

Defense Attorneys Come To Befriend Postmus, Rather Than To Bury Him

By Mark Gutglueck

Bill Postmus, whose testimony in the Colonies Lawsuit Settlement Public Corruption Prosecution is considered the centerpiece of the case and which enlivened the flagging fortunes of the combined district attorney's office/state attorney general team pursuing it during week 18, found himself

beset by defense attorneys during Week 19 as they sought, with some degree of effectiveness, to compromise him as the bête noir of the four remaining defendants charged with participation in what California Governor Jerry Brown once termed "the most appalling corruption case in decades, certainly in the history of San

Bernardino County and maybe California itself."

Brown, who was then California Attorney General, made that description in 2010, when Postmus was himself charged in the conspiracy, along with former deputy sheriffs' union president Jim Erwin. Though he originally pleaded not guilty, Postmus caved in the follow-



Bill Postmus

ing year, pleading guilty in March 2011 to a total

of 14 political corruption charges lodged against him, and agreed to turn state's evidence. He then served as the star witness before a grand jury that indicted Erwin along with Jeff Burum, one of two managing principals with the Colonies Partners development consortium; Paul Biane, who had been one of Post-

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Forced Fire Annexation Prompts Cable, Longest CofC Member, To Bolt Chamber

The City of Upland's move to close out its 111-year-old municipal fire department and annex both itself and neighboring San Antonio Heights into a county fire service agency has one of the area's leading citizens hopping mad.

Bob Cable, the grandson of Cable Airport founder Dewey Cable, has renounced the airport's membership in the Upland Chamber of Commerce. Cable Airport was, until Cable posted a letter of withdrawal this week, the longest remaining member of the chamber, having originally logged on with the organization after its inception in 1945.

Cable Airport left the chamber because it had obsequiously supported the city in jettisoning the fire department. Bob Cable said he intends the withdrawal to be more than a symbolic show of protest. He and other members of the community are formulating a strategy to challenge the changeover that will move along procedural, political and legal trajectories.

Last year the Upland City Council gave assent to studying a proposal to annex the Upland Fire Department and transfer its fire stations, personnel and assets into San Bernardino County's Valley Fire Service Zone. By the time that proposal was fully worked up by the staff for the San Bernardino County Local Agency Formation Commission so it could be submitted to the commission itself, it had been altered to include an-

See P 7

SBCERA Chairman Sought Gratuities From Association's Investment Manager

By Ruth Musser-Lopez and Mark Gutglueck

The San Bernardino County Employees Retirement Association is yet hoping to sidestep a public scandal by dealing with an apparent effort by its board chairman to wring from one of its financial advisors some \$63,500 to \$137,500 in conference attendance accommodations.



Louis Fiorino

The action by Louis Fiorino, an elected mem-

ber of the panel that oversees more than \$6.5 billion in pension fund assets for San Bernardino County government retirees, was a clear violation of the association's bylaws and the government code and has potentially brought the entire board into disrepute. Moreover, it illustrated county government employees' vulnerability

with respect to the safeguarding of the money they have set aside and are counting upon to receive after they have ceased to actively work and earn paychecks. The retirement association board has been given absolute autonomy over those funds and how they are to be disbursed and invested. Fiorino's action raised the specter

of one of the association's investment managers or advisors compromising the oversight and judiciousness that county employees and retirees expect of the board by means of kickbacks or gratuities in return for allowing the investment managers to steer investments in a way that would provide them with enhanced

See P 2

Board Transfers Licensing Authority From Clerk To Code Enforcement

The board of supervisors this week initiated the transfer of responsibility for administering the licensing program for hotels and motels as well as the licensing program for rental dwelling units in the unincorporated areas of San Bernardino County from the clerk of the board to the code enforcement division of the land use services department.

County staff has rec-

ommended shifting the responsibility for administering the licensing programs to the code enforcement division because those tasks will complement the current workload of the code enforcement division.

The board of supervisors took the action, which must be matched by a second vote of approval at its next meeting on May 23, to be fully adopted.

See P 3

Copper Mountain Mesa Residents Reject Unincorporated County Road Fee Increase

The residents of Copper Mountain Mesa have elected against upping the \$20 per parcel annual assessment they are paying for road grading and road maintenance to \$60 per parcel.

Copper Mountain Mesa lies within the an unincorporated portion of San Bernardino County in the Mojave Desert, and falls within the jurisdiction of County Service Area 70, Zone

R-19.

According to Jeff Rigney, the director of the county's special district department, "The formation of CSA 70 R-19 was approved by the board of supervisors on June 2, 1986 to provide road grading for 91.71 miles of roadway in the Copper Mountain Mesa area. At that time, Ordinance 86-5 was adopted authorizing a \$20 per parcel per year annual

service charge on the property tax bill to fund these services. Since 1986, the service charge has remained at \$20 per parcel annually, with no inflationary adjustments. Due to increased costs over the past 30 years, service levels have diminished as a means of adjusting for inflation, and for the past three years, expenditures in the district have exceeded revenues, See P 3

Sheriff's Department Forking Out \$4.32 Million For Ammunition

The San Bernardino County Sheriff's Department will pay \$4.32 million for ammunition over the next five years.

That payment will go to Dooley Enterprises, Inc. with which the county has had a purchase agreement since 2010.

The existing no-bid \$1.8 million contract between the department and Dooley to furnish Winchester ammuni-

tion in various calibers and types for the period of September 9, 2014 through June 30, 2017 will be increased to \$6.12 million to cover the period from July 1, 2017 through June 30, 2022.

Under the contract, the county will pay \$864,000 annually to Dooley Enterprises each year, in 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22.

According to captain Robert O'Brine, the contract "provides for continued supply of ammunition in various calibers and types to the department. Testing of ammunition from all major manufacturers is conducted by the department. During the last testing in 2013, Winchester ammunition was the top pick, and its performance, pricing, and availability continues to

be the best choice for the department at this time."

In his report to the board of supervisors prior to the vote on the contract, O'Brine said, "In 2010, Bid Request M-40 requesting pricing for duty and training ammunition was released by the county purchasing department, resulting in the issuing of purchase order No. Z4008 to Dooley Enterprises, Inc. for a three-year pe-

riod. Since Bid Request M-40 was conducted, Winchester Ammunition has allowed only one distributor in the state of California - Dooley. The department has maintained an annual blanket purchase order with Dooley since December 20, 2012."

O'Brine said, "The department is requesting a five-year extension in the aggregate amount of \$4,320,000 See P 3

SBCERA Board Deems Chairman's Soliciting Effort From Fund Manager Acceptable from front page

income, potentially at the expense of the participants in the pension system. As it turned out in the case involving Fiorino that came under scrutiny last week, it was the investment manager who balked at providing the gratuity and brought the matter to the attention of the association's in-house attorney.

Unknown at this juncture is whether what occurred this year was a one-time aberration or the first time a lesion in the integrity of the association's fiduciary arrangement has been noted.

At its May 4 meeting, item 12 on the San Bernardino County Employees Retirement Association board meeting read "Discussion and possible corrective action in response to Trustee Louis Fiorino's apparent violation of Board General Policy No. 016 (Solicitation Policy)"

That violation consisted of, the agenda item title said, "soliciting tickets to the Milken Institute Global Conference from an SBCERA-contracted investment manager."

In a report to the San Bernardino County Employees Retirement Association board prior to the May 4 meeting, Michael Calabrese, the association's chief counsel, stated that he "spoke with a representative of an San Bernardino County Employees Retirement Association asset manager. The representative reported that both she and another employee of the manager had recently received multiple voice messages from San Bernardino County Employees Retirement Association Trustee Louis Fiorino, requesting that the manager provide Mr. Fiorino and/or other San Bernardino County Employees Retirement Association trustees with tickets to the Milken Institute Global Conference, scheduled for late

April and early May of 2017 in Los Angeles. By way of background, the manager serves as a sponsor to this conference. It is the Milken Institute's practice to provide sponsors like the manager with a certain number of tickets to the conference, which those sponsors may use or give away in their discretion. Tickets to the conference are not available at retail to the general public, but are available to invitees. For invitees not offered complimentary tickets by Milken, the cost is \$12,500."

Calabrese continued, "The manager's representative wished to check both with the manager's compliance department and with San Bernardino County Employees Retirement Association's staff, prior to responding to Mr. Fiorino, to ensure that any response that the manager might give would be in compliance with the law and any applicable ethical guidelines, including any San Bernardino County Employees Retirement Association-specific local rules."

Calabrese said he "advised that a local ethics rule was indeed applicable, that he would speak to Mr. Fiorino, and that the manager need not speak to Mr. Fiorino further on this matter." Calabrese said the representative informed him that, "after conferring with the manager's compliance department, it had been determined that the manager would not provide the requested tickets in any event, irrespective of the San Bernardino County Employees Retirement Association's views on ethical and legal aspects of the matter."

Calabrese spoke to Fiorino about the matter the same day. Calabrese said Fiorino "confirmed... that he had made the solicitations described by the manager's representative. Mr. Fiorino said he believed them proper because they were made 'for the betterment of the trustees.' While Mr. Fiorino said he was generally aware that the San

Bernardino County Employees Retirement Association had a policy covering solicitations, he was unaware of its specific prohibitions. Prior to making the solicitations himself, Mr. Fiorino had requested that the San Bernardino County Employees Retirement Association's CEO, Gary Amelio, solicit tickets from another manager who had previously offered one ticket. Mr. Amelio had refused, explaining that such solicitations would be inappropriate." Calabrese said that Fiorino did "not confer with him before making the solicitations."

Calabrese further noted, "The San Bernardino County Employees Retirement Association's Solicitation Policy, General Policy No. 016, provides in pertinent part: 'If a San Bernardino County Employees Retirement Association official has been informed that the San Bernardino County Employees Retirement Association does business or may reasonably be expected to do business with an entity, the San Bernardino County Employees Retirement Association official shall not communicate with that entity or any officer, agent, or employee thereof, to discuss, propose, solicit, arrange, or cooperate in the proposal or arrangement of any transaction, payment, donation, or solicitation other than those arising from the San Bernardino County Employees Retirement Association official's duties on behalf of the San Bernardino County Employees Retirement Association, and relating to San Bernardino County Employees Retirement Association's business or prospective business with the person or entity.'" Calabrese went on to state that "When a San Bernardino County Employees Retirement Association official 'becomes aware that a violation of [the] policy may have occurred,' the facts must be reported to the CEO and/or chief counsel, who must inform the board chair. In this case,

because the board chair was the trustee in question, the vice-chair was also informed. The policy further provides: 'In the event that a trustee knowingly violates this policy, the board shall consider, at the next available regular board meeting after such facts become known, such corrective action as may be authorized by law and by the San Bernardino County Employees Retirement Association's by-laws and policies.'"

Calabrese stated that "Based on the facts above, which are generally undisputed," he had "reached the conclusion that a knowing violation of General Policy No. 016 by a trustee may have occurred, because Mr. Fiorino knew that the San Bernardino County Employees Retirement Association does business with the manager, that he was soliciting a 'donation' from the manager in the form of valuable tickets to the conference, and that this solicitation did not relate to the San Bernardino County Employees Retirement Association's business or prospective business with the manager." Because he had "become aware of facts indicating that a violation 'may have' occurred," Calabrese said he was "mandated to place these questions before the board. The final decision on whether the policy has been violated, however, is with the board, as is the decision, in the event of a violation, on whether to take any 'corrective action.' The board's policy regarding governance principles states that, when the board concludes that a trustee has violated that policy (which incorporates by reference other board policies regarding ethical conduct), the board by way of corrective action 'may vote to publicly censure that trustee and the censure will be recorded in the minutes of the board meeting. Censure can include trustee's removal from position of authority and/or committee membership.'"

Calabrese noted that

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there is nothing in the association's bylaws or written policies specifying what corrective actions should or potentially could be applied if the board concluded a violation had occurred. He said that he was "making no recommendation as to what corrective action, if any, may be appropriate, as this is a matter entirely within the board's discretion."

When the chips were down, Fiorino offered a defense of his action, saying that there was nothing venal about his request for the tickets to the Milken Institute Global Conference in that he was seeking participation at the event by his fellow board members so they could collectively refine their ability as stewards of the association's funds, and he was not seeking to personally profit by his solicitation.

Fiorino is a child support officer with San Bernardino County's Child Support Services Department. He has worked for the County since 2000. Prior to being a county employee, Fiorino was a registered representative in the financial and insurance industries for Aetna, New England Financial and The Principal Financial Group for more than 22 years. As a registered representative, he developed group benefits, determined risk tolerance, set investment objectives, suggested asset allocations and provided sector analysis. He was previously licensed by the Financial Industry Regulatory Authority,

formerly the National Association of Securities Dealers. Fiorino has been an elected trustee on the San Bernardino County Employees' Retirement Association Board of Retirement since January 2011. He also serves on the Board of Directors for Teamsters Local 1932.

Ultimately, at the May 4 meeting, the board, consisting of Fiorino, Larry Walker, Jared Newcomer, John Michaelson, Vere Williams, Neal Waner, Oscar Valdez, Dawn Stafford, Glenn Duncan, Brendan Brandt, Anthony J DeCecio and Janice Rutherford did not vote and took no action against Fiorino.

Sources knowledgeable about San Bernardino County Employees Retirement Association operations said the board's action overlooked the consideration that Fiorino wanted the San Bernardino County Employees Retirement Association to invest in the manager's business and that the board was directing money to the company that was sponsoring the Milken Institute Global Conference which had access to the free tickets Fiorino was seeking.

The San Bernardino County Employees Retirement Association has declined to identify who the manager is.

The San Bernardino County Employees Retirement Association board's actions failed to address the consideration that Fiorino ap-

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County Code Enforcement Taking On Rental & Hotel Licensing Role *from front page*

According to a staff report by Tom Hudson, the county's land use services department director, "The code enforcement division currently issues thousands of permits annually, conducting inspections and enforcement actions

as necessary to ensure compliance with applicable sections of the county code. This experience will allow the code enforcement division to streamline the licensing and application process for hotels and motels. The code enforcement division is involved in many of the compliance reviews for rental dwelling units and would be in a good position to determine the overall compli-

ance of the operation as well as whether any remedial measures need to be taken. The proposed ordinance requires that a separate license be required for each rental dwelling unit. County staff believes individual licenses per dwelling unit would be more equitable for both the applicant and the county with separate inspections to ensure compliance with the various provisions

of the county code and other law. Furthermore, if the applicant is found to be out of compliance, any enforcement action and remedy sought by the county will be limited to the rental dwelling unit in question. Otherwise suspension of a license would affect rental dwelling units that are not part of the subject non-compliance.



Copper Mountain Mesa Residents Balk At Raising Road Fees *from front page*

which has depleted fund balance and reserves each year. The purpose of the County Services Area 70 R-19 property owner election was to increase the current service charge for road grading and road maintenance services."

On January 24, 2017, the board of supervisors authorized a property owner election in Community Service Area 70 R-19 to be conducted by MK Election Services, an independent election service provider, and scheduled May 2, 2017 as the date for the public hearing to certify

the election results. The election asked property owners to approve or disapprove an increase in the service charge from \$20 per parcel to \$60 per parcel with an annual inflationary increase of 2.5 percent for road grading and road maintenance services. The date of the election was March 27, 2017.

The property owner election was conducted, compiled and certified by MK Election Services. There were 2051 ballots sent out, of which 787 were returned, with 340 of those designating a 'yes' vote; and 445 indicating a 'no' vote.

"The ballot did not receive the required majority approval vote," said Rigney. "Therefore, the election is considered unsuccessful and there will be no increase in the

service charge for Community Service Area 70 R-19. The vote by mail turn out reflects the number of ballots cast. The total votes reflect the number of votes counted from the ballots that were cast. In this case, 785 votes were counted from 787 ballots cast. The difference between the total votes cast and the number of votes counted represents ballots that were returned and challenged via the signature review process."

It cost the county \$12,923 to conduct the

election.

Said Rigney, "With the failure of the election, County Service Area 70 R-19 will not have sufficient revenue to provide the intended level of road maintenance as approved when the district was formed. Staff will consider various alternatives regarding the level of service provided within County Service Area 70 R-19 and will return to the board at a later date with a recommendation."



SBCERA Board Deems Chairman's Soliciting Overture Kosher *from page 2*

pears to have run afoul of Section 89503 of the California Government Code, which at present prohibits an elected state officer or elected officer of a local government agency from accepting a gift or gifts from any single source in any calendar year with a total value of more than \$470. In making his defense, Fiorino acknowledged he had received a ticket to the Milken Institute Global Conference, but was merely soliciting tickets for his colleagues.

Moreover, Fiorino falls under the requirements of Government Code Sections 87200 and 87202, which require that gifts to members of a public board such as that for a public employee retirement association be reported on statements of economic interests known as California Form 700s. The San Bernardino County

Employees Retirement Association board is listed as category 5 of designated employee economic interest reporting requirements.

Persons in category 5 are required to make disclosure pursuant to Government Code Sections 87200 and 87202. Fiorino does not appear to have submitted a Form 700.

Adam Sands, the communications officer for the San Bernardino County Employees Retirement Association, told the *Sentinel*, "At the May 4, 2017 board of retirement meeting, it was undisputed that Mr. Fiorino did not act for personal gain, but rather to advance the education of trustees for the betterment of the system. The board concluded that such actions are not violations, and that Mr. Fiorino acted properly. The board also acknowledged that staff properly followed its mandate to put the decision before the board." Sands added, "Finally, the board

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

By Count Friedrich von Olsen



By the time everyone reads this on Friday it will be old hat, I am sure, but I feel compelled to point out the absurdity of the Democratic outrage over President Donald Trump's sacking of FBI Director James Comey. For the last seven months Democrats have been echoing Hilary Clinton's indictment of Mr. Comey and her claim that it was he who cost her the election. She has taken issue with his criticism of her last summer over her cavalier handling of her email communications while she was secretary of state when he initially said his agency was closing out its investigation. And she maintains his announcement in late October that the FBI was renewing its focus on the criminal aspects of the case formed the basis for the Republican attacks on her that ultimately resulted in her defeat. As if they were getting their talking points from Ms. Clinton, Democrat after Democrat accused Mr. Comey of being a hack who engaged in political calculation in conducting his investigative function rather than simply making a comprehensive examination of the facts and evidence and then letting the chips fall where they may. Now that President Trump has said essentially the same thing in his own inimitable way – namely accusing Mr. Comey of grandstanding – and taken their criticism to its logical conclusion, they are in an uproar. Setting aside, of course, that President Trump is somewhat ill-suited for leveling grandstanding charges against anyone, he is fully within his purview to employ the person he deems fittest as FBI director. And I find somewhat unconvincing what were once whispers but which have now grown into a rising crescendo of shouts that somehow, the 45th President of the United States, the head of the Free World, who happens to be a shameless maximizing capitalist, fired Mr. Comey because Mr. Comey was conducting an investigation that is about to reveal that Mr. Trump is in league with the Communists to destroy America...

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formed an ad hoc committee to recommend clarifications to the policy itself."

Sheriff's Department Buying Five Years Worth Of Ammunition For \$4.3 Million *from front page*

for continued supply of ammunition in various calibers and types to the department."

The board of supervisors authorized the \$4.32 million extension.

Postmus On Witness Stand For Eight Days So Far *from front page*

mus' colleagues on the board of supervisors that conferred a \$102 million payment on the Colonies Partners in November 2006 to end a four year-running lawsuit the development company had brought against the county over flood control issues at the Colonies at San Antonio and Crossroads Colonies residential and commercial subdivisions in northeast Upland; and Mark Kirk, who had been the chief of staff to Gary Ovitt, the third supervisor who had joined with Postmus

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Rather Than Burning Prosecution Witness To The Ground, Defense Attorneys Seek To Soften Him *from page 3*

and Biane in approving the \$102 million settlement.

Last week, during the first two hours of his testimony under direct examination by supervising deputy district attorney R. Lewis Cope, Postmus had provided more material in support of the prosecution's case than had been vouchsafed by the 33 previous witnesses combined in the first 18 weeks.

According to the 29-count indictment handed down in May 2011, Colonies Partners co-managing principal Jeff Burum, after four years of being unable to resolve the matter with the county so that his residential and commercial projects could proceed as he envisioned, conspired with Erwin to extort Postmus, the then-chairman of the board of supervisors, and the then-vice chairman of the board of supervisors, Biane, by threatening to reveal in mailers to be sent to voters throughout the county highly derogatory personal information about both of them. After Postmus and Biane acceded to this blackmail and voted with then-supervisor Ovitt in November 2006 to approve the \$102 million lawsuit settlement, according to the indictment, Burum

then provided Postmus, Biane, Erwin and Kirk with separate \$100,000 bribes in the form of donations made to political action committees they had created or otherwise controlled. Kirk's bribe, the prosecution alleges, was provided to him by the Colonies Partners in return for having delivered Ovitt's vote. Erwin, who was not employed by the county at the time of his efforts related to the extortion, was, however, employed as assistant county assessor in 2007 when the \$100,000 donation to his political action committee was made.

During his time on the witness stand Monday, Tuesday and well into Wednesday, May 1 through May 3 last week, Postmus replicated the key elements of this narrative. In the latter half of 2006, Erwin, working on behalf of Burum and the Colonies Partners, Postmus testified, had threatened to expose elements of both his and Biane's personal lives in an effort to persuade them to support the settlement. And Burum had promised to support him in either or both future political and business endeavors once the settlement was out of the way, he said. Moreover, Postmus said, he believed the \$102 million paid out to the Colonies Partners was more – ridiculously more – than the development company was due. The threats and promises of reward, he said, along with the desire to put the whole thing behind him, he testified, prompted the settlement. And af-

ter the settlement was in place, Postmus testified, the Colonies Partners had come through with two separate \$50,000 donations to political action committees he had control over. Postmus was chairman of the board when the decision was handed down, and previous testimony by numerous witnesses represent him as having commandeered from Biane the role of the major champion on the board of forging some order of a settlement with the Colonies Partners to bring to a close the litigation. Those witnesses generally held that Biane, in whose Second Supervisorial District the project was located and who had been elected as Second District supervisor in 2002 in large measure on the strength of grand scale political donations from the Colonies Partners, had been the earliest and most vocal advocate of ending the legal wrangling. A number of witnesses – ranging from former top county administrator Marc Uffer to two of the county's top ranking in-house attorneys, Ron Reitz and Ruth Stringer, along with the then-up-and-coming junior lawyer Reitz and Stringer had kept assigned to handle the Colonies litigation case, Mitch Norton, all reported that when Postmus returned to California from a nearly two-week-long trade mission trip to China in September 2005 during which he had met extensively with Burum, he had adamantly insisted that the county bring the litiga-

tion to a close, ignoring their counsel that a settlement on the terms the Colonies Partners was seeking was unjustifiable and inconsistent with the county's interests. Postmus offered testimony that complemented that of Uffer, Reitz and Stringer, acknowledging that he had met Burum only a handful of times before the China trip at fundraisers. Postmus testified that as a consequence of the efforts of former state legislator Jim Brulte, who had gone to work as a lobbyist for the Colonies Partners, he had been properly introduced to Burum on the flight to China, and that while in Hong Kong and a number of cities on the mainland he and Burum had hit it off as traveling companions who on their own sought out Western cuisine as a respite from the Oriental dishes served at the formal dinners associated with the tour. They visited bathhouses and bazaars together, cementing their newfound friendship, Postmus testified, while Burum bent his ear with regard to settling the lawsuit.

When Cope ended his direct examination of Postmus on Wednesday May 3, the prosecution's case had seemingly achieved its high watermark. In the afternoon of May 3, one of Burum's attorneys, Jennifer Keller, began her cross examination of Postmus. That day and the next, she succeeded in making inroads on the ground deep behind the defense's lines the prosecution appeared to have

captured. Right out of the gate, Keller moved to explore in greater depth Postmus' drug use both during and after the events upon which Cope had vectored such a sharp focus. In so doing, Keller established that, in Postmus words, "My mind is kind of messed up" from drug use, to the point that his memory was sketchy at best and his temporal sense was completely out of synch, such that dates and times were jumbled so that he was confusing things that happened at one point or another with things that had happened one, two or three years previously or one, two or three years later. In response to a set of carefully crafted questions accompanied by displays of emails, documents, and/or the transcripts of interrogations by district attorney's office investigators, Keller endeavored to establish that what appeared to be false memories were being planted in Postmus' added pate by those investigators and that the prosecutors had then harvested those false memories during his appearance before the grand jury in 2011 to obtain the indictments.

Monday morning of this week, May 8, Keller continued her assault. Remarkably, however, Keller maintained the essential tenor of her cross examination of last week, one that avoided an absolute destruction of Postmus as a witness but instead turned him into something that in much of its aspect imprecisely simulated a de-

fense witness. Whereas previously, elements within the defense camp, including Burum's publicist Edward Berrera, had hinted or openly suggested that Keller and the other defense attorneys were "going to burn him to the ground," that immolation never took place, at least in the way many courtroom observers anticipated. This was partially because Postmus made doing so awkward if not undoable. From the start, under direct examination by Cope, he had owned up to his drug use and homosexuality. Once establishing those two elements of Postmus' makeup as realities, the prosecutor had gone on to issues directly bearing upon his theory of guilt. That presented Keller, or so it seemed, with an opportunity to shred Postmus' credibility by showing that he had in some fashion minimized his addiction or elements of his lifestyle in his exchange with Cope. But when Keller pounced, suggesting that Postmus' lifestyle was far more sordid than he had let on, involving drug-fueled homosexual hook-ups with scores or hundreds of men whom he had never before met through a website entitled Party and Play, through which he had indulged what Keller characterized as "a sexual addiction" and by which arrangements for those trysts were made, including explicit references to which party in the pairings would bring which

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Glimpse Of SBC's Past Kelso



office, station agent office, baggage room, waiting room and a restaurant on the first floor, a rooming house on the second floor and billiard and reading rooms in the basement. It reflected a rivalry with the Santa Fe Railroad and its famous Harvey House depots. Known as the Kelso Club, it functioned as a community center for Kelso.

During World War II, Kaiser's Vulcan Iron Mine was active in the hills about nine miles southeast of town, resulting in Kelso's population rising to over 1,000. With the closure of the Vulcan Mine, the Union Pacific stopped using the depot in 1964. The depot was completely abandoned in 1985. The Union Pacific once intended to demolish the depot, but subsequently a fund was established to save the building, and with the support of the National Park Service, renovation began in 2002. The building reopened to the public in October 2005 and currently serves as a visitor center for the Mojave National Preserve.

Attorneys Angle To Shape Postmus' Testimony To Suit Their Clients from page 4

drugs, he offered no resistance to her assertions and there were no denials in his answers. Indeed, Postmus without any seeming reluctance came across as willing to openly acknowledge all of the elements of his personality which he had kept under wraps during his political heyday, a signal that he had abandoned in its entirety his previous political ambition, any illusion that he might again establish his hold on the Republican establishment over which he had once lorded, and that without reservation he was absolutely resigned to endure a complete loss of his dignity. Keller's examination style embodies a strategy of asking simple and disarming questions in a friendly tone and manner to establish a baseline which she then abandons without warning by posing a ruthlessly challenging and pointed question. Postmus cottoned at once

to the almost motherly tenor of Keller's initial questions and once that seemingly warm relationship was established, refused to abandon it, even when Keller but steel into her voice and venom into her questions. In short, Postmus could not be lured into a confrontation with her during which she would be able to marshal documentation in the form of an email, recorded statement or transcript of his earlier testimony before the grand jury or his interrogations with investigators to demonstrate him to be wrong, mistaken, exaggerating or outright lying.

Thus Keller was faced with a similar circumstance as the defense camp had been confronted with by an earlier prosecution witness, Matt Brown. Brown had been Biane's chief of staff who had created the political action committee, San Bernardino County Young Republicans, which had received the \$100,000 donation from the Colonies Partners which the prosecution alleges was a bribe to Biane. When he was approached by

investigators with the district attorney's office in 2009, Brown agreed to cooperate with them and gather information against those the district attorney's office believed to be involved in the bribery conspiracy, primarily targeting Biane, including wearing a concealed audio monitoring device and secretly recording conversations in which he trolled for statements to implicate the defendants in a quid pro quo arrangement with regard to the Colonies lawsuit settlement. Burum's defense team, as well as Biane's lawyer, Mark McDonald, were prepared to savage Brown. But Brown, who was clearly resentful toward prosecutors for having been put into the position of having to offer testimony against his one-time friend, political associate and boss, and who yet harbored a grudge toward the district attorney's office investigators for the intimidation tactics used during his interrogations, failed to offer the hard-edged and damning testimony that California Supervising Deputy Attorney Gen-

eral Melissa Mandel attempted to elicit from him on direct examination. Defense attorneys immediately regrouped and instead of seeking to impeach Brown, seemingly worked with him to elicit testimony that retarded the prosecution's case nearly as much as it advanced it. Somewhat similarly, Keller in a remarkable show of mental dexterity adjusted on the fly with Postmus, almost but not quite befriending him and thereby drawing from him statements or simple yes-or-no answers that compromised, softened, watered-down, lessened or even in some sense contradicted the testimony he had given during his first three days on the witness stand that had so significantly strengthened the prosecution.

In this way, Keller had essentially two major issues to work with – Postmus' poor memory and his accompanying fragile mental state. Both of those are at least partial byproducts of the heavy drug use Postmus was engaged in at the time of the events which are the subject of the case were taking place. Keller

Kelso, not quite 35 miles southeast of Baker and 21.3 miles north of the Kelbaker Road Exit off I-40, which is 28 miles east of Ludlow, had its origin when the San Pedro, Los Angeles and Salt Lake Railroad built its line through the Mojave Desert in 1905. Since there was water available at 2,126 foot elevation Kelso at what is essentially the base of a long upgrade on the line to 4,190 foot Cima Summit, a station was established to supply water. Helper engines would hook up to east-bound trains at that point to assist them in the ascent of the 18.8-mile long grade from Kelso to Cima. The town was apparently named after John H. Kelso, a railroad employee.

In 1920, L.J. Packard established a general store within a concrete structure in Kelso, within which he also operated a post office until 1941.

Until 1923, the station at Kelso was quite modest. In 1923 a two-story depot building, erected in the grand Mexican Mission Revival architectural style, became the fourth of six such depots on the Union Pacific's Los Angeles to Salt Lake City line. Its facilities included a ticket counter & telegraph

suggested, over and over again, that the prosecution had exploited the drug addled Postmus to piece together a criminal case that would not hold up in the light of the application of mental acuity.

On Monday May 8, Keller took aim at what the defense has all along represented as a crucial area of weakness in the prosecution's theory of guilt, specifically the assertion there was a clear understanding before the settlement was voted upon that the alleged bribes – the \$100,000 contributions to the various political action committees – had been promised to the recipients. In his initial testimony related to this issue under direct examination last week, Postmus had said that Burum in 2006 prior to the settlement had given him an assurance that if the settlement were effectuated he would support him politically if Postmus remained in office, and that Burum said he would sponsor him in his private sector endeavors if he decided to leave office, and that he had discussed with Burum being placed on

the board of one of the nonprofit corporations Burum had founded. But that representation offered no specific dollar amount and Keller asked Postmus if in 2006 he had been promised money in return for approving the agreement

"No, Ma'am," he said.

Keller moved to counter Cope's success last week when the prosecutor had wrung from Postmus a statement to the effect that he thought the \$102 million settlement was excessive. Postmus told Keller that finding a negotiated end to the prolonged litigation was "the right thing" to do, given that the county had suffered a setback in court and that the Colonies Partners were asserting the company had sustained \$300 million in damages.

Keller used the rapport she was cultivating with Postmus to foreshadow and in some measure attempt to discredit ahead of time the testimony of Adam Aleman, from whom the juries have yet to hear. Aleman was Postmus' protégé, a young man

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Defense Attorneys Use Postmus To Cast Doubt On Upcoming Witness Aleman's Credibility

from page 5

long suspected by many as having been one of Postmus' lovers. Aleman was 20 years old and working as a maître d' when Postmus met him. Postmus hired him to work as a field representative in his supervisor's office and eventually encouraged him to successfully seek a position on the San Bernardino County Republican Central Committee. Upon being elected assessor, Postmus altered the traditional managerial hierarchy in the assessor's office from having a single assistant assessor position to having two assistant assessors, into which posts he installed Erwin and Aleman, who was then 23 years old. Postmus hired Aleman, conferring upon him a \$132,000 per year salary plus \$56,000 in benefits, despite the consideration that he had no college degree, no experience assessing real estate and no real estate license. Upon assuming the assistant assessor's position, Aleman failed to complete a property assessment training and licensing course. Instead, Postmus entrusted him to oversee a newly-formed branch of the assessor's office which Postmus filled with political appointments and several of his boyfriends, none of whom had any skills relating to the duties of the assessor's office. It would be Aleman's actions and comportment as assistant assessor which in no small measure would lead to Postmus' political demise. Rather than master the ins and outs of determining the worth and taxability of property and assets, Aleman operated what was essentially a partisan political promotion effort from his office, assisting Republicans seeking office with their candidacies when he was at work. He was often absent from the as-

essor's office, attending college classes in an effort to get a degree. Eventually, complaints about his lack of performance on the job as well as his use of government facilities for partisan political purposes surfaced and the ensuing investigation expanded into a grand jury inquiry into the assessor's office. When he was subpoenaed to go before that grand jury, Aleman panicked, ordered an assessor's office secretary to alter internal office documents, destroyed the hard drive of a laptop computer that had been issued to him by the county and then perjured himself when he went before the grand jury. Criminal charges against him ensued and eventually he entered into a plea arrangement, agreed to wear a concealed recorder for investigators in their efforts to gather information first against Postmus and later against the defendants now on trial. Along the way he provided statements about events leading up to and following the Colonies lawsuit settlement. Indeed, in court papers and in grand jury testimony, prosecutors and their investigators have indicated that it was Aleman who sparked the case now being prosecuted against Burum, Biane, Erwin and Kirk when he intimated to investigators that Postmus, Biane and Kirk were offered the money they eventually received from the Colonies Partners in the form of donations to their political action committees in advance of the November 2006 vote to approve the \$102 million settlement.

Keller explored with Postmus his estimation of Aleman's credibility, seeking from him his current opinion, but also prompting him with passages from conversations Postmus had with Aleman which the latter was the surreptitiously recording, statements made before the grand jury and statements made to investigators, both those with the San Bernardino County District Attorney's Office and the FBI. One of

those was an interview Postmus had with FBI Agent John Zeitlin and then-Assistant U.S. Attorney Jerry Behnke on October 14, 2011. Behnke is now working with one of the law firms defending Burum.

Postmus told Zeitlin and Behnke that Aleman had made misrepresentations with regard to several elements of the Colonies settlement corruption case. "He has been very dishonest about many things," Postmus told Zeitlin and Behnke, adding that no one solicited the bribes from the Colonies Partners prior to the settlement, a direct contradiction of Aleman's assertion to district attorney's office investigators that Postmus, Biane and Kirk all knew they were getting the contributions before the settlement.

Keller reiterated that subject with Postmus, asking him if he was told he could expect a \$100,000 contribution in exchange for his vote.

"I don't ever recall having a conversation with anyone regarding that," Postmus said.

As Keller proceeded with her cross examination of Postmus, referencing secretly recorded conversations or text messages that had passed between Aleman and Postmus which Aleman had turned over to investigators, Postmus appeared to be discovering anew the degree to which he had been betrayed by one of his closest associates. The irony of this was palpable when Keller referenced a poignant text message Postmus had sent to Aleman in November 2008 in which Postmus had written "I'm so sad. I've been betrayed by everyone except you and Greg." Greg was Greg Eyler, one of Postmus' boyfriends he had hired to work as a "taxpayer advocate" in the assessor's office. Aleman passed that along to the district attorney's office.

Postmus remained unsuspecting that Aleman had entered into a cooperative alliance with the district attorney's office

throughout 2008 and into 2009, while they were both the focus of the district attorney's office's targeting of abuse of the assessor's office. In February 2010, Postmus and Erwin were named in a criminal complaint alleging a grand conspiracy relating to the Colonies lawsuit settlement. Both were arrested. The complaint gave a comprehensive description of the overt acts alleged by prosecutors, and contained within it was a description of several individuals, unnamed and described only as John Does one through five as unindicted co-conspirators. Enough information was contained in the narrative to identify those Does as Burum; Burum's co-managing principal in the Colonies Partners, Dan Richards; a public relations consultant working for the Colonies Partners, Patrick O'Reilly; Biane; and Kirk. There were also multiple references within the complaint to a confidential informant. After his February 2010 arrest, Postmus was bailed out of custody. Shortly thereafter, he read the complaint against him and Erwin. An analysis of the statements attributed to the confidential informant led him to the conclusion that it was Aleman. Sometime thereafter, they exchanged text messages, which Keller referenced. When Postmus confronted Aleman about his act of betrayal, Aleman responded by telling Postmus "Please get help with your meth problem." Postmus shot back "Please get help with telling the truth." He went on to tell Aleman, "You will always be known as a liar," adding that no one believed him except the district attorney's office investigators. He told Aleman to devote his time to dealing with district attorney's office investigator Hollis Randles. "I'm certain he believes everything you say," Postmus texted.

Keller briefly explored borderline ethical violations the district attorney's office, which

eventually pursued the criminal charges against the defendants in conjunction with the California Attorney General's office, had engaged in during its investigation. One example was the information district attorney's investigators obtained from Aleman during his discussions with Postmus about his difficulty in financing his criminal defense, which either came very close to crossing or did cross over the line into the arena of attorney-client privilege. Keller also determined from Postmus that district attorney's office investigator Bob Schreiber had set up a non-governmental email address with which to communicate with Postmus after Postmus began cooperating with the district attorney's office.

Keller sought to illustrate the extremity to which Postmus had been pushed and the desperate straits he was in when he threw in the towel in 2011 and agreed to plead guilty to the charges against him and become a witness against his former friends, colleagues, political associates and one of his major campaign donors.

In November 2007, Erwin resigned from the assessor's office, was given a six-month severance package and went to the district attorney's office with a complaint about untoward activity in the assessor's office. That led to the investigators' focus on Aleman. In 2008, following Aleman's arrest, rumors of problems in the assessor's office began to spread publicly, which were fueled by Postmus' extended absence that summer and into October, while he was undergoing drug rehab. That fall, Postmus was only sporadically present in his office and the board of supervisors began an inquiry into the matter. On January 6, 2009 Postmus came before the board of supervisors, claiming he had "with the help of God" beaten the "scourge" of drug addiction. Less than two weeks later, however, the district attorney's office,

having ostensibly obtained a search warrant to search Postmus' office and home for evidence of misuse of his authority as assessor but having been secretly tipped off by Aleman that there would very likely be drugs abounding at his residence, served that search warrant and found a bag with methamphetamine residue in it, a small quantity of the drug ecstasy, a syringe with liquefied methamphetamine in it, and other drug paraphernalia. Postmus was arrested and the county thereafter hired former Assistant U.S. Attorney John C. Hueston, who had worked on the Enron prosecution and had since gone into private practice, to put together a report preparatory to removing Postmus from office. The following month Postmus resigned.

Later that year, charges of grand theft, embezzlement and perjury, growing out of his alleged misuse of his authority in the assessor's office, were filed against Postmus in a complaint in which Greg Eyler was also charged. Postmus was further charged with possession of a controlled substance. Then, in February 2010, the aforementioned charges pertaining to the Colonies settlement were filed against him and Erwin. On August 12, 2010, when Postmus came to court for a preliminary hearing on the charges filed against him and Eyler, he appeared to be intoxicated when he was approached by a sheriff's deputy in the courtroom. He was arrested and charged with being under the influence of an illegal substance.

In November 2010, Postmus' fortunes were at a nadir. He was no longer able to pay either of his attorneys. In February 2011, Postmus, in consultation with his attorneys Stephen Levine and Richard Farquhar, began talking to the district attorney's office about the Colonies case.

When Keller asked him about his circum-

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Postmus Describes His Desperation Before Turning State's Evidence: "I Didn't Have A Chance." from page 6

stance at that point, Postmus said he was overwhelmed by it. He was out of money, unemployed and facing what seemed certain prison time on the drug offenses. Cooperating with the prosecutors was his only way out.

"I didn't have a chance," he testified. Once he started down that path, Postmus said, he was subjected to "immense pressure" to make his story conform with the theory of conspiracy already developed by the

district attorney's office.

Keller sought to pull from Postmus a narrative that would absolve her client, Burum.

"You went in there with the intention of telling the truth," Keller said. She asked him if in his encounters with the district attorney's office investigators, "You felt you weren't being believed?"

Postmus said the investigators implied that he was not telling them the truth.

Postmus did provide the investigators with a crucial confirmation of the prosecution's theory of bribery, essentially that Burum told him he would support him in the future, and that would not take place until the lawsuit had been

satisfactorily resolved.

Keller sought to show that the investigators had sought to artificially enlarge upon that, suggesting that Schreiber and Randles had pressured him to say that Burum had explicitly connected the rewards in the form of the political donations to the vote ratifying the settlement. She played a tape recording of an exchange between Postmus and Randles during an interrogation on February 16, 2011 in which Randles said Postmus' hesitancy in implicating the others "was going to be a problem."

Postmus retorted, "I'm telling you the truth" and "I don't want to put words into other people's mouths."

Randles, however, in-

sisted that Postmus was seeking to minimize his own participation in the bribery scheme and that of others. "That's not going to work here," Randles told Postmus.

Keller returned to a theme she had laid out previously, this time suggesting directly that the investigators were seeding him with "false memories" and "false beliefs," a defense theory that propounds Postmus' drug use left him addled and ripe for suggestion. To emphasize this, she explored whether the investigators, who had more than adequate reason to believe and understand that Postmus had a serious drug problem based upon his January 2009 arrest at his home and his arrest in court in

August 2010, had abetted him in his continuing use of drugs in 2011 because that would dovetail with their goal of inducing him to falsely implicate the others.

"Did they ever drug test you?" Keller asked

"No," he said.

"In all those interviews?" she pressed.

"No. But my attorney did," Postmus said. It was not until 2012, Postmus said, that he at last resolved to end his drug use.

After Keller concluded her cross examination, Erwin's attorney, Raj Maline, set about showing that his client had been maligned and falsely accused by Aleman, who had laid down the basis of the prosecution narrative,

leading to the charges against his client and the others. Using email exchanges and recorded conversations between Postmus and Aleman that Keller had already played or referenced and then introducing others in which Aleman was continuously making uncharitable statements about Erwin, Maline got Postmus to acknowledge that Aleman disliked and resented Erwin. Maline also was able to get Postmus to acknowledge that after both Erwin and Aleman had been hired as assistant assessors, Erwin had taken the responsibility that had been bestowed upon him seriously, qualified himself in terms of training and licensing with

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Airport Owner Decries FD Dissolution from front page

nexing not just the 15.65 square miles within the Upland City Limits but the unincorporated community of San Antonio Heights which lies to the city's north. Despite some opposition from Upland residents and the overwhelming opposition of residents in San Antonio Heights, the LAFCO Board approved the annexation. As part of the takeover, property owners in Upland as well as within San Antonio Heights will have to pay an annual \$152.68 per parcel assessment that is subject to a three percent per year increase. Residents were given the opportunity to stop the annexation, but only through the process of a protest vote. That protest vote has to be lodged by residents in the form of a letter of protest. In this way, anyone who does not mail in such a letter of protest will be deemed to have assented to the annexation. The window to register a protest runs from today, May 12, thought June 14, 2017. Protest forms must be filled out and dated between those two dates in order to qualify.

Bob Cable, like his

father, uncles and grandfather before him, is a figure of some stature in Upland, where Cable Airport is an institution. His wife was the first female deputy fire chief with the Upland Fire Department and he was current Upland Mayor Debbie Stone's campaign manager when she ran for city council the first time in 2011, when she defeated long-time Upland Police Chief Marty Thouvenell. Last year, however, Thouvenell was brought in to serve as interim city manager in the immediate aftermath of the forced departure of Rod Butler. Thouvenell has remained in the interim city manager's position for more than nine months.

Butler told the Sentinel last month that he believes he was given his walking papers last July because he had insisted on taking a cautious and methodical approach toward several municipal service outsourcing proposals, one of which was arranging for the county's fire division to subsume the municipal fire department. Thouvenell had been, for a short period of time in the 1990s, interim acting city manager and interim fire chief while simultaneously serving as police chief. But his heart lay with the police

department and upon his assumption of the acting city manager's role last year, Thouvenell evinced sufficient support for the fire department dissolution plan but quickly terminated any serious discussion of bringing in the sheriff's department to replace the police department in Upland.

Many Upland community members, including Cable, sense there was some sleight of hand in selling the fire department outsourcing concept. One of the city's talking points was that eliminating the municipal fire department would streamline operations, provide for an economy of scale, make operations more efficient and save money. Nevertheless, after all has been said and done, it now appears that Upland residents will be paying \$150 per year for fire service they are already paying for through property and sales taxes. Property and sales taxes in the City of Gracious Living will not be reduced in the aftermath of the county fire department takeover. For San Antonio Heights residents, the proposed arrangement is particularly galling because they are already receiving fire protection service from the county fire division because they reside in an unincorporated county area. They too are being

called upon to now pay for a service they were previously receiving as a consequence of their payment of property tax, which they will continue to pay after the \$150 per year assessment is imposed on them.

"I am no longer supporting the city," Cable said. "The more I do the more that comes back to bite me. For everything I have done to support the city, they respond by giving me absolutely no support. I am no longer supporting the county. I am no longer supporting the chamber."

He indicated his belief that the chamber has departed from its role of being a voice of the business community to keep a check on governmental excess, overregulation and strangling taxation and has now become a municipal lapdog.

"Welcome to the People's Republic of Upland," he said. "You can't make decisions for yourself anymore."

The residents of the city have been betrayed by their political leadership, he said, and his role as a rebel was foisted on him. "I did not draw a line in sand, but it is there now," Cable lamented. "It is deep. This is the single most outrageous violation of my constitutional rights, ever. I honestly feel violated, totally violated. This is

taxation by annexation."

As an owner of one of the city's largest businesses and as a resident of San Antonio Heights, Cable is acutely sensitive to the situation.

Residents who have made inquiries about the financial element of the annexation plan have been met with double-talk, Cable said. "The county fee structure has been analyzed and they have justified everything, so that it is not a 'tax,'" he said. "The fee structure is way higher than Cable Airport is paying now, at 20 percent more than all of the taxes we paid. They increased the fee structure by 20 percent without a vote. What they are doing is adding 17 pages of new fire protection fees and the fire protection fee schedule that comes with the annexation will increase the current fees by an average of 400 percent. The city can't do the math. The city has no fee structure analysis. They would rather just have the county do it. The county has done the analysis and has justified jacking up costs and adjusting the fees upwards."

Gouging residents for increased fees is less important than the negative impact the changeover will have on public safety, Cable said.

"The proposal, if

passed, will permanently close Upland Fire Station #162, which is located on San Antonio Avenue by 20th Street," Cable said. "This will cause increased emergency response times to the residents located around this permanently closed fire station, and may increase homeowners' insurance costs due to there being a greater distance between many homes from what will be their now-closest fire station, Fire Station #12 at Euclid Avenue and 24th Street. If this proposal passes, San Antonio Heights Fire Station #12 will be covering the entire northwest area of Upland, due to the permanent closure of Upland Fire Station #162. San Antonio Heights Fire Station #12 already covers the entire area of San Antonio Heights and Mt. Baldy and now they would be adding the entire northwest area of Upland. This can equal a much slower response time for both San Antonio Heights residents and City of Upland residents."

Cable told the *Sentinel*, "I want people to know they can pick up and drop off protest forms at Cable Airport."

-Ruth Musser-Lopez in Upland and Mark Gutglueck in San Bernardino

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SUMMONS
CITACIÓN NOTICE TO RESPONDENT: AVISO AL DEMANDADO: MARQUIS A. BOND, AN INDIVIDUAL, and DOES 1 through 50, inclusive

You are being sued by plaintiff: Lo esta demandando el demandante: J. BRUCE ANDERSON, AN INDIVIDUAL

Notice! You have been sued. Read the information below. Lo han demandado. Lea la información a continuación

Case number: CIV DS 1700507

Filed Superior Court of California County of San Bernardino San Bernardino District JANUARY 11, 2017 by Clerk (Secretario) VERONICA GONZALEZ, Deputy Adjunto NOTICE!

You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

NOTE:
The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO!
Lo han demandado. Si no responde dentro de 30 días, la corte puede decidiren su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar par a su respuesta.

Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede

Public Notices

llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is San Bernardino Superior Court 247 West Third Street San Bernardino, California 92415 Civil Division

The name, address, and telephone number of the plaintiff's attorney, or plaintiff without an attorney, are: (El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son): SCOTT W. DITFURTH, ESQ. SBN: 238127 [and] JACQUELINE YAEGER, ESQ. SBN: 311333 ESQ. BEST BEST & KRIEGER LLP 3390UNIVERSITY AVENUE, 5TH FLOOR RIVERSIDE, CA 92501 TELEPHONE: (951) 686-1450

Date (Fecha): JANUARY 11, 2017

Clerk, by (Secretario, por) VERONICA GONZALEZ, Deputy (Asistente)

Published in the San Bernardino County Sentinel 4/21, 4/28, 5/05 & 5/12, 2017.

FBN 20170004003
The following entities are doing business as:

WOODFIRE PIZZA CREATIONS 7828 DAY CREEK BLVD APT 524 RANCHO CUCAMONGA, CA 91739 YURILIA V CISNEROS 7828 DAY CREEK BLVD APT 524 RANCHO CUCAMONGA, CA 91739 [and] PATRICK L CISNEROS 7828 DAY CREEK BLVD APT 524 RANCHO CUCAMONGA, CA 91739

This business is conducted by: A MARRIED COUPLE.

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

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

S/ Yurilia Cisneros
Statement filed with the County Clerk of San Bernardino on 04/06/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/21, 4/28, 5/05 & 5/12, 2017.

FBN 20170003063
The following entities are doing business as:

ACT REAL ESTATE 0849 LEMON GRASS AVE. FONTANA, CA 92337 JACK LIN 10849 LEMON GRASS AVE FONTANA, CA 92337

This business is conducted by: AN INDIVIDUAL.

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

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

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upon filing.
S/ Jack Lin
Statement filed with the County Clerk of San Bernardino on 03/16/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 3/24, 3/32, 4/07 & 4/14, 2007. Corrected 4/21, 4/28, 5/05 & 5/12, 2017.

FBN 20170004593
The following entities are doing business as:

RAPID RECOVERY HYPERBARICS, LLC 9439 ARCHIBALD AVENUE STE #104 RANCHO CUCAMONGA, CA 91730 RAPID RECOVERY HYPERBARICS, LLC 9439 ARCHIBALD AVENUE STE #104 RANCHO CUCAMONGA, CA 91730

This business is conducted by: A LIMITED LIABILITY COMPANY.

The registrant commenced to transact business under the fictitious business name or names listed above on: 10/28/1998.

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

S/ Patrick P. Rodriguez
Statement filed with the County Clerk of San Bernardino on 04/19/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/21, 4/28, 5/05 & 5/12, 2017.

FBN 20170004787
The following entity was doing business as:

TSW INTERACTIVE EVENT PLANNING 13089 PEYTON DRIVE CHINO HILLS, CA, 91709 TIM S WARD 13089 PEYTON DRIVE CHINO HILLS, CA, 91709

This business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: 2/22/2010.

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

S/ Tim S Ward
Statement filed with the County Clerk of San Bernardino on 04/24/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/28, 5/05, 5/12 & 5/19, 2017.

FBN 20170004899
The following entity was doing business as:

BETTER LIVING CENTER HEADQUARTERS 1261 E. 9TH STREET BLDG. 9 UNIT 8 UPLAND, CA 91786 JAMES M FIELDS 1261 E. 9TH STREET BLDG. 9 UNIT 8 UPLAND, CA 91786 [and] RHONDA R MORMON 1261 E. 9TH STREET BLDG. 9 UNIT 8 UPLAND, CA 91786
This business is conducted by: A MARRIED COUPLE.

Public Notices

The registrant commenced to transact business under the fictitious business name or names listed above on: 3/24/2017.

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

S/ JAMES M. FIELDS
Statement filed with the County Clerk of San Bernardino on 04/26/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/28, 5/05, 5/12 & 5/19, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

CASE # CIVRS 1700133
TO ALL INTERESTED PERSONS: Petitioner MASON UY TE has filed a petition with the clerk of this court for a decree changing names as follows: MASON UY TE to MENG UY TE

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

NOTICE OF HEARING
DATE: 06/09/2017
TIME: 1:30 P.M
Department: R-17

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

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

Date: April 25, 2017
s/ R. GLENN YABUNO,
Judge of the Superior Court
Run dates: 4/28, 5/05, 5/12 & 5/19, 2017

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

CASE # CIVRS 1700128
TO ALL INTERESTED PERSONS: Petitioners VANESSA CASTANEDA & MARIO CASTANADA have filed a petition with the clerk of this court for a decree changing names as follows:

VALERIE IVY ROSE CASTANEDA to VALERIE ROSE CASTANEDA

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

NOTICE OF HEARING
DATE: 06/22/2017
TIME: 8:30 A.M
Department: S-17

The address of the court is SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT-CIVIL DIVISION 247

Public Notices

WEST THIRD STREET SAN BERNARDINO, CA 92415-0210.

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

Date: APRIL 20, 2016
s/ R. GLENN YABUNO, Judge of the Superior Court
Run dates: 05/05, 05/12, 05/19 & 05/26, 2017

FBN 20170005307
The following entity is doing business as:

ACTIVIST SUMMIT [and] INLAND EMPIRE ACTIVIST SUMMIT [and] DESERT-MOUNTAIN ACTIVIST SUMMIT [and] MOJOVE DESERT ACTIVIST SUMMIT [and] SAN BERNARDINO COUNTY ACTIVIST SUMMIT [and] CD8 ACTIVIST SUMMIT [and] AD33 ACTIVIST SUMMIT 420 E STREET NEEDLES, CA 92363 RUTH MUSSER-LOPEZ 420 E STREET NEEDLES, CA 92363

This business is conducted by: AN INDIVIDUAL.

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

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

S/ Ruth Musser-Lopez
Statement filed with the County Clerk of San Bernardino on 05/05/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 05/05, 05/12, 05/19 & 05/26, 2017

FBN 20170004197
The following entity is doing business as:

MIKE'S MOBILE DETAILING AND CAR WASH 9284 PEPPER AVE FONTANA, CA 92235 MICHAEL J MORALES 9284 PEPPER AVE FONTANA, CA 92235

This business is conducted by: AN INDIVIDUAL

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

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

S/ Michael J. Morales
Statement filed with the County Clerk of San Bernardino on 04/11/2017.

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 4/14, 4/21, 4/28 & 5/05, 2017.

NOTICE OF PETITION TO ADMINISTER ESTATE OF LAWRENCE DE LA ROSA HERNANDEZ, CASE NO. PROPS PROPS1601231

To all heirs, beneficiaries, creditors, contingent creditors of LAWRENCE DE LA ROSA HERNANDEZ and persons who may be otherwise interested in the will or estate, or both of: LAWRENCE DE LA ROSA HERNANDEZ:

A petition has been filed by ANITA RENEE HERNANDEZ in the Superior Court of California, County of San Bernardino, requesting that ANITA RENEE HERNANDEZ be

Public Notices

appointed as personal representative to administer the estate of LAWRENCE DE LA ROSA HERNANDEZ.

(The petition requests authority to administer the estate under the Independent Administration of Estates Act. This will avoid the need to obtain court approval for many actions taken in connection with the estate. However, before taking certain actions, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. The petition will be granted unless good cause is shown why it should not be.)

The petition is set for hearing in Dept. No. S35 ON 6/08/2017 at 8:30AM at 247 W THIRD ST. SAN BERNARDINO, CA 92415

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

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

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code. A request for Special notice form is available from the court clerk. Attorney or Party without Attorney: ANITA RENEE MARTINEZ 13149 10TH STREET CHINO, CA 91710 (909)270 1543
Published in the San Bernardino County Sentinel 5/13, 5/19 & 5/26, 2017.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

CASE NUMBER CIVRS1700150
TO ALL INTERESTED PERSONS: Petitioner: Barbara ann Bannowsky filed a petition with this court for a decree changing names as follows:

Barbara ann Bannowsky to: Barbara Ann Kaufman-Bannowsky,

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

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

Notice of Hearing:
Date: 07-3-2017
Time: 8:30 a.m.
Department: S17

The address of the court is Superior Court of California, County of San Bernardino, San Bernardino District - Civil Division, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210

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

Public Notices

Dated: May 08, 2017
R. Glenn Yabuno
Judge of the Superior Court.
Published in SAN BERNARDINO COUNTY SENTINEL on 05/12/2017, 05/19/2017, 05/26/2017, 06/02/2017

FBN 20170004160
The following entity is doing business as:

FUYIN TRADING CO., LTD N 2 869 E FOOTHILL BLVD UPLAND, CA 91786 FUYIN ASSET MANAGEMENT CO., LTD N 2 869 E FOOTHILL BLVD UPLAND, CA 91786

This business is conducted by: A CORPORATION.

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

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

S/ Shan Cai
Statement filed with the County Clerk of San Bernardino on 04/10/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 05/05, 05/12, 05/19 & 05/26, 2017

FBN 20170005364
The following entity is doing business as:

NEEDLES RT66 MUSEUM [and] NEEDLES ROUTE 66 MUSEUM [and] ROUTE 66 MUSEUM [and] RT66 MUSEUM 1704 NEEDLES HWY NEEDLES, CA 92363 RUTH MUSSER-LOPEZ 420 E STREET NEEDLES, CA 92363

This business is conducted by: AN INDIVIDUAL.

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

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

S/ Ruth Musser-Lopez
Statement filed with the County Clerk of San Bernardino on 05/08/2017.

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

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 05/12, 05/19, 05/26 & 6/02, 2017

FBN 20170005524
The following entity is doing business as:

CSF TRANSPORT 10808 FOOTHILL BLVD 160/639 RANCHO CUCAMONGA, CA 91730 ROBERT FINLEY 10808 FOOTHILL BLVD 160/639 RANCHO CUCAMONGA, CA 91730

This business is conducted by: AN INDIVIDUAL.

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

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

S/ Ruth Musser-Lopez
Statement filed with the County Clerk of San Bernardino on 05/10/2017.

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

San Bernardino County Coroner Reports

Coroner case #701703120 On Sunday, 04/30/17, at 4:00PM, San Bernardino County Sheriff's Department dispatch received 911 calls regarding a traffic collision on westbound Highway 62 in the Town of Yucca Valley. William Allen, a 72-year-old male resident of Yucca Valley, was a motorcyclist on a 1995 Harley Davidson motorcycle traveling westbound on Highway 62 when the driver of a 2005 Hummer H3 pulled in front of him from Katje Way to make a left turn onto eastbound Highway 62. Allen struck the SUV and was ejected from the motorcycle. Witnesses called 911 to summon medical aid and Allen was pronounced dead at the scene at 4:12PM, by responding Deputies. SBCSD Major Accident Investigation Team (MAIT) is investigating the collision. [05012017 0625 SC]

Coroner case # 701703073-3076 On Friday, 04/28/17, at 8:11 PM, Mercedes Montee Breda, a 33-year-old female resident of Adelanto, was driving a 1999 Toyota Corolla westbound on Airport Expressway west of Phantom West in Victorville and collided head on with an eastbound 2003 Ford Explorer. Paramedics responded and pronounced her and two children, Missiya Breda, an 11 year-old female and Pryson Breda 2 year-old male, dead at the scene. A third child, Omir Breda, a 6 year-old male, was transported to a local hospital and pronounced dead at 8:58 PM. The San Bernardino County Sheriff's Department is investigating the collision. [04292017 1010 EM] UPDATE: Other occupants have been identified- [05022017 0535 SC]

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

Erwin Forced Postmus Into Drug Rehab In 2007 from page 7

regard to determining the valuation of properties and assets vis-à-vis their taxability, and had taken on the assignment of overseeing the assessor's office's operations while Aleman had cultivated no expertise or even knowledge about the office's function and had instead engaged in political activity bearing no relation to the duty of the assessor.

Taking a leaf from Keller's book, Maline sought to suggest through an extended set of questions and demonstrations of exhibits that the prosecution had planted in Postmus' mind the false belief that Erwin had blackmailed him over his homosexuality and drug abuse by propounding a false narrative to that effect. This false narrative, Maline suggested, was based on the fact that Erwin had indeed threatened Postmus with exposure of his drug use, not before the Colonies settlement took place but well after it, when Postmus was established as assessor and his drug use was raging out of control and threatening the integrity of the office and the livelihoods of those who worked there.

To illustrate this, Maline questioned Postmus about the multiple efforts made by those in his circle to get him into a drug rehab program so he could kick his addiction. Postmus testified that those at the forefront

of this effort were Erwin; Bob Smith, a former sheriff's deputy who had worked as one of his field representatives when he was supervisor; and members of his family. In at least two of his earlier rehab efforts in 2006 and 2007, Postmus said, he had failed to complete the program or left early. By the spring of 2007, Erwin, who had engaged in an intervention with several others at Postmus then-home in Hesperia and packed him off to a drug treatment center in Lucerne Valley from which Postmus ultimately ditched, was losing patience with the situation and was on the brink of resigning as assistant assessor.

Maline displayed an interoffice memo dated May 23, 2007 Erwin sent to his boss in which he, remarkably, dictated to Postmus what he was going to have to do, which consisted of completing a drug rehabilitation program with no shilly-shallying. The memo, alluding to the intervention that took place at Postmus' Hesperia residence on May 11, 2007, put forth that Postmus had last acknowledged using drugs on May 7 and that he had been checked into the Pine Ridge recovery center on May 11. The memo then moves on to state that Postmus is being given one last chance to end his drug use, and that if he does not do so, Erwin will take drastic action.

"I am sure that after much reflection you are aware that your conduct has placed into jeopardy your personal and political reputation," the

memo stated, noting that Postmus' "erratic behavior" was risking the livelihoods "of approximately 230 employees of the assessor's office." Erwin noted that he had personally contacted Chuck Reed, a principal in the Pine Ridge operation, which had a satellite clinic in San Bernardino offering outpatient services, to arrange for Postmus to undergo treatment while continuing to function as assessor. Postmus was to take part in a regimen that included weekday group counseling sessions and mandatory random drug screening that would trigger automatic notification of Aleman and Erwin if Postmus were to test positive. "After much deliberation and soul-searching, I have decided in the event that you fail to complete the aforementioned rehabilitation program, formal disclosure to the county of your condition will be required," the memo states. "Tomorrow I will contact Pine Ridge to confirm that you have authorized mandatory disclosure."

Maline asked Postmus if what Erwin was engaging in at this point was "tough love. Is that what we could describe this as?"

"Yeah, I guess you can say that," Postmus responded.

"To the degree possible, Mr. Erwin kept your drug problem under wraps so you could continue your career, right?"

Postmus said that was the case.

Maline then went on to extract from Postmus a reiteration of his

previous testimony that somewhere in that time frame he had been at his home with Aleman when a man was spotted in a car across the street reconnoitering Postmus' home. When Postmus approached him, the man drove off. Maline suggested that the man was actually a private investigator hired by John Hueston to assist him with the report the county was undertaking to justify removing Postmus from office. Maline contrasted this with Postmus' earlier testimony under direct examination by San Bernardino County Supervising Deputy District Attorney Lewis Cope that Erwin had told him prior to the settlement that Burum had hired private investigators who had dug through both his and Biane's trash in an effort to find derogatory information about them. Maline's suggestion was that Keller's theory that Postmus' drug use had jumbled events in his mind and memory was indeed accurate, causing him to falsely believe Erwin had blackmailed him on behalf of Burum.

Following Maline's cross examination, Kirk's attorney, Peter Scalisi, asked Postmus a brief set of questions, the most significant of which focused on whether supervisor Gary Ovitt, whose vote on behalf of the Colonies lawsuit settlement Kirk is accused of delivering in return for the \$100,000 donation to his political action committee, was in favor of settling the litigation with the Colonies before he came into

office in 2004. Postmus indicated that Ovitt was committed to settling the settlement from the outset of his time in office.

Cope began his direct examination of Postmus on Wednesday afternoon May 10 at 1:44 p.m. After four days in which the defense attorneys had distracted the jury from the basics at the heart of the prosecution's case which he had propounded so well during Postmus' testimony on May 1, 2 and 3, Cope set to reestablishing the momentum in his direction. Cope was able to do so, at least in part. He utilized references to Postmus' earlier testimony before the grand jury that indicted Burum, Biane, Erwin and Kirk as well as Postmus' statements to the FBI to bring certain issues into focus.

To undo the doubt that Keller had sown with regard to Burum having made a commitment to Postmus to reward him for supporting the \$102 million settlement, Cope asked, "Just to make sure, he stated to you many times he would support you in future political efforts for higher office?"

"Yes, sir, said Postmus.

"And if you chose not to go on to higher office, in other words, he would provide a business future for you. Is that correct?" Cope asked.

"Absolutely," said Postmus.

"He said he would support you with a business opportunity," said Cope. "Did that include money?"

"We never talked about, you know, specifics, but the impres-

sion I was under is Jeff did business deals and investments, etcetera, and... he'd be an investor of mine if we settled on whatever numbers we ultimately came up with," Postmus said.

Cope then switched his focus to Erwin's role in forging the \$102 million settlement, getting Postmus to say, "During 2006, when the settlement negotiations had stalled, Jim became very angry with myself and Paul Biane over that." He said that when he and Biane failed to get supervisor Josie Gonzales to join in with approving the settlement that Erwin "basically made threats that he would expose my homosexuality and drug use."

Cope asked how many times that had happened.

"Dozens of times, in person and over the phone," Postmus testified.

On Thursday morning, Cope returned to the issue of Postmus' statement to Zeitlin and Behnke during the October 14, 2011 interview with the FBI relating to there being no quid pro quo with regard to the settlement vote and the \$100,000 in donations to his political action committees. Postmus indicated last week he was unclear on the definition of the Latin term quid pro quo, which translates into 'this for that' or 'something for something.' The defense has made much of that statement. When Cope asked about it, Postmus stated, "I never felt it was a quid pro quo, per se, but it was very clear afterward

Continued on Page 19

County Wildlife Corner

Miners Lettuce - *Claytonia Perfoliata*

Miner's lettuce is a native annual flowering plant in the family Montiaceae, known by its scientific names *Claytonia perfoliata* and *Montia perfoliata* as well as Indian lettuce, spring beauty and winter purslane. It is a fleshy, herbaceous annual plant native to the western mountain and coastal regions of North America from southernmost Alaska and central British Columbia south to Central America. In California it is most common in the Sacramento and northern San Joaquin valleys, but there are places within the San Bernardino Mountains where it grows in abundance.

A rosette-forming plant, growing from less than one inch to a maximum of 16 inches in height at maturity, *Claytonia perfoliata* has coty-



ledon, or seed leaves, that are usually bright green and are more rarely purplish or brownish-green, succulent, long and narrow and broadest at the tip. The first true leaves form a rosette at the base of the plant, and are one-fifth of an inch to one-and-two-fifths of an inch long, with an often long petiole on occasion up to eight inches.

Flowers with five petals two to six millimeters long bloom from February through May. Five to forty white to pale pink flowers on slender down-curved stalks cluster above a circular to weakly squared or cuplike bract along a stem to ap-

pear as one circular leaf. Mature plants have numerous erect to spreading stems that branch from the base.

As seedlings, the first true leaf and later leaves are narrowly to normally lance-shaped with bases that taper to the stalk. These leaves form a basal rosette and are distinguished from redmaids, which lack definite stalks and have somewhat broader and fleshier leaves. As a young plant it is a basal rosette. Upon maturity, the plants have numerous erect to spreading, slender stems that branch from the base and reach up to full height. Leaf shape varies from football shaped to triangular-kidney shaped with rounded or pointy tips. The flower stalk appears to "grow through" a circular cup-like structure, known as a bract, that looks like



a leaf and surrounds the entire stem.

The fruit it bears are tiny, egg-shaped, green, open pods, 1/17 to 1/6 of an inch in diameter enclosed by green petal-like sepals containing two to six glossy, black oval to circular seeds, about 1/26 to 1/8 of an inch in diameter, with a white appendage at the point of attachment.

Its habitats include

chaparral, oak, woodlands, forests, and coastal sage scrub, agronomic and vegetable crop fields, orchards, vineyards, gardens, yards, and other disturbed sites.

It is common in the spring, and it prefers cool, damp conditions. It first appears in sunlit areas after the first heavy rains. The best stands are found in shaded areas, especially in the uplands, into the early summer. As the days get hotter, the leaves turn a deep red color as they dry out. It dries up with the onset of hot spring weather. Although the leaves are sometimes cultivated or collected for salad greens, occasionally it accumulates soluble oxalates, which can be toxic when ingested.

The common name miner's lettuce refers to its use by California



Gold Rush miners who ate it to get vitamin C to prevent scurvy. It can be eaten as a leaf vegetable, most commonly raw in salads, but to many palates it is not quite as delicate as other lettuce. Sometimes it is boiled like spinach, which it resembles in taste

According to a study in the *Journal of the American Dietetic Association*, 100 grams of miner's lettuce — about the size of a decent salad — contains a third of the human daily requirement of Vitamin C, 22 percent of Vitamin A, and 10 percent of iron.

Cope Refocuses A Pliable Postmus To Reiterate Extortion & Bribery Charges

from page 18

there would be campaign donations."

Cope referenced statements that Postmus had made with regard to the \$102 million settlement to the effect that "Paul [Biane] and I had some heart to heart discussions. We felt we were being bent over on this big time. In terms of the amount, we felt it was a ridiculous amount of money. I still can't justify the \$102 million in my mind."

Postmus further suggested there was something illicit about the settlement in that there had been a tremendous rush to complete it by the time he left the board because of the lack of certainty that whoever would succeed him might not support it.

Cope took up the issue of Postmus being coached in his testimony by the prosecution. Cope

asked if he felt he had been coached through the process.

"No, not coached, absolutely not," Postmus said.

Noting that Postmus' emphasis on the word 'coached' in his answer yet betokened his answers were in some fashion being manipulated, Cope asked him, "Is there another word you think is better than coached?"

"Well, coached would kind of mean you are helped along in your questions to push me along to an answer you wanted," Postmus said.

"Your statement to the FBI was you had not been coached by the DA's office," Cope said. "Did you feel you were coached by the investigators?"

"I believe that Mr. Randles and Mr. Schreiber were somewhat heavyhanded in the first interviews," Postmus said.

Cope asked if his attorneys were present during those sessions. Postmus said that at least one was.

"Did you tell members of the FBI that you did not feel pressured to give certain answers?" Cope asked.

Postmus responded that he felt pressured to close a plea deal but that "I did not feel pressured to give certain answers, etcetera."

Upon the conclusion of seven days on the witness stand, Postmus' testimony had not yet ended, and he is to return on Tuesday May 16 for more redirect questioning from Cope. Indeed, Postmus came across as highly accommodating of whichever attorney was questioning him at any given time, almost as if he was taking on the personality of his examiner. This comported with, to no small degree, Keller's theory that his near-decade long use of drugs had left him in a highly suggestible state. Still the same, there is no assurance that demonstration will redound to the defense's benefit, since it is the prosecution's contention that Burum and Erwin used his suggestibility to their

advantage in achieving the \$102 settlement.

The most significant developments in the case this week in terms of the eventual determination of the guilt or innocence of the defendants may have occurred outside the presence of the juries. The prosecution wanted to introduce as evidence a letter, written by one of the 19 minority investors in the Colonies Partners, Ray Crebs, in April 2007 that was posted to all of the Colonies Partners investors. In that letter, Crebs called for conferring on Jeff Burum and Dan Richards, the other managing principal in the consortium, a bonus consisting of ten percent of the \$102 million settlement. Crebs refers in the letter to the \$102 million as a "wind-fall," and stated that the \$102 million settlement far exceeds any settlement that was expected or anticipated. Moreover, he indicated, the \$102 million exceeded by more than \$60 million the actual \$40 million maximum value of the property that was

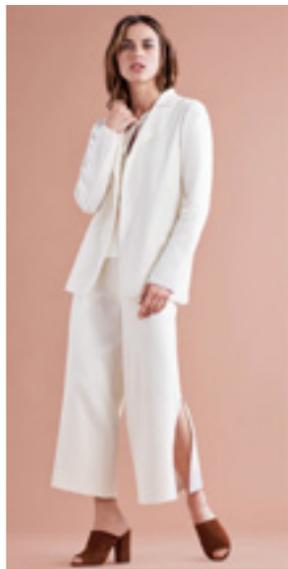
at stake in the litigation with the county. Thus, Krebs' letter would, if considered by the two juries hearing the case, starkly contradict the contention advanced by the Colonies Partners and the legal teams for the defendants throughout the criminal trial to the effect that the \$102 million settlement was a reasonable one which the Colonies Partners were due, an assertion which the defense maintains undercuts the prosecution's assertion that the settlement was an unjust one which came about because of graft. Defense attorneys opposed displaying the letter to the jurors while the prosecution wanted them to consider it and hear the prosecution's argument that the letter establishes Burum knew that he was not entitled to the \$102 million the Colonies Partners achieved with the settlement. This, the prosecution asserts, buttresses the argument that Burum and Erwin used threats, intimidation, blackmail, extortion and bribery to obtain the set-

tlement. Judge Michael A. Smith, who is presiding over the case, said Krebs' letter would be relevant only if it could be established that he had in-depth knowledge of the development project and the litigation it had spawned, which a minority partner was not likely to have. A hearing was held Wednesday morning inside the second floor courtroom while jurors were out of earshot within the court hallway. Krebs under questioning by California Supervising Deputy Attorney General Melissa Mandel testified he had not written the letter, and had instead entrusted its drafting to his attorney. Krebs said he was a minority investor with \$125,000 invested in the venture who had no direct knowledge of the progress of the project or its accompanying litigation and only received periodic updates on the project from the managing partners. He indicated that he had laid out the theme of the letter, which was con-

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California Style Minimalism

By Grace Bernal



There's also a lot of beautiful pieces to minimalism, especially when you mix 'n' match. The look is purely armed with



seriously practical colors that go with everything you already have in your closet. If you love fashion in the sense that "less



"There are two ways to be rich: One is by acquiring much, and the other is by desiring little."

-Jackie French Koller

It's been called minimalist for ages in the fashion world and it is meant to describe a less is more kind of look.



simple details, which makes the most minimal item look like the most stunning piece you've ever seen.

From fabrics with pleats, earthy tones, and luxe, people are playing with shape and a set of



is more," then you will love the latest minimalist trends. Enjoy the week and keep it minimal!



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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sistent with his philosophy as an investor that those in a management role should be incentivized to perform. He said his perception that the windfall received by the Colonies Partners was inconsistent with the value of the property at stake in the litigation came from press accounts rather than knowledge gleaned from being an insider with the Colonies Partners. Judge Smith seemed to be leaning against allowing the jurors to see the letter, which was indicated by him telling Burum's lawyer, Stephen Larson, who wanted to question Krebs after Mandel had finished her examination, that his questions

would not be necessary.

Erwin's attorney, Raj Maline, had requested two open files on investigations of public officials in San Bernardino County being done by the district attorney's public integrity unit. Deputy district attorney Carlo DiCesare, outside the presence of the jury, came into the courtroom with what were identified as public integrity unit files 309 and 310, which were provided to the court under seal. Judge Smith is to review their contents to determine if they bear any relevance to the case.

Also discussed outside the presence of the jury was the admissibility of an exchange between Postmus and Aleman in which Postmus offered Aleman an assurance that Burum is going to take care of

them.

A question in writing from one of the jurors submitted to the court, based upon its wording, appeared to indicate, Judge Smith said, that the juror was leaning toward a conclusion that bribery had occurred. Smith has allowed jurors to submit questions to ensure that issues that result in possible confusion are given an adequate explanation, and Smith has shared the questions with all of the attorneys involved. The question at issue arose when Postmus provided answers to Keller's questions which seemed to contradict answers he had given under direct examination by Cope. Smith said it appeared the juror might be reaching a conclusion prior to the close of testimony and before deliberations, which is contrary to the

basic instructions provided to the jury.

On Thursday, Judge Smith dismissed two felony charges contained in the case against Erwin which pertained to his having failed to make timely and proper reports of gifts he received from Burum, a Rolex watch valued at more than \$12,000 and air fare and accommodations on a trip to New York City and Washington, D.C. they took together with Erwin's then-publicist, Patrick O'Reilly in the aftermath of the lawsuit settlement, in January 2007. Erwin reported receiving the gifts in February 2009, a month after district attorney's investigators served a search warrant at his home in Highland and seized the watch. A month later, the district attorney's office charged Erwin with

the two felony counts of filing a false or forged document. Those charges were wrapped into the 2011 indictment.

The dismissal grew out of the California Supreme Court allowing a Fourth District Court of Appeal ruling in a similar case to stand. The appellate court ruled that public officials cannot be charged with felonies for failing to report gifts valued at \$50 or more on economic and income disclosure documents known in California as Form 700s. A parallel statute in the California Government Code which sets such Form 700 disclosure failures at the level of a misdemeanor supersedes prosecutors' ability to pursue the charges as felonies, the court held.

Because the statute of limitations on the filing

of the charges as misdemeanors has elapsed, the charges were dropped. Erwin is still facing 10 felonies, including aiding and abetting in the receipt of a bribe and failing to file a tax return. One of the juries in Smith's courtroom is hearing the case against Erwin. The other jury is deciding the fate of Burum, Biane and Kirk. On those occasions where statements made by Erwin are introduced as evidence against him, the jury for the other three defendants is excluded, because of the presumption that Erwin will not testify in the trial based on his Fifth Amendment rights, and because the other defendants have Sixth Amendment rights which allow them to cross examine any witness in the matter.