forces nationwide, chastened by the public reaction to the Floyd killing, grew less ag-

gressive in their tactics, even in the face of looting and other lawlessness that accompanied the protests, leading to an impromptu culture of vigilantism among non-African-American citizens concerned about their physical safety, damage to their property or theft during rioting and looting. That vigilantism led to the open carrying and in some cases the brandishing of firearms among counter-demonstrators, including two highly publicized incidents in San Bernardino County.

On Wednesday, June 17, what some feared would be the catalyst for the racial inferno that many dreaded occurred when Fuller's

half brother, Terron Jamal Boone, was killed by deputies with the Los Angeles Sheriff's Department in Rosamond, just across the Los Angeles County line at the extreme western extension of the Mojave Desert in Kern County. Boone was fatally wounded in a hail of gunfire after he himself allegedly fired on deputies.

With tensions at fever pitch, the following day, representatives of the San Bernardino County Sheriff's Department contacted members of Harsch's family, some of whom had previously openly suggested that Harsch had been lynched, and showed them the first of two surveillance films which

electronically documented Harsch's suicide. The second of those surveillance films was shown to them earlier today.

In one of those videos, taken from the vantage of a nearby empty building on Victor Street, Harsch, in a white shirt, is seen close to two tents in the homeless encampment. He can be seen hurling objects at one of the tents.

According to authorities, at that point Harsch was engaged in an argument with his girlfriend, who was inside the tent, and the items he threw at the tent were donuts.

At 5:57 a.m., according to the timestamp on the video, Harsch can be seen wrapping a blue

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Dramatic & Alarming Uptick In SB County COVID-19 Cases In Aftermath Of Restriction Discontinuation *from page 3*

not yet prepared to permit schools, youth sports venues, indoor playgrounds, live theaters, saunas and steam rooms, nightclubs, concert venues, festivals and theme parks to open.

Beginning late last week, however, there was an alarming uptick in the number of confirmed COVID-19 cases in the county, such that in a five day span the three largest jumps in the number of positive cases occurred.

As of press time today, San Bernardino County had 8,714 confirmed cases of the virus. The death toll in the county from the disease had reached 230. In the less than three weeks since the advent of June, the county has confirmed more than 3,350 new cases, which is more than 38 percent of the entire total of cases confirmed in the county since the beginning of March. Between Saturday, June 13 and today, the county sustained another 1,553 cases and 23

further deaths.

What is unknown, precisely, is whether the huge leap in the number of cases is the reflection of an actual upsurge in the spread of the condition or a function of the improvement in testing capability.

There was anecdotal evidence to suggest that San Bernardino County has suddenly transformed into California's coronavirus hotspot. As of last week, San Bernardino County was seeing nearly double the increase in cases per capita of the surrounding counties. This week, that dubious distinction had intensified to the point that the number of cases in San Bernardino appears to be advancing at a rate of three times those in most of the rest of Southern California.

One telling manifestation is that in a setting within the county where there is little in the way of social distancing, the sheriff's department's academy held on the grounds of the Frank Bland Regional Training Center in Devore, a whopping 20 percent of the cadets there tested positive for COVID-19 between June 8, when two of the those in attendance at the facility were diagnosed as having come down with the

virus, and Wednesday June 17, when 33 were confirmed to have contracted the potentially deadly malady.

Word was that few, if any, of the trainees were seriously ill. All 160 in attendance were tested

for the disease, as were instructors and trainers.

The academy activities at the training center have been suspended, with classes now being conducted remotely and cybernetically, and cadets quarantined at

home.

Governor Newsom yesterday, Thursday, June 18, ordered all Californians to wear face coverings while in public or in places where they are likely to come

into contact with others, including in retail settings and while utilizing public transportation, as well as in any sort of medical setting.

-Mark Gutglueck

Ridership At Ontario International Airport Down Drastically Over The Last Several Months *from page 5*

amount of tonnage escalating by 24 percent, the third straight month of better than 20 percent gains as commercial cargo is being brought into an increasingly sedentary population, quarantined at home in an effort to stymie the spread of the virus.

Ontario processed over 81,000 tons of commercial cargo last month, which qualified as 24.1 percent more than May 2019. From January through May, freight into and out of the airport eclipsed 342,000 tons, a 18.3 percent increase over the same five months of last year.

"The global coronavirus pandemic continued to drive dramatic changes in cargo and passenger volumes as Southern Californians remained at home and relied on the e-commerce supply chain for many of their household supplies,"

said Mark Thorpe, chief executive officer of the Ontario International

Airport Authority. "At the same time, like airports across the U.S., we saw another month of significantly lower passenger volumes. Nonetheless, we are op-

timistic that passenger traffic will pick up in the coming months based on flight schedules published by air carriers."

-Mark Gutglueck

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San Bernardino County Coroner Reports

Coroner's Reports #702003834 and #702003835 On Friday, May 15, 2020, at 6:08 PM, San Bernardino County Fire Department personnel and officers of the San Bernardino Police Department responded to the 300 block of Tippecanoe Avenue, San Bernardino, in response to a single vehicle traffic collision. The driver of the vehicle, 19-year-old Ashley Savannah Morga, and 17-year-old Abrianna Gyselle Surita, both residents of San Bernardino, were declared dead at 6:15 PM. The San Bernardino Police Department is investigating the incident. [05172020 0630 JK]

Coroner's Report #702003756 On Tuesday, May 12, 2020, at approximately 6:20 P.M., 28-year-old Carlos Montes of San Bernardino was driving his Nissan Frontier pickup southbound on Riverside Ave. south of Agua Mansa Rd., in Rialto. He failed to stop in time and struck the trailer of a semi-tractor combination. Montes was pronounced dead at the scene 6:41 P.M. The Rialto Police Department is investigating the collision. [05142020 0521 GB]

Coroner's Report #702003684 On Sunday, May 10, 2020, at 2:02 pm, officers with the California Highway Patrol responded to a single motorcycle collision on Highway 18 in San Bernardino. The driver, 23-year-old Andres Joel Esquivel of Fontana was transported to St. Bernardine Medical Center where he was pronounced deceased in the emergency department at 3:00 pm. The California Highway Patrol is investigating the collision. [05112020 0630 JK]

Coroner's Reports #702003696 and #702003697 On Sunday, May 10, 2020, at 9:28 p.m., officers from the San Bernardino Police Department responded to Tippecanoe Avenue and Harry Shephard Boulevard in San Bernardino for a solo vehicle traffic collision. The driver of the vehicle, Felipe Villalobos Barba, a 36-year-old resident of San Bernardino and the right front passenger, Oscar Villalobos, a 26-year-old resident of Loma Linda were pronounced dead at the scene. The San Bernardino Police Department is investigating the collision. [05112020 0630 JK]

Coroner's Report #702003654 On Saturday, May 09, 2020, at 4:44 pm, San Bernardino County Sheriff's Department received a 911 call after a 17-year-old white male was struck by a train near Santa Fe Ave. and Lime street in the city of Hesperia. The male was pronounced deceased on scene. BNSF is investigating the incident. The name is being withheld pending positive identification. [05102020 0800 JK]

Coroner's Report #702003634 On Friday, May 8, 2020, California Highway Patrol and Cal Fire personnel were dispatched to eastbound State Route 210 near Pioneer Avenue, in Redlands, at 10:43 PM, in response to the report of a single vehicle traffic collision. The passenger of the vehicle, Vanessa Josie Gonzalez, a 31-year-old resident of San Bernardino, was declared dead by Cal Fire personnel. The California Highway Patrol is investigating the incident. [05102020 0800 JK]

Coroner's Reports #702003467, #702003468 and #702003469 On Sunday, May 03, 2020, at 1:31 PM, the California Highway patrol received a 911 call reporting a single vehicle collision on Interstate 15 near mile marker 126, near Baker. Passenger, Monika Johnson, a 23-year-old resident of Las Vegas NV, was pronounced dead at the scene. Two juvenile passengers were pronounced dead at the scene. The Barstow Office of the California Highway Patrol is investigating the incident. [05102020 0800 JK]

Coroner's Report #702003332 On Tuesday, April 28, 2020, at 2:51 pm, deputies with the San Bernardino County Sheriff's Department responded to a multi-vehicle collision in the 14000 block of Bear Valley Road in Hesperia. The motorcycle passenger, 17-year-old Tristyn Shae Madole of Victorville, was pronounced deceased at the scene at 3:00 pm. The San Bernardino County Sheriff's Department is investigating the collision. [04292020 0600 JK]

Coroner's Reports #702003254 and #702003256 On Saturday, April 25, 2020, at 10:47 AM, a 911 call was received reporting a collision at the intersection of Fairview Road and Harvard Road in Newberry Springs. A Jeep Wrangler traveling eastbound on Fairview Road struck a Polaris Ranger traveling southbound on Harvard Road. Virginio Ponce, a 47-year-old resident of Newberry Springs, was the front seat -passenger in the Razor was pronounced dead at the scene. Russel Ambrose, a 58-year-old resident of Newberry Springs and driver of the Jeep was flown to St. Mary Medical Center where he was pronounced dead at 12:56 PM. The Barstow office of the California Highway Patrol is investigating the incident. [04252020 1730 GB]

Coroner's Report #702003142 On Tuesday, April 21, 2020, at approximately 7:56 pm, David Lamb, age 34 of Fontana, was riding a motorcycle on Laurel Avenue in the city of Fontana when he was struck by a black pickup truck. Lamb was pronounced deceased on scene. Fontana Police Department Major Accident Investigation Team is investigating the incident. [04222020 1000 JK]

Coroner's Report #702003073 On Sunday, April 19, 2020, at 12:02 AM, officers with San Bernardino Police Department responded to the intersection of West 34th Street and North East Street in the City of San Bernardino regarding shots fired. They found the unresponsive driver of a sedan in the intersection with gunshot wounds. The driver, Andrew Zepeda, a 35-year-old Mira Loma resident was pronounced dead at 12:21 AM. by paramedics. San Bernardino Police Department Homicide Division is investigating the incident. [04252020 1055 GB]

Coroner's Report #702003042 On Friday, April 17, 2020, at 8:22 pm, a 911 call was received reporting a vehicle struck a pedestrian on southbound Interstate 15 just north of Nipton Rd. near Mountain Pass. Emergency crews responded to find Lateishia Atkinson, a 32-year-old resident of Las Vegas with multiple injuries. Resuscitative efforts on scene failed and Atkinson was pronounced dead at 9:03 pm. The Barstow Office of the California Highway Patrol is investigating the incident. [04182020 0925 GB]

Coroner's Report #702003019 On Thursday, April 16, 2020, at 9:54 pm, a 43-year-old male was walking across the number one lane of southbound Interstate 15, north of Baker, when he was struck by a vehicle. The driver of the other vehicle stopped and called 911. The male was pronounced dead on scene. His name will be released once his family is notified. [04172020 0630 JK]

Coroner's Reports #702003010, #702003011 and #702003012 On Thursday, April 16, 2020, at 4:03 PM, The California Highway Patrol and San Bernardino County Fire Department personnel were dispatched to the area of Palmdale Road and Sheep Creek Road, Phelan, for a two-vehicle traffic collision. The driver of a Honda, Mary Lynn Lacerte, age 23, a resident of Pinon Hills, the passenger, Eden Sage Duenez, age 22, a resident of Jonson Valley, and the driver of a BMW, Asley Morgan Taylor, age 28, a resident of Palmdale, were declared dead at 1619 hours. The California Highway Patrol is investigating the incident. [04172020 0630 JK]

Coroner's Report #702002614 On Friday, April 3, 2020, at 9:48 PM, California Highway Patrol officers responded to I-210, north of I-10 interchange in Redlands, regarding a car-to-car shooting. They located a disabled four door sedan on the shoulder of I-210. The driver, Joseph Padilla, age 21, a resident of Highland, was found unresponsive with injuries. He was pronounced dead at 10:08 PM by paramedics. California Highway Patrol Inland Division, Investigative Services Division is investigating the circumstances of the incident. [04252020 1055 GB]

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

Video Demonstrates Harsch Killed Himself from page 9

cord, what investigators said was a high definition media interface cable, one consisting of copper wire surrounded by insulation and rubberized-plastic, around

his neck. He then walked toward a tree close by, wrapped the other end of the cable around one of the tree's branches, and dropped downward. The branch bends, apparently from the downward force of Harsch's weight tugging on it. His body at that point is below the
Continued on Page 12

County Wildlife Corner

The Common Sun Rose

The common sun rose is a species of plant endemic to California. It bears the scientific name of *Crocanthemum scoparium*, but is sometimes included in the genus *Helianthemum*. Its common names include peak rockrose, Bisbee peak rushrose, broom-rose and peak rushrose. There are two recognized vari-



sandy areas in hills and low mountains, primarily along the coast from the Bay Area southward,



eties, both uncommon.

It is found in dry,

with a concentration in San Diego County. It is

also present in the San Bernardino Mountains and San Gabriel Mountains within San Bernardino County.

Crocanthemum scoparium is a small perennial shrub bearing long, smooth stems and small flowers each with five bright yellow petals. It falls within the *cistaceae* (rockrose) family.

Under normal conditions these plants are about a foot-and-a-half tall and roughly a foot-and-a-half wide. They are semi-deciduous, meaning they lose their foliage for a very short period, when old leaves fall off and new foliage growth is starting. In the case of the *crocanthemum scoparium*, this occurs in the summer, when the bright green foliage withers and drops

off.

A perennial, this shrub sports hairs generally in stellate clusters and is rarely glandular, except in its inflorescence. The growth can



vary from very sparse to dense, dependent upon the degree of irrigation and its extent of exposure to the sun and withering or drying conditions.

The stems of the plant are generally erect, and more or less broom-like. The leaves are cauline and generally alternate and linear to lanceolate or oblanceolate.

The inflorescence is a raceme or is panicle-like, meaning the oldest flowers are borne towards the base and new flowers are produced as the shoot grows, with no predetermined growth limit. The flowers consist of five sepals, with the outer two generally narrower; and the petals yellow. The fruit is generally three-valved. Each flower will produce at least three seeds and sometimes many more.



Its name *helianthemum* is from the Greek



for sun flower.

This species will persist and be especially abundant after fire scorches the earth near where it has grown in the past.

One insect known to feed off of it is the common gray moth, known scientifically as the *Anavitrinella pampinaria*.

From Wikipedia and <https://calscape.org>.

Navarro Shifts Railroad Committee Members

from page 8

going on, what's going to happen, and take any complaints from his constituents regarding the project."

Upon Woods' video and audio connection being fully restored, he said, "I've been thinking about the committee realignment because I've been on that position for over two years now. I don't see the necessity in making the change at this time. If there is any information garnered as the result of any committee meetings, any other council member can call any commissioner that's on there, myself, call the mayor or call Isaac [Suchil] or Dr. G [Luis Gonzalez] and ask for information. It can be related to them, what was discussed, and that information will of course come back to the city council anyway because it would have to go to the city council from the committee. Then they would give action to move whatever the

city council decided to the city manager, and he would take action from that point on."

Wood suggested he was being slighted by the mayor and the council by using the rationale that the rail line improvement project will have a more direct impact on Toro's First District such that he should be moved onto a committee he was previously uninterested in serving on was suspect. He referenced the way in which the council was willing to entrust to members of the city's cannabis committee decisions impacting districts in which they do not reside to illustrate his belief that Navarro was being inconsistent with his policy. Assuming that someone would be better equipped to render a decision "just because an issue pertains to one of the council districts" where the appointee resides is a fallacy, Woods asserted.

"It was just like with the marijuana committee," he said. "That involves every district in the city. If someone has a marijuana process that is going to take place in

their district and they're not on the committee, of course the committee will relate that information to that particular council member. And we could go on from there. That's why we don't put everyone on the city council on all these commissions. With that in mind, I'm not in favor of the move. In fact, I look at this as kind of a similarity to the city council opposing me placing my female resident on the planning commission, and the objections that came from that, citing all kinds of reasons which were not accurate, which were misleading."

Woods' reference was to his nomination of Gem Montes to the planning commission. Her status as an advocate for the cannabis industry had initially resulted in the city council, in particular Councilman Suchil, who is a retired sheriff's deputy, resisting her appointment to the land use panel. Eventually the council relented and Montes acceded to a position on the planning commission.

Woods said booting him from the Council Railroad Subcommittee

was uncalled for.

"I don't think it is an appropriate move to make," he said. "I can't think of a time when a council member who was on a commission or committee, after being on the committee for in excess of two years, was taken off the committee because somebody else decided as a council member they wanted to be on the committee at that time. I'm not in agreement with the change."

Navarro said, "Those are comments I will take note of. However, it's not that I was approached by a council member. It's the mayor's decision. According to the MOP [municipal operating procedure], the mayor has authority to place people and move people from committee to committee, and this one here, I definitely want Councilman Toro to be on this committee, as I stated before in the conversation you and I had, because I want him to be there at the forefront when all of this stuff starts coming down, so he is accessible to his constituency for the impacts that are going to be happening in

his area. So, that is the main thrust of my decision to replace you with him, to give him that stand on the committee so he can respond di-



Frank Navarro

rectly to his constituency immediately when the questions come up, instead of having to chase around to find somebody to get the answers. This is in his district. It's going to be a big project. It is going to have impacts to the area. We don't know yet the size or intensity of those impacts, but I want Councilman Toro there at the forefront. It's nothing personal, nothing personal at all. This is the decision the mayor can make, and I've got the consensus of the council to do that re-appointment. I just want to say, Jack, 'Thank you very much for serving the last two years on

that committee,' and I will be reappointing to that committee Council Member Toro from the First District, wherein the project is located."

Woods, who as the representative of the city's southeastern tip has assumed the role of "mayor of Reche Canyon," said, "If that's what's written in the operations manual, then so be it. I didn't see that written in there. But I distinctly remember he [Toro] had the opportunity to be on this commission when it was formulated, and David was asked if he wanted to be on it at that time and he said 'No.' He didn't want to be on it, and we respected that. I took that position. To come back now, two years later... I know the commission meets between 1:30 to 2:30 roughly, and there will be other meetings that will take up other times."

Navarro said, "But it is very important that he be there, Mr. Woods, and that is the only reason I am making this change."

Woods, resignedly, said, "Alright."

-Mark Gutglueck

Grace Bernal's

California Style

The Decline Of Fashion As We Know It

Regular readers of this column have probably been wondering where I've been off to for these last many weeks. Well, the truth of the matter

ing much with how they dress anymore. They have been, for the most part, lounging around home, half the time, I suspect, in their bedclothes,

ers in her hair! Maybe I should have written a column about that.

Another sad truth is the wave of bankruptcies we have been hit with, largely as a result of this coronavirus lockdown.

Clothing retailer J. Crew, which operated more than 20 Southern California locations under the J. Crew and Madewell banners, has filed for bankruptcy protection. J. Crew had 182

J. Crew wanted to spin off its Madewell division

in the fashion world would be an incalculable

alive by wiping out their debt or renegotiating that debt. What might happen is these companies will close the stores that are not profitable, and sustain the rest. Some will need to borrow money, and will be able to structure themselves back into profitability if they can get the funding and maintain a customer base. That is hard to do, though, when stores aren't open.

All of this leaves me depressed. Life will go on, no matter what, but for me, style and fashion is what makes life interesting. Let us not forget

J. CREW

is I've been hunkered down, much like everyone else, either at home or at work. For me, my workplace is our family manufacturing concern, which fortunately, has weathered the storm.

There are several sad truths here. One of them is that I am rarely on the streets anymore, which is where I draw most of my inspiration, just by observing what everyone is wearing, picking up on trends, seeing the patterns, watching how what some are wearing is influencing others. What I have seen is that no one, or at least very few people, are bother-

and they will don, at most, an oversized shirt and a pair of pants or more likely sweatpants,

Neiman Marcus

some tennies or loafers, and make a run to the grocery store. I saw one day a man walking about downtown wearing a bathrobe and slippers! Another time, there was a lady in the frozen food aisle wearing what I thought had to be a nightie. The only thing missing was the curl-

J. Crew retail stores and 140 Madewell stores. These offered stylish youth-oriented brands. It needed \$400 million in financing to remain afloat, but couldn't get it, since it could not guarantee in the current environment that it will continue to have a flow of customers into its stores.

TRUE RELIGION

in an IPO to help pay down its debt load, but creditors objected.

Neiman-Marcus filed for bankruptcy but is struggling to stay afloat. Word came this week that it may have turned a corner on raising \$675 million in new financing to stay solvent to the point where it can start reopening stores.

Neiman-Marcus was an iconic chain of American luxury department stores which featured multiple high quality clothing lines for both men and women, but particularly women. In 1927 Neiman-Marcus premiered the first weekly retail fashion show in the United States. The loss of Neiman-Marcus

loss.

True Religion Apparel Inc., the Manhattan Beach-based designer and maker of designer jeans very much popular with celebrities, has declared bankruptcy.

All of this was followed with the bankruptcy filing of J.C. Penney! Will it never end?

One can hang on to

JCPenney

the hope that bankruptcy does not necessarily mean that a company will go permanently out of business, as those seeking Chapter 11 protection are trying to stay

what a wise man once said:

"What a strange power there is in clothing."
-Isaac Bashevis Singer

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](#)

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Harsch's Hanging Death Was By His Own Hand And Not That Of A Racist Mob, Video Establishes from page 10

video's visual field. The branch and other parts of the tree can be seen rapidly trembling for several minutes before becoming still.

According to the video timestamp, Harsch's last moments of life on this earth took place around 6 a.m. May 31.

The sheriff's department would normally not make such disturbing imagery public, officials said, but it was felt that given the circumstances, something needed to be done to "dispel the myth" that Harsch had been lynched by a person or persons unknown.

Harsch's most proximate known relative was his brother, De'Avery Richardson, a soldier stationed at the U.S. Army installation at Fort Irwin, north of Barstow. A teleconferencing session with Richardson and other members of Harsch's family in Ohio was arranged by the sheriff's department, authorities said.

Harsch's family is represented by Najee Ali, who is also a spokesman for Fuller's family. After the Harsch family was shown the video, Ali released a statement. "The Victorville Police Department officials released new video evidence to family members," Ali said. "On behalf of the family of Malcolm Harsch, unfortunately it seems he did take his own life. The family wants to sincerely thank everyone for their

support and prayers."

While the video seems to present clear evidence that Harsch fordid himself, it does raise other questions.

Harsch's girlfriend called 911 just after 7 a.m., roughly an hour after Harsch's death. What is depicted on the video suggests that she was not aware of what had occurred until that time, as she had emerged from the tent just to prior to that. The video, however, depicts an individual who was also at the homeless encampment at that time, identified by authorities only by the moniker "Manpower." Manpower is visible near the homeless encampment outside of the tents there, within visual range of Harsch and the tree as Harsch is approaching the tree with the cord around his neck. Authorities believe

Manpower may have witnessed the suicide. Attempts to locate him as of today, however, have been unsuccessful.

Manpower is seen in the video accompanying Harsch's girlfriend around 7 a.m. when they approach the tree and she discovers her boyfriend is dead.

Shortly thereafter, other denizens of the encampment, apparently summoned by Harsch's girlfriend, went to the tree, unfastened him and took him to the ground. One of those went to the Victory Outreach church, which is proximate to the site, for help. Two of those who responded from the church attempted cardio-pulmonary resuscitation on Harsch until paramedics arrived.

He was pronounced dead on the scene after an ambulance and other

authorities had responded to that location.

According to the sheriff's department, Harsch had twice been booked into jail in recent months for undisclosed alleged offenses. On one of those occasions, he was subject to a suicide watch.

Authorities were able to shed some limited light on what had prompted Harsch to fordo himself.

Sometime around 3:15 a.m., Harsch, was seen walking down a nearby street, and was heard shouting indiscriminately, profanely and somewhat insensibly. He was encountered by a San Bernardino County Sheriff's Department deputy at 3:17 a.m. The sheriff's department provides contract law enforcement services to the City of Victorville.

The deputy noticed blood on Harsch's shirt,

and asked about its origin. According to an audio recording from a recorder on the deputy's belt, Harsch somewhat angrily responded that he had cut his hand.

Upon the deputy running a record and warrant check on Harsch, which apparently came up negative, Harsch was no longer detained.

Sometime thereafter, at about dawn, Harsch and his girlfriend began arguing, exchanging mutual accusations of infidelity.

One of the last exchanges the couple had was the woman telling Harsch "I'm going to make one of your homeboys my new boyfriend," she told deputies.

An analysis of the blood on Harsch's shirt confirmed it was his own, according to the sheriff's department.