

Bill Postmus, Once County's Most Dominant Politician, Nets 3-Year Sentence

Superior Court Judge Michael A. Smith yesterday brought to a close one of the more dramatic chapters of San Bernardino County history with the sentencing of Bill Postmus, the boy wonder of politics whose bold and mercurial rise to the pinnacle of governmental power at the beginning of the Third Millennium ended ignominiously in scandal a



Bill Postmus

decade ago.

In 2000, Postmus at the age of 29 was elect-

ed First District county supervisor representing practically all of San Bernardino County's desert expanse, equal in area to three New England States. By the time he was 33, he became the chairman of both the board of supervisors and the county's Republican Party apparatus, and two years later he was entrusted by the voters with the county's highest

taxing authority when he was elected county assessor. On Thursday, November 15, 2018, Judge Smith consigned him to spend the next three years in state prison.

The sentencing comes more than seven years and seven months after Postmus pled guilty to 14 felony charges relating to acts involving political corruption he was alleged to have partici-

pated in during his tenure as both supervisor and assessor along with a single misdemeanor drug possession charge. The sentencing was delayed because an element of his plea agreement was that he cooperate as a witness in prosecutors' efforts to bring to justice others involved with him in his depredations. The trial for four of those defen- See P 2

Major Shift In Upland Politics After Election



Ricky Felix

The ruling coalition that has dominated Upland for most of the last twenty-three months was severely compromised in the November 6 election. As a consequence of the way voters in the 77,000 population city at San Bernardino County's gateway into Los Angeles County along Route 66 cast their ballots, two of the members of that four-member coalition, Councilman Gino Filippi and Councilwoman Carol Timm, will leave the council next month. Exiting with them will be Councilman Sid Robinson, who was appointed to the council in December 2016 after he was narrowly defeated by Janice Elliott in the November 2016 municipal election. The opportunity for Robinson to join the council without having first obtained the endorsement of the city's voters came about because in the same November 2016 election, then-Councilwoman Debbie Stone had emerged victorious in a head-to-head contest with then-Councilman Glenn Bozar. Moving into the mayor's spot, Stone was obliged to resign the council position to which she had been reelected in 2014. Robinson, as the top vote-getter among the also-rans in 2016, was given the honor and privilege of joining the council to complete the See P 6

Child Neglect Exposed By Union Move To Protect Social Workers Upon DA's Exit

By Mark Gutglueck

Just ahead of Mike Ramos's departure as San Bernardino County district attorney, the county administrative office has entered into a side agreement with the union representing 545 of the county's child and family services division case workers that will reduce their case loads.

The agreement is seen

as a hedge against the future possibility that some of the county's case workers might be charged with criminal neglect of the children whose welfare and lives it is their job to protect.

Across the county line, the Los Angeles County District Attorney's Office has filed criminal charges against social workers Patricia

Clement and Stefanie Rodriguez and their supervisors Kevin Bom and Gregory Merritt, who are accused of ignoring obvious evidence of repeated abuse of a child who ultimately succumbed to the beatings inflicted upon him by his mother and her boyfriend in 2014. And word is that the Los Angeles County District Attor-

ney's Office is on verge of moving against another set of social workers who either missed or ignored signs of abuse suffered by another child who died in an abusive domestic situation earlier this year.

The Los Angeles County District Attorney's Office has vowed to make cases against neglectful social workers

who had been assigned to cases involving children who later died at the hands of their parents or foster care providers. One such celebrated case out of Los Angeles County is that of Anthony Avalos, who died in June, apparently at the hands of his 28-year-old mother, Heather Maxine Barron, and her live-in boyfriend, Ka- See P 5

County Accommodating New Owner With Lease Extension

Ownership of the building the county is leasing as an office for its child support services division in Victorville has changed.

On September 24, 2002, the county entered into a ten-year lease agreement and two five-year options to extend with Civic Center Properties, Inc. pertaining to 33,853 square feet of office space at 15400 Civic Drive in Victorville. The building was intended to

house the Department of Child Support Services for the initial period of October 1, 2003 through September 30, 2013. In the 16 years since the lease was originally approved, the board of supervisors has approved four amendments, which changed the commencement and termination dates, extended the term, reduced the square footage of the leased area from approximately 33,853 square See P 11

Sheriff's Department Vacuuming Of Cell Phone Traffic An Issue In Privacy Group's Lawsuit

Sufficient questions have emerged about the San Bernardino County Sheriff's Department's blanket interception of cell phone communications that an organization focused on privacy issues related to digital communications has sued the department in an effort to gain access to records about search warrants relating to the department's use of cell-site simulators.

Cell-site simulators,

also known as Stingrays, are highly invasive surveillance devices which locate and track cell phone users by replicating the reception capability of cell-phone towers. Stingrays actively receive all cell phone emanations in a targeted area, including those specifically sought by investigators as well as those of others using or simply carrying switched on cell phones within the range of the

simulator who are not suspected of any criminal activity.

On October 23, the San Francisco-based Electronic Frontier Foundation sued the San Bernardino County Sheriff's Department in an effort to have that agency disgorge information relating to its collection of data using court ordered electronic surveillance warrants after the department spurned the foundation's ef- See P 3

County Now Using Armored Cars To Deliver Library Fines To The Bank

In a sign of the times, San Bernardino County is paying for an armored car to transport fine money to the county seat from the county's various libraries.

On November 6, the San Bernardino County Board of Supervisors, upon a recommendation by the director of the county's purchasing department, Laurie Rozko, entered into a contract

with Loomis Armored US, LLC to provide armored transport services to four county library locations, at fixed rates, from November 6, 2018 through March 8, 2022.

According to Leo Gomez, one of the county's purchasing managers, annual expenditures with Loomis by the county library division are estimated to be \$22,960, with the rates based on

the number of stops by location and day.

The arrangement with Loomis is an outgrowth of limitations with regard to other secure transport services the county is using.

On September 13, 2016, the board of supervisors approved a contract with Dunbar Armored Inc. to provide armored transport services to 60 of 110 county

locations requiring service, from September 26, 2016, through September 25, 2021. On March 7, 2017, the board approved a contract with Garda CL West, Inc. to provide armored transport services to the other 50 county locations, from March 8, 2017 through March 8, 2022.

According to Gomez, "The four library locations are currently not

able to obtain service by Dunbar or Garda, either due to location or time parameters. Those locations have been depositing cash and other monetary instruments directly at the bank, and have determined that armored transport services would be more safe and efficient. The purchasing department previously engaged in negotiations with Loomis to See P 11

Seven Years After Guilty Pleas On Raft Of Political Corruption Charges, Postmus Headed To State Prison

from front page

dants – Jeff Burum, Jim Erwin, Paul Biane and Mark Kirk – was subject to multiple delays and did not begin until January 2017 and lasted more than eight months. Another defendant in the case, Dino DeFazio, against whom prosecutors expected Postmus to testify, remained subject to prosecution until all of the charges against him were dismissed in January. Subsequent to the trial held last year, in which Burum, Biane and Kirk were acquitted and the jury considering the charges against Erwin deadlocked on all counts, Postmus sought to vacate his pleas in an effort to himself go before a jury. Judge Smith earlier this week turned down Postmus' request to withdraw his admission of guilt and go to trial.

In meting out the punishment, the judge preserved into the record Postmus' guilt on five of the fourteen felony charges he pleaded guilty to, dismissing the other nine as well as the misdemeanor drug conviction.

So ends what then-California Attorney General Jerry Brown, in a February 2010 press conference with San Bernardino County District Attorney Mike Ramos, called "the most appalling corruption case in decades, certainly in the history of San Bernardino County and maybe California itself."

Brown's reference was to what has commonly come to be referred to as the "Colonies criminal case." In addition, prosecutors were focused upon two other criminal matters involving Postmus.

One of those pertained to the abuses of his authority during the slightly more than two years he served as county assessor from January 2007 until his resignation in Febru-

ary 2009. Midway in his second term as supervisor in November 2006, Postmus was elected to the assessor's post, defeating incumbent assessor Don Williamson in what still stands as the most expensive election in county history. Postmus expended more than \$2 million from his electioneering war chest, consisting of donations from various donors, in achieving a 158,571-vote or 52.62 percent to 141,621-vote or 47 percent victory over Williamson, tempered by a 1,144-vote or 0.38 percent showing for write-in candidates.

During the roughly two month window between the November 7, 2006 election and Postmus' swearing in as assessor in early January 2007, Postmus utilized his position on the board of supervisors to persuade his board colleagues to go along with expanding the staffing at the assessor's office, including creating a second assistant assessor's post and a number of other top echelon slots that did not previously exist. Upon acceding to the office of assessor, Postmus then filled the 13 highest ranking billets beneath him with his political associates, cronies, friends and boyfriends, none of whom had any extensive experience in the real estate market nor in appraising properties nor assessing land or other assets for tax purposes.

Many of these hirees were given do-nothing assignments and did little more than collect a paycheck. Some turned up at the office and others did not. Of those who did come to work, most did little or nothing related to the assessor's office's function of determining the value of individual parcels within the county to calculate the property tax to be levied upon that land's legal owners. Rather, most engaged in partisan political activity, promoting Republican causes in general and Republican candidates in particular, using county facilities and equipment to do so.

Among those caught up in the illegal activity within the assessor's office as it was run under Postmus was Adam Aleman, who had previously worked as a field representative for Postmus when he was supervisor and whom Postmus upon becoming assessor in 2007 had appointed to serve as assistant assessor despite Aleman's tender age of 23. In 2008, district attorney's office investigators began a probe of reported misuse of the assessor's office facilities, equipment and manpower for political purposes unrelated to the legitimate function of the agency. Aleman, who was as or more involved in carrying out political activity within the office than anyone else, quickly fell under the investigators' scrutiny. In short order they cinched up a case against him and in June 2009, Aleman pleaded guilty to felony vandalism charges relating to his purposeful destruction of the hard drive in a county-issued laptop computer to prevent investigators from accessing it, two counts of theft, destruction, alteration or falsification of a public document, and presenting a false claim to a public board. Secretly, he began cooperating with district attorney's investigators, including providing information on then-ongoing activity within the assessor's office and relating what he knew and remembered of activity involving Postmus while he was supervisor.

The second criminal matter pertaining to Postmus was what grew into the Colonies criminal case, otherwise known as the Colonies lawsuit settlement prosecution. This related to the vote he cast in November 2006 during the closing days of his tenure as a member of the board of supervisors to approve the county's settlement of a lawsuit brought against it by the Colonies Partners in 2002 over the county flood control district's handling of drainage issues at the Colonies at

San Antonio residential and Colonies Crossroads commercial subdivisions in northeast Upland. Postmus had joined with his then-board colleagues Paul Biane and Gary Ovitt to close out that litigation by conferring upon the Colonies Partners a \$102 million payout. Prosecutors alleged that one of the Colonies Partners' managing principals, Jeff Burum, had worked with the one-time president of the San Bernardino County deputy sheriffs' union, Jim Erwin, to intimidate, threaten and blackmail Postmus and Biane to extort them into supporting the settlement. Prosecutors further maintained that after the county paid the Colonies Partners the \$102 million, Burum then provided four separate \$100,000 bribes/rewards to Postmus, Biane, Erwin and Ovitt's chief-of-staff, Mark Kirk, disguising the payoffs as donations to political action committees that were either directly or secretly controlled by the four recipients. The \$100,000 delivered to Kirk, prosecutors alleged, was intended as a quid pro quo to him for having induced Ovitt to support the settlement.

The third set of criminal issues involving Postmus pertained to his illicit drug use, which included his possession of a syringe containing liquefied methamphetamine found at his Rancho Cucamonga residence in January 2009 when investigators for the district attorneys' office served a search warrant there in conjunction with the assessor's office investigation, as well as an incident relating to his showing up for a court appearance in June 2010 under the influence of methamphetamine, which resulted in his detention and a search of his vehicle in the county courthouse parking lot that turned up more illicit drugs.

In February 2009, a month after the methamphetamine and syringe were found on Postmus' premises, amid a deafening crescendo of calls

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for him to do so, Postmus resigned from office. Shortly after Aleman entered his June 2009 guilty plea, based in large measure on information Aleman had provided, Postmus was charged with multiple counts of having improperly used the authority of his office and misappropriation of government funds during his tenure as county assessor.

Some seven months later, Postmus and Erwin in February 2010 were named in a criminal complaint and charged with participating in a conspiracy to illegally obtain \$102 million through a scheme that related to the November 2006 lawsuit settlement with the Colonies Partners. In that complaint, five other unnamed, uncharged co-conspirators were described. Though unidentified as to name, there were sufficient details in the complaint to make clear that the five alluded to were Colonies Partners co-managing principals Jeff Burum and Dan Richards, County Supervisor Paul Biane, Supervisor Gary Ovitt's chief of staff Mark Kirk and public relations consultant Patrick O'Reilly, who had worked for the Colonies Partners.

Both Postmus and Erwin pleaded not guilty to the charges.

In March 2011, however, Postmus, who was represented in the criminal matter relating to the assessor's office by attorney Stephen Levine and in the Colonies Partners lawsuit settlement criminal case by attorney Richard Farqu-

har, entered into a plea agreement by which he pleaded guilty to 14 felony charges arising out of the lawsuit settlement and assessor's office cases and to a single drug possession count, with the proviso that he was to cooperate with prosecutors in providing information, evidence and testimony in making a case against Erwin and the unnamed co-conspirators outlined in the February 2010 complaint and those involved in his misuse of the assessor's office. Though convictions against Postmus were recorded at that time on all 15 of the charges, it was spelled out that based upon his cooperation, all but three of the 14 felony convictions would be vacated, and the maximum sentence he would receive would be six years and eight months, with the possibility that prosecutors would recommend that he be given straight probation with no actual prison time. Sentencing, ultimately, remained within the discretion of the judge assigned to the case.

The following month, April 2011, Postmus went before a grand jury as a star witness, and in May 2011 that grand jury returned a 29-count indictment which named Burum, Biane, Erwin and Kirk as defendants, the narrative of which revolved around the November 2006 lawsuit settlement and the Colonies Partners' provision of the separate \$100,000 contributions to Biane's, Erwin's, Kirk's and Postmus' political action

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Big Brother Is Listening To You *from front page*

fort to track the same information using a California Public Records Act request.

The Electronic Frontier Foundation, a donor-supported, non-profit civil liberties organization dedicated to protecting and promoting fundamental liberties in the digital world, is represented by attorney Michael T. Risher in the lawsuit.

The Electronic Frontier Foundation in 2015 co-sponsored the California Electronic Communications Privacy Act, which was authored by California State Senators Mark Leno and Joel Anderson and passed by the California Legislature and signed into law in 2015. Under the provisions of the California Electronic Communications Privacy Act, in order for law enforcement agencies to access the

digital records pertaining to the cell phone or internet activity of an individual or group of people in anything other than an emergency/life-and-death situation, police must first obtain a warrant to do so. Hand held communication devices such as smart phones and the current generation of even-less-sophisticated cell phones typically have a geographic position function which will allow a forensic analysis to ascertain the continuous geographic location of the individual in possession the device over the continuous span of time while the device is turned on.

That privacy right is legally suspended only in those circumstances where the police have obtained from the individual being tracked a waiver of his or her privacy rights or in the extraordinary circumstance in which public safety, law enforcement

or government agents must take action in a dire emergency.

Another provision of the act is that government agencies are mandated to provide to the California Department of Justice information about warrants that don't identify a specific target or in cases where they want to delay notifying the target. The Department of Justice on an ongoing basis must provide that information to the public.

An article that ran in the Palm Springs *Desert Sun*, which had as its basis an analysis of California Department of Justice data, revealed that on a per capita basis, San Bernardino County law enforcement agencies sought and were granted more electronic warrants than all other law enforcement agencies in the State of California. According to the article, 93 percent of the California Electronic Communications Pri-

vacy Act warrants reported to the state by the San Bernardino Sheriff's Department "were granted to investigate people whose identity was unknown to the department."

In August, the Electronic Frontier Foundation made a request pursuant to the California Public Records Act to obtain search warrant information for six specific searches that were made public by the DOJ. In the authorization requests for those six searches, the San Bernardino County Sheriff's Department had misspelled the term simulator in seeking warrants to utilize "cell-site stimulators."

In its request, the Electronic Frontier Foundation sought court case numbers associated with the search warrants in an effort to allow the foundation's researchers to locate in the various court files the search warrant affidavits spelling out the grounds for granting the warrants and ascertain whether law enforcement agencies are complying with both the law and their own stated or written policies in obtaining the warrants. The request contained detailed information about each warrant, made public by the Department of Justice, such as the nature of the warrants, the precise start and end dates of the warrants and verbatim quotes about the grounds for each warrant. The request sought specific case numbers associated with the warrants so the Electronic Frontier Foundation could determine through court records, such as affidavits, whether the warrants were justified.

San Bernardino County denied the Electronic Frontier Foundation request, claiming it was "vague, overly broad," and didn't describe an "identifiable record." The county also claimed that the material sought qualified as investigative records, and as such, are exempt from disclosure. In September Electronic Frontier Foundation Senior Investigative Researcher

Dave Maass informed the county that the California Department of Justice had informed him he could gain access to the search warrant court numbers from San Bernardino County, given the narrow and precisely worded focus of the six lines of inquiry.

The county did not respond.

Maass said, "We are seeking search warrant records to explore first whether the California Electronic Communications Privacy Act is working and second whether law enforcement agencies are complying with the law's warrant and transparency requirements," said Maass. "The law is only as good as counties like San Bernardino's compliance with its rules, which are intended to protect the highly personal and intensely private information contained on Californians' digital devices. Our lawsuit aims to shine a light on police use of cell-site simulators. The California Electronic Communications Privacy Act was meant to provide the public with a check on law enforcement's use of this highly intrusive tool."

Sheriff John McMahon, in his official capacity, is named as a defendant in the suit.

According to the lawsuit, "Plaintiff Electronic Frontier Foundation requested copies of six of these search warrants that defendants obtained in 2017, along with their supporting affidavits. Each of these warrants authorized defendants' personnel to use cell site simulator devices as part of a criminal investigation. These devices, commonly known as Stingrays (a brand name), masquerade as cell-phone towers and allow law enforcement to locate specific cell phones by diverting these phones' signals to the simulator, rather than to the carrier's real tower. They can also be used to determine the unique international mobile subscriber identifiers of unknown devices. The Legislature

recognized that the use of these devices can have profound civil liberties implications. And as defendants' own use policy explains, a cell site simulator collects identifying and location information and may cause a 'temporary disruption of service' not only of the target device, but of all other cell-phones within range. The Legislature has therefore imposed a number of limitations and transparency requirements on their use."

The lawsuit continues, "In an attempt to learn about defendants' use of these devices, the Electronic Frontier Foundation sent a request for records relating to six cell site simulator warrants that precisely identified each warrant using the information on the Department of Justice's OpenJustice website, including the date range of the authorized search, the nature of the investigation, the items to be searched for, and the exact date and time defendants electronically provided information about them to the Department of Justice. Defendants refused to comply with the request, claiming that it failed to reasonably describe the records at issue and that the records are exempt from disclosure as records of an investigation under Government Code §6254(f)."

According to the suit, "Neither of these is a legitimate justification for failing to provide the records: The request more than reasonably described the target records. In fact, it uniquely identified the warrants in question, providing the exact time frame covered by the warrant, the exact date and time the defendants provided information about the warrants to the Department of Justice, and other identifying information. Defendants' claim in this regard is particularly weak because their own policy - which state law requires them to adopt and make public - requires their personnel to obtain high-level approval

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San Bernardino County *Sentinel*

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Judge Unwilling To Allow Former Supervisor And As- sessor To Withdraw His Seven-Year-Old Guilty Plea *from* *page 2*

committees, which prosecutors characterized as thinly-disguised bribes.

The prosecution team consisted of prosecutors with the San Bernardino County District Attorney's Office and the California Attorney General's Office, led by Supervising Deputy District Attorney Lewis Cope and Supervising California Deputy Attorney General Melissa Mandel. They were matched by an impressive array of defense attorneys paid for by a portion of the proceeds from the \$102 million settlement. For five-and-a-half years there were a multitude of delays, as the lawyers sparred at the trial court level, twice at the appellate level and twice before the California Supreme Court with regard to the dismissal or reinstatement of charges. Jury selection took place in December 2016 and the case went to trial in January 2017 before Judge Smith. That trial involved two juries, one which weighed the evidence against Burum, Biane and Kirk, and another which was tasked

with deciding the fate of Erwin. In court, the proceedings involved 39 witnesses, more than half of whom were on the witness stand for multiple days, and continued for eight months.

Both Postmus and Aleman were central witnesses, with their testimony accounting for nearly all of the court proceedings in May 2017.

During his first three days of testimony under direct examination from May 1 through May 3, 2017, Postmus replicated the key elements of the prosecution's 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, including his own homosexuality and drug use, 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 finalized, he said. Moreover, Postmus said, he believed the \$102 million paid out to the Colonies Partners was ridiculously more than the development company was due. The threats and promises of reward, he testified, along with the desire to put the whole thing be-

hind him prompted the settlement. And after the settlement was in place, Postmus testified, the Colonies Partners had come through with \$100,000 for him in the form of two separate \$50,000 donations to political action committees he had control over.

Thereafter, when the defense was given an opportunity to cross examine Postmus, under the withering questioning of one of Burum's attorneys, Jennifer Keller, Postmus began to go sideways, and he testified that he had been intimidated by the district attorney's office investigators to meet their expectations of what they needed to make the case against the others. Keller elicited from Postmus his acknowledgment that he was in the throes of methamphetamine addiction at the time of the events in question, rendering his memory unreliable and leaving him vulnerable to manipulation by the prosecution.

Toward the end of Summer 2017, the trial closed out without the defense calling any witnesses and without testimony from the accused, all of whom asserted their Fifth Amendment rights. The jury which heard the case against Burum, Biane and Kirk after less than two full days of deliberation re-

turned verdicts of not guilty against all three on all remaining charges against them that had not already been dismissed by Judge Smith. The other jury deadlocked on all of the remaining charges brought against Jim Erwin. Thereafter, on a motion by the prosecution, the charges against Erwin were dismissed.

In the immediate aftermath of the verdicts, several jurors from both panels were interviewed, with some indicating that Postmus' hedging of his testimony was a factor in their acquittal votes. Members of the prosecution team expressed consternation with the circumstance, and District Attorney Mike Ramos provided a public statement in explaining why his office had decided against retrying Erwin.

"Since the conclusion of jury deliberations, we have carefully evaluated our current position and have identified witness problems that cannot be resolved," Ramos said. "As a result, we are unable to proceed. One such issue is the trial testimony of Bill Postmus, who is a necessary witness in the case against Jim Erwin. Bill Postmus' unexpected testimony on cross-examination at the last trial conflicted with his grand jury testimony, his statement to the FBI, and multiple interviews

with the district attorney's office."

In October 2017, Postmus came before Judge Smith for a sentencing hearing. During an in-camera, i.e., closed door, conference involving Judge Smith, Postmus, his attorneys Stephen Levine and Richard Farquhar, and at least one member of the prosecution team, Judge Smith gave indication that he was leaning toward sentencing Postmus to a two-year term in state prison. This took Postmus, who had been hopeful that his cooperation with the prosecution would net him no state prison time and either straight probation or a minimal round of incarceration in the county jail, was taken aback by the prospect of going to a state penitentiary. In light of the prosecution's inability to get a conviction against his one-time co-defendant Erwin and the acquittals of Burum, Biane and Kirk growing out of the same set of facts, Postmus reconsidered the wisdom of his guilty plea, indicating his desire to withdraw it and go to trial. Because Levine and Farquhar had been his attorneys when he entered that plea, they were ineligible to represent him in withdrawing it. Accordingly, Postmus fired both of them and in January 2018 re-

tained attorney Jeffrey Lawrence in his effort to vacate his plea and seek a trial. Lawrence made a motion with the court to withdraw Postmus' plea. According to Lawrence, Postmus was not in control of his faculties and was under substantial duress when he was criminally charged and then capitulated with the series of no contest pleas. Investigators with the district attorney's office, Lawrence maintained, took advantage of Postmus' debilitating drug addiction, using confusion and memory loss brought on by his use of drugs together with coercion, inducements, and threats to convince Mr. Postmus that he had no choice but to plead guilty. The investigators further, Lawrence averred, fed Postmus false information and engaged in misrepresentations to plant in his mind "false memories" and get him to adopt as his own a false narrative of guilt implicating himself, Erwin, Burum, Biane and Kirk. The district attorney's office investigators, according to Lawrence, used his client's "drug-induced fear and paranoia to hoodwink Mr. Postmus into believing fiction." Burum's, Biane's and Kirk's acquittals and the failure

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Wary Of More Aggressive DA, Union Moves To Protect Social Workers

from front page

reem Ernesto Leiva, after Los Angeles County Child and Family Services case workers ignored the entreaties of one of Anthony's aunts to look into her concerns that the ten-year-old boy was being physically abused and starved. She said case workers ignored her entreaties to look into her warnings. Another such case, the one which has resulted in the criminal prosecution of Clement, Rodriguez, Bom and Merritt, is that of Gabriel Fernandez, who also lived, and ultimately died, in the Los Angeles County community of Palmdale. Fernandez was 8 years old when he died in 2014, after sustaining an extended period of abuse perpetrated by his mother, Pearl Sinthia Fernandez, and her boyfriend, Isauro Aguirre. An investigation was launched into the circumstances surrounding young Fernandez's death. That investigation concluded in 2016 with a finding that the Los Angeles Department of Children and Family Services had on multiple instances been alerted to the abusive conditions Gabriel Fernandez was subjected to but had not acted to remove him from the situation which ultimately led to his death.

The charges filed against the social workers in the Fernandez death case could result in 10 year prison sentences if the accused are convicted.

In San Bernardino County, there have been recurrent reports of similar cases involving children's deaths as well as ones where children had not died, but had been subjected to physical and sexual abuse by their legal guardians, and that the San Bernardino County Department of Children and Family Services had failed and continues to fail to intervene on those children's behalf.

This state of affairs has flourished, some have charged, because outgoing District Attorney Mike Ramos has shied away from prosecuting indolent social workers. That reluctance is an outgrowth of Ramos's concern that filing such charges would establish virtually all of the grounds that would be needed by an individual with standing, such as a surviving family member of a dead child, to launch and prevail in a civil suit against the county that would potentially cost taxpayers millions of dollars.

Going back at least as early as 2013, there were rumblings within the San Bernardino County Children and Family Services Department about both abusive biological parents as well as abusive foster parents entrusted with the care of children who were in the process of being placed for adoption. In several cases, those Children and Family Services Department employees' concerns were not adequately addressed. Complicating the issue were the confidentiality restrictions imposed on the case files, making it difficult for those with concerns to bring the issues out into the open or to the attention of others outside the department for some means of resolution. Late in its 2014-15 term, the San Bernardino County Grand Jury had been provided with evidence and information relating to circumstances of apparent abuse of children under the Children and Family Services Department's supervision. Because those reports arrived so late in the grand jury's term, no official inquiry into the matter was opened, and the 2014-15 Grand Jury, which had as its adviser Deputy District Attorney Charles Umeda, made no reference to those issues in the final grand jury report, which was released on June 30/ July 1, 2015. The grand jury's annual session runs in accordance with the governmental fiscal year, from July 1 to June

30.

At the end of July 2015, Umeda was appointed to serve as a Superior Court judge by Governor Jerry Brown. To replace Umeda, District Attorney Mike Ramos selected Deputy District Attorney Michael Dauber to serve as grand jury adviser.

A member of the 2014-15 Grand Jury was James Wiebeld, who had retired as a sheriff's deputy after a 30-year career in law enforcement. Wiebeld was a holdover to the 2015-16 Grand Jury, which after its ranks filled out, elected him sergeant-at-arms. Wiebeld sought to have the grand jury maintain its focus on several issues that had been taken up by the 2014-15 Grand Jury, which had in his view not been sufficiently resolved nor reported in the 2014-15 Grand Jury's report. Among those issues was that pertaining to the abuse of children under the purview of the San Bernardino County Children and Family Services Department.

When Wiebeld and other grand jurors sought to proceed with that investigation, they were met with Dauber's at first subtle and then progressively firmer and eventually much harsher methods to discourage them, which ultimately resulted in the blunting of the investigation's focus and its shift away from the nonfeasance, misfeasance and malfeasance within the Children and Family Services Department that allowed the criminal abuse and even deaths of some of the children at the hands of their parents and guardians to take place.

Frustrated with the thwarting of what they considered to be a legitimate and extremely important inquiry, some of the grand jurors made sub rosa statements to the media in an effort to get Dauber off top dead center. On August 27, 2015, Fox 11 News in Los Angeles reported that "children who were under the supervision of the San Bernardino County Department of Children and Family

Services ... were being abused, tortured, and killed." According to that report, put together by correspondent Gina Silva, in certain cases, children had been entrusted to foster parents who had previously been caught abusing children living in their homes. In one of those cases, according to Fox 11, a child had died at the hands of an abusive foster parent after the San Bernardino County Department of Children and Family Services was made aware of the sadistic nature of that foster parent. The Fox 11 News report made reference to an ongoing grand jury investigation. Instantaneously, an issue which county officials had every confidence they might keep buried had leapt into the public spotlight, and was garnering attention at the regional, state, national and international level.

The following day, Friday August 28, a special meeting was convened at the county administrative building which was attended by then-County Executive Officer Greg Devereaux, District Attorney Mike Ramos, the director of the Children and Family Services Department, Marlene Hagen, and a handful of other high level county officials. The primary topic discussed, the *Sentinel* was told by a reliable source, was the formulation of a cover story and talking points calculated to defuse the issue of negligence in the San Bernardino County Children and Family Services Department which led to the deaths of children in the foster parent system it oversaw.

The county has since officially disavowed that any such meeting took place, or that Devereaux spoke to the district attorney on August 28 or any other time about Children and Family Services or grand jury matters.

Forthwith, however, county officials in August and September moved to identify those responsible for the leaks that resulted in the foster child deaths becoming public and sought

to squelch any further release of information. Grand jurors, whose investigations and proceedings are considered to be confidential and are informed of such and sworn to secrecy when a grand jury is impaneled, were threatened with arrest and prosecution if they violated that oath.

In September, attorney Valerie Ross filed lawsuits against the county on behalf of former social workers Eric Bahra and Mary Anna Whitehall. Those lawsuits alleged that Bahra and Whitehall were pressured to remain silent about what they knew of the abuse of children in the foster system, and when they did not they were retaliated against.

The failure of Children and Family Services to step in and stem the abuse was of moment with higher ranking elements in the county because attorneys had already been in contact with the families of some of the abused children and had initiated cases on behalf of those children and their families or were in the process of doing so.

To Ramos, who has striven to remain on favorable terms with both the county's political establishment and its senior administrators, and to Dauber, who is answerable to Ramos, Wiebeld's established status as a grand jury leader able to influence at least a handful of his colleagues on the panel heightened concern that they might be faced with a rogue grand jury that would take the focus on abused and dead children in a direction that could prove monetarily costly for the county.

Wiebeld was suspected of being Fox 11's source for its August 27 report and subsequent follow-ups. District Attorney Ramos accompanied Dauber and a single member of the grand jury to the office of Marsha Slough, who was then the presiding judge of the San Bernardino County Superior Court. Wiebeld, Slough was told, was proving disruptive. Slough subsequent-

ly summoned Wiebeld to her office. She informed him that he was an at-will volunteer and that his services were no longer needed.

After Wiebeld was bounced from the panel, Dauber, with some prevarication, told the remaining members of the grand jury that Wiebeld had voluntarily resigned his commission as a grand juror for personal reasons.

Before the grand jury's term ended on June 30, 2016, six other members of the grand jury who had been sworn in on July 1, 2015 to serve a full year – Robert Turley, Benjamin Royland, Rebecca Fults, Allen Burt, Paul Gorsky and Douglas Kinzle – left, either voluntarily or as a result of having been shown the door. The mass exodus from the grand jury itself was telling: No grand jury in San Bernardino County going back to the 1970s had suffered anywhere approaching that number of defections. At last, when the grand jury delivered its final report for 2015-16, it provided a watered-down treatment of fact with regard to the circumstance in the Children and Family Services Department which raised some valid issues, but nonetheless avoided going too deeply into areas that would make public the very real issues relating to shortcomings and failures that led to the perpetuation of abuse and in some instances resulted in death. Such documentation would have opened the county, officials believed, to potential lawsuits from either the family members of the abused or dead children or the surviving children themselves who might be represented by an attorney.

The report noted that social workers with the department did not make a practice of "recording interviews with clients" because "Children and Family Services management was uniformly opposed to the idea of tape recording client in-

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Resounding Defeat For Establishment Candidates In Upland

from front page

last two years of Stone's council term.

Almost immediately upon Robinson taking his place upon the council dais, an affinity between the quartet of Stone, Filippi, Timm and Robinson was evident, into which Elliott sought to merge, at first successfully. For more than two months there was near unanimity on the council with regard to all of the city's items of business considered and voted upon by the panel.

Ultimately, however, a schism between Elliott and the others emerged as the council pressed toward completion on an effort that had been initiated under the council as it was previously composed to close out the city's 110-year old municipal fire department and annex everything within the city limits into a county fire service assessment zone and have the county fire department provide the city with fire suppression and emergency medical service, entailing a yearly per household/parcel assessment of \$153 that Uplanders had not previously had to bear. The council majority and the county's local agency formation commission had arranged for the county fire department takeover to be effectuated without a vote of the city's residents, a maneuver vigorously opposed by many city residents.

The council sought to passively ignore that protest, but Elliott instead refused to squelch the voices of opposition, seeking to use her status as an elected official to hold what she called "town hall" meetings to allow her constituents an opportunity to weigh in on the plan. Sensing that these forums were providing breeding grounds upon which the citizen opposition to the dissolution of the fire department might metastasize, the council majority and senior city staff undertook to curtail Elliott's

reach, at first upbraiding her for mischaracterizing the confabulations she was holding as "town hall meetings," pointing out that such forums can only be held under the auspices of the entire city council's authority and not at the discretion of a single council member. When, contrary to what the council had hoped,



Janice Elliott

this did not dissuade Elliott, who simply continued to meet with those second-guessing the council with regard to the fire service transfer to the county in a context outside that falling under the rubric of an official municipal conclave, the council boldly disregarded the welling protest and voted to have the county local agency formation commission actuate the takeover.

By that point, the council members began personalizing their differences with Elliott, occasionally in very strong terms. In a last ditch effort to bring her back into the fold, the council, using a document purportedly put together by Councilwoman Timm titled "In-House Policy of the Upland City Council," sought to have Elliott commit to washing the city's soiled linen behind closed doors. Timm's document laid out a protocol for having the council keep whatever differences its members might have with one another with regard to the city's on-the-fly formulations in dealing with issues the city was faced with under wraps, such that no public airing of differences were to take place and all council members' public utterances, particularly those to the press or into the forum of social media, be approved beforehand by the city council and city manager collectively. The "In-House

Policy of the Upland City Council" was considered during a closed door session of the city council without any advance disclosure to the public that the discussion of what some of its members hoped might become an official but secret city policy was to take place.

Such policy discussions are required by the Ralph M. Brown Act, California's open public meeting law, to be held in a public forum that has been openly noticed ahead of time. Instead, the council had the city clerk disguise the presentation of the policy document and its discussion as one pertaining to an evaluation of the city manager. In the closed session, the document was handed around to the council's members, who were asked to sign it. At that point, Elliott, sensing that the council was heading into a province outside the law, had the presence of mind to use her cell phone to snap off a photo of the document, which bore Stone's, Filippi's, Timm's and Robinson's signatures. After the meeting, armed with proof of her city council colleagues' violation of the Brown Act, Elliott approached the San Bernardino District Attorney's Office, presenting the photograph to that agency's Public Integrity Unit as evidence to support her complaint that the council was skirting the law.

Upon learning that Elliott had reported their action to the district attorney's office, the city council's members moved to retaliate against her, doing so publicly by stripping her of her city committee assignments as well as her appointments to the regional intercity and joint powers authority representative/board positions that had been conferred upon her shortly after she acceded to the city council.

While Elliott generally continued to vote along with her colleagues in support of nearly all of the city's routine business items and other action items that came be-

fore the city council, she had been cast in the role of Upland's council dissident, and she lived up to this reputation with regard to some of the more controversial issues that the council became entangled in, such as the raising of the city's water service rates or the sale of 12 percent of the acreage at Upland Memorial Park to San Antonio Regional Hospital. A certified public accountant, Elliott mounted penetrating questions about the financial figures cited in city staff reports and oral presentations in support of raising the water rates, in particular indications that the city's water enterprise fund was running a deficit. Subsequent to the vote, in which Elliott was the lone dissenter, it was acknowledged that the account in question was flush with cash. Elliott registered the only vote against the sale of the park property.

In May, the council majority, fed up with what it considered to be Elliott's contrarian attitude, voted to censure her.

In the meantime, the city was transitioning toward dispensing with its at-large elections, in which the council members were elected in elections in which the voters from throughout the city participated in each race and the candidates likewise had no residency restrictions other than having to live somewhere within the city limits. This year, the city was scheduled to hold its first by-district election, based upon the city having been divided into four districts which consisted of the northwest, northeast, southwest and southeast quadrants, the First, Second, Third and Fourth districts, respectively. In the 2018 balloting, the Second, Third and Fourth districts were to hold their maiden contests. Two years hence, in 2020, the initial First District race is to be held, along with that of mayor, which is yet to entail an at-large vote.

Both Elliott and Robinson were residents of the Second District.

With the term Robinson had assumed from Stone due to elapse, he needed to vie for election to remain on the council past December. Elliott as of this year has two years remaining on the at-large term she was elected to in 2016. Nevertheless, upon the elapsing of that term in 2020, Elliott would not be at liberty to run for the council



Rudy Zuniga

again, as the winner of the Second District race this year would be entitled to a four-year term lasting until 2022. Thus, to ensure her longevity on the council beyond 2020, unless she were to seek to vie in the mayor's race, Elliott had to run for election this year in the Second District.

That she did. Taking up the gauntlet against her was the darling of the Upland establishment, Planning Commissioner Yvette Walker. Walker had the support of all four of the members of the current ruling coalition on the council, as well as the political machine behind them, composed largely of the business community, core members of the Upland Chamber of Commerce and the development community.

Both Filippi and Timm were up for reelection in 2018. Previously, both were residents of the Fourth District. In order to avoid an electoral showdown with each other, Filippi changed his residency, moving into a business office converted from a single family residence in the Third District.

Two opponents came forward to challenge Filippi. One was Ricky Felix, who had been an unsuccessful candidate for the council in the at-large election in 2016. The other was Irmalinda Orsuna.

In the Fourth District,

Timm was challenged by two political neophytes, Rudy Zuniga, an operating engineer at a hospital, and Tammy Rapp, a hairdresser and burlesque dancer.

The Upland establishment and the controlling members of the city council and their political machine went into the electoral season with high hopes, indeed the expectation, that both Filippi and Timm would prevail and that Walker would be able to overcome Elliott, maintaining the 4-to-1 ruling coalition by substituting Walker in for Robinson and thus ensuring that the status quo remained in place at least until 2020 and more likely until 2022 and beyond.

That now appears to have been wishful thinking, as the Upland establishment appears to have gone 0-for-3 in this year's election.

On election night, just after the closing of the polls, at 8:05 p.m., the first vote count was released, which included none of the Upland precincts, and merely the early arriving mail-in ballots from the City of Gracious Living.

At that point, in District 2, Janice Elliott, with 1,331 votes or 54.77 percent, had jumped off to a lead over Yvette Walker, who had polled 1,099 votes or 45.23 percent.

In District 3, Gino Filippi appeared to have stumbled, as Ricky Felix, with 353 votes or 40.09 percent, had leapt into first place, with the incumbent registering 286 votes or 32.57 percent. Irmalinda Osuna trailed both of her competitors with 240 votes or 27.33 percent.

In District 4, Carol Timm looked to be on a trajectory to remain in office another four years, having taken a comfortable if not quite commanding advantage over her competitors with 441 votes or 45.23 percent over Rudy Zuniga's 367 votes or 37.64 percent and Tammy Rapp's 167 votes or 17.13 percent.

At 10 p.m. on Novem-

Continued on Page 17

County Com- mits To Lessening Social Workers' Caseloads from page 5

interviews... their stated reason for this opposition [being] confidentiality and possible intimidation of the client." The report stated that "interviews with CFS [Child and Family Services] management revealed that social workers who had observed a parent under the influence did 'not necessarily' notify law enforcement or remove the child from the home."

The report further noted "areas of concern about the relationship between CFS and law enforcement agencies. Interviews with law enforcement officers disclosed areas that potentially hindered investigations. Law enforcement officers disclosed, and CFS management confirmed, that CFS reports requested by law enforcement are first sent to county counsel [i.e., the county's in-house lawyers] for review prior to being released. Law enforcement officers stated that CFS social workers are reluctant to remove abused and neglected children from their homes. Officers further stated that CFS does not always inform investigating officers of the location of a child, which causes delays in investigations." The report also noted that law enforcement investigators "informed the grand jury that receiving redacted reports

from Children and Family Services hinders their investigations" and prevents law enforcement officers from making so-called pretext calls to parents or guardians suspected of sexually abusing children.

The report stated that there were delays in Children and Family Services' response to the grand jury's request for information, including one in which it took the department "a period of seven months and 23 days from the date the request was submitted" to provide the information sought.

The report stated, "In interviews with county counsel employees it was stated that CFS is focused on family unification, while county counsel would prefer the safety of the child to supersede family unification. Additionally it was reported by law enforcement officers that CFS is interested in keeping families together while law enforcement seeks to arrest perpetrators of child abuse."

The report noted that there was a 15.5 percent rate of employee turnover in the Child and Family Services Department in 2013-14 and a 23.8 percent employee turnover in 2014-15, such that social workers are "overwhelmed" by heavy caseloads.

In the report there was no mention of the deaths of any children who fell under the rubric of the Children and Family Services Department system. Nor did the report make reference to

reports received by the grand jury which indicated that social workers who had made an effort to bring incidents of the abuse of children to light had been actively discouraged from doing so.

The civil cases brought against the county by attorney Valerie Ross on behalf of former social workers Eric Bahra and Mary Whitehall alleged higher-ups in the Children and Family Services Department sought to keep the abuse scandal under wraps. Whitehall claims she stood witness to an effort to discredit Bahra after he locked onto a series of cases involving some 39 children who had been placed into the care of a single foster father over a period of 12 years, during which time accusations surfaced that the foster father had sexually abused some of his charges, including photographing them nude. Bahra, who was just short of serving out his 12-month probationary period as a county employee, was terminated after he raised the issue of inadequate cross-referencing of abuse reports in the department's computer system in June 2013 and then sealed his fate the next month by reporting that he suspected one or both parents of an infant who had died showed signs of methamphetamine use and that the dead child's four siblings appeared to have been abused.

According to Whitehall, supervisors in the Department of Children and Family Services did

not comply with Bahra's recommendation that the department move against the parents and have the children placed into foster care, but acted against Bahra for having breached confidentiality and for having, the department claimed, falsified his reports. The Department of Children and Family Services' rejection of Bahra's recommendation, according to Whitehall and Ross, endangered the safety of the four surviving children.

According to Whitehall's suit, she and two of Bahra's colleagues went to the extraordinary step of filing motions in juvenile dependency court alleging their employer, the Department of Children and Family Services, committed fraud upon the court as part of an effort to discredit Bahra and justify his firing. Six days later, Whitehall was placed on administrative leave. She later resigned.

Just a week prior to the release of the grand jury's final 2015-16 report, after the scandal pertaining to the abuse of children lodged in San Bernardino County's foster care system had been percolating for months, the California Attorney General's Office announced it was looking into allegations of failure to act with regard to the abuse of children or criminal negligence by the Department of Children and Family Services.

Then-California Attorney General Kamala Harris at the time said

she was on top of the situation in San Bernardino County. With her subsequent departure to the U.S. Senate, she has not responded to multiple inquiries from the *Sentinel* as to what information her investigation had unearthed and what action was to be taken or what measures were being employed to remedy the circumstance.

Bahra's suit was scheduled to go to trial in May 2017, but just ahead of the trial, Bahra and the county were consigned to a mediation, after which all activity relating to the suit ceased.

Whitehall's case is now scheduled to go to trial before a yet-to-be-selected jury on February 25, 2019.

More than five months ago, District Attorney Ramos was defeated in his re-electoral effort in the June Primary. He lost that contest to Jason Anderson, a one-time Ontario city councilman who was also previously a deputy prosecutor working under Ramos. Anderson left the office over differences he had with Ramos over policy and prosecutorial standards. Among county higher-ups there is concern that Anderson will not show the same consideration toward downplaying action by county employees who are arguably or conceivably engaged in criminal negligence as a consequence of their performance or lack thereof in their official duty. This concern extends in particular to the Children and Family Services Department, where a lack of focus or diligence could result in children, who are unable to protect themselves, being vulnerable to potentially life-threatening circumstances.

A factor impacting the ability of Children and Family Services personnel to apply the requisite focus and diligence to ensure the safety of the children it is their responsibility to oversee is the sheer volume of their case loads, which the employees' union maintains prevents them from devoting enough

time and attention to the individual cases to ensure proper scrutiny is being given to each child within the department's purview.

In an effort to protect 545 case workers employed within Children and Family Services, who are known in the county's human resources parlance as the Children and Family Services Professional Unit, their union, Service Employees International Union Local 721, last week officially entered into a so-called "side letter agreement" with the county intended to limit their case loads to prevent them from being swamped with cases that might overwhelm their ability to detect abuse of the sort that could put the children they are responsible for in danger.

In a report dated November 6, 2018, which corresponds to the same date that the county board of supervisors ratified the side agreement with a unanimous vote, County Chief Executive Officer Gary McBride wrote, "On July 12, 2016, the board of supervisors approved the initial memorandum of understanding between the County of San Bernardino and the Service Employees International Union Local 721 representing employees in the professional unit. The memorandum of understanding included the establishment of a Children and Family Services Labor Management Committee that is dedicated to increasing the overall

Continued on Page 18

Suit Makes Issue Of Sheriff's De- partment's Fre- quent Use Of Cell Phone Tracking Technology from page 3

al for, and then maintain a log of, all warrants like those here at issue. This log must contain the dates that the cell site simulator was used, which would mirror or be contained within the time frame covered by the warrant, and so

would allow defendants to easily identify and locate the requested warrants. Search warrants, which are issued by the court, are public records, as are the supporting affidavits. In fact, the California Department of Justice has informed the Electronic Frontier Foundation that it could, and should, obtain copies of warrants included in its website directly from the agency that obtained them. Although the statutory scheme allows the issuing court to seal this type of warrant

for limited time periods under certain conditions, there is no indication that the requested warrants are sealed (Defendants do not suggest that they are, and they appear to claim that they cannot even identify the warrants at issue). The court should therefore order defendants to disclose the requested records under the Public Records Act."

According to the lawsuit, "San Bernardino County's law enforcement agencies were granted the most elec-

tronic warrants to search digital property per resident in the state, according to the data. The San Bernardino County Sheriff's Department accounts for almost all of the electronic search warrants reported to the California Department of Justice for the county. And the department is carrying out the electronic searches at an increasing rate."

The sheriff's department has declined to comment on the suit.

-Mark Gutglueck



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FBN 20180012490
The following person is doing business as: HANAA SUPPLIES 9200 MILLIKEN AVE APT # 6113 RANCHO CUCAMONGA, CA 91730- 0100; MELAD A ABDELNOUR 9200 MILLIKEN AVE APT # 6113 RANCHO CUCAMONGA, CA 91730- 0100
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 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ MELAD A ABDELNOUR, OWNER
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451813MT
FBN 20180012489
The following person is doing business as: SAAB SOLUTIONS 29669 CLEAR VIEW LN HIGHLAND, CA 92346; SUDHA BALAKRISHNAN 29669 CLEAR VIEW LN HIGHLAND, CA 92346
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 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ SUDHA BALAKRISHNAN, OWNER
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
I hereby certify that this copy is

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a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451814MT
FBN 20180012488
The following person is doing business as: THE BEST FOR THE HOME 15019 INDIAN DR FONTANA, CA 92336; MARIA L FLORES 15019 INDIAN DR FONTANA, CA 92336; MIGUEL A FLORES 15019 INDIAN DR FONTANA, CA 92336
This business is conducted by: A MARRIED COUPLE
The registrant commenced to transact business under the fictitious business name or names listed above on: 5/01/1999
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 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ MIGUEL A FLORES
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451814IR
FBN 20180012496
The following person is doing business as: ALPHA & OMEGA EQUIPMENT 17098 LORENE DRIVE VICTORVILLE, CA 92395; MAILING ADDRESS 14264 SAGE STREET VICTORVILLE, CA 92395; JESSICA E PINEDA 17098 LORENE DRIVE VICTORVILLE, CA 92395
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 179130. I am also aware that all information on this

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statement becomes Public Record upon filing.
s/ JESSICA E PINEDA
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
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Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451816IR
FBN 20180012500
The following person is doing business as: XPERT ROADSIDE ASSISTANCE 555 E FOOTHILL BLVD UPLAND, CA 91786; MAILING ADDRESS 273 M BOBWHITE WAY ORANGE, CA 92804; MOHANAD ALKHREI-SHA 1344 S MAGNOLIA AVE APT H1 ANAHEIM, CA 92804; SUHAIB ALQAZA 273 N BOBWHITE WAY ORANGE, CA 92869
This business is conducted by: A GENERAL PARTNERSHIP
The registrant commenced to transact business under the fictitious business name or names listed above on: N/A
By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ MOHANAD, GENERAL PARTNER
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451817CH
FBN 20180012503
The following person is doing business as: LIZARRAGA & ASSOCIATES 15264 SUMMIT AVE SUITE B FONTANA, CA 92336; MAILING ADDRESS 14840 EBONY PL FONTANA, CA 92335; SALVADOR E LIZARRAGA 14840 EBONY PL FONTANA, CA 92335
This business is conducted by: AN INDIVIDUAL

Public Notices

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 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ SALVADOR E LIZARRAGA, OWNER
Statement filed with the County Clerk of San Bernardino on: 11/02/2018
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
Published in the San Bernardino County Sentinel 11/16; 11/23; 11/30 & 12/07/2018 CNBB451818CH
FBN 20180012890
The following person is doing business as: A & J BROTHERS TOWING 7353 VICTORIA AVE HIGHLAND, CA 92346; AXEL J OSEQUERA CASTORENA 7353 VICTORIA AVE HIGHLAND, CA 92346
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 179130. I am also aware that all information on this statement becomes Public Record upon filing.
s/ AXEL J. OSEQUERA CASTORENA, OWNER
Statement filed with the County Clerk of San Bernardino on: 11/13/2018
I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy
Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).
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The Wages Of Political Corruption? Three Years In State Prison

from page 4

to secure a conviction of Erwin illustrate, according to Lawrence's motion, "the weakness of the evidence" the prosecution was relying upon. Justice dictated, Lawrence asserted, that the matter be reexamined in the light of revelations since the time Postmus entered his guilty pleas.

Moreover, according to Lawrence, Bill Postmus had fallen victim to a vindictive prosecution carried out by the district attorney's office because Postmus and District Attorney Mike Ramos were in competition for the nomination of the Republican Party to succeed then-Congressman Jerry Lewis, who was nearing the end of his tenure in Congress and was a Ramos ally. Postmus had antagonized Ramos, Lawrence maintained, by having spoken up about the district attorney's womanizing, in particular a relationship he engaged in with the county's then-public defender, Doreen Boxer.

Postmus was ill-served by his previous legal representatives, Lawrence argued, who should not have allowed him to proceed with the plea bargain.

Postmus essentially lived up to the terms of his plea arrangement, Lawrence asserted, and was on the brink of being punished for doing so because the district attorney's office and the California Attorney General's Office are displeased with the outcome of the prosecution of Burum, Biane, Erwin and Kirk.

That motion came before Judge Smith on Friday November 2, 2018 and the hearing pertaining to it continued on Tuesday November 6, Wednesday November 7, Thursday November 8, Tuesday November 13 and Wednesday November 14, at which point Judge Smith entered his ruling denying it. Testifying on Postmus' be-

half were Postmus, Farquhar, Levine, Postmus' business partner Dino DeFazio and Postmus' longtime political associate Paul Russ.

During his testimony on November 13, Postmus said he had informed the San Bernardino *Sun* that he had seen Ramos and Boxer cavorting during the 2006 county/city conference in Lake Arrowhead.

Under questioning by Judge Smith, Postmus said that during the run-up to the Colonies lawsuit settlement he had been pressured to support the settlement by Erwin, and that the Colonies Partners wanted the settlement in place before he left the board of supervisors because it was not known at that point whether his replacement would provide a third necessary vote to join with those of Biane and Ovitt to accept the settlement.

"Mr. Erwin was threatening he would expose me for my drug use and sexuality if I didn't get the settlement done in time for me to leave [the board of supervisors to move into the assessor's post], or something to that effect," Postmus said. He also told Judge Smith that Jeff Burum had said he would provide him with future support for his political campaigns or in business endeavors if he decided to leave politics but that he would not do so until the Colonies lawsuit had been settled. When Smith suggested that was a bribe overture and that Postmus' subsequent receipt of the Colonies Partners' \$100,000 donation to his political action committees consummated the bribery, Postmus indicated he "didn't see it that way," and did not consider himself to have been bribed.

Both Farquhar and Levine testified that it was Postmus who in 2011 had made the determination to enter into a plea agreement with the prosecutors and that they both had reservations about his doing so. Levine testified that he had told Postmus that moving to the plea option was premature in

that there were yet discovery issues that needed to be pursued and legal options yet to be exploited. Farquhar and Levine both indicated that the conviction of Rex Gutierrez, a Rancho Cucamonga councilman whom Postmus had hired as his inter-governmental liaison in the assessor's office who had been charged with misuse of his office and governmental authority as well as misappropriation of public funds, and Gutierrez being sentenced to two years and eight months in state prison were major factors in Postmus' decision to enter into the plea arrangement.

On November 14, Judge Smith rendered his decision on Postmus' motion to withdraw his guilty plea. Before he did so, he heard from Lawrence and the prosecution team, represented by Supervising California Deputy Attorney General Melissa Mandel and Deputy District Attorney Carlo DiCesare. An issue explored was Postmus' position that he had lived up to his deal to cooperate with the prosecution. Prosecutors, however, maintain that his cooperation with them ended with his testimony under direct examination at the trial for Burum, Biane, Erwin and Kirk and that under cross examination by Burum's attorney, Jennifer Keller, Postmus actively began supporting the defendants and militating against the prosecution. Postmus did that by adopting whole hog Keller's suggestion that the district attorney's investigators had exploited his drug addled state to plant false memories that he subsequently regurgitated in his statements to them, to the grand jury that indicted Erwin, Biane, Kirk and Burum, and then under direct examination at trial. In his testimony before Smith November 2 on the motion to withdraw his plea, Postmus said he had a "moment of clarity" while on the stand under questioning by Keller.

Mandel, however, told Judge Smith that Post-

mus knew Keller's version of events was untrue and that in supporting the prosecution on direct examination and then supporting the defense on cross examination he was "hedging his bets" and "trying to have the best of both worlds. Mr. Postmus lied under oath in an intentional, calculated way." Mandel said that Postmus told three critical lies which deprived the prosecution of achieving the convictions against Burum, Erwin, Biane and Kirk that would have been obtained if he had fully lived up to the terms in his plea bargain. "The first lie came on cross examination when he contradicted his testimony on direct that Mr. Burum's support was not contingent upon getting the settlement done," Mandel said. "The second lie was that he was coerced and the DA's investigators were putting words into his mouth. The third lie was the moment of clarity" he claimed during cross examination by Keller.

Lawrence countered that Mandel's "argument is disingenuous," pointing out that given the contradiction in what Postmus said under direct examination and cross examination, prosecutors would say he had "committed perjury one way or the other." The reality was, Lawrence said, that Postmus had a legitimate epiphany on the witness stand while under Keller's cross examination. "There was coercion throughout the investigation," Lawrence said. "Overall, he told the truth." His client maintained all along that Burum had not bribed him, Lawrence said. "Nothing contradicts that," Lawrence insisted. What it came down to, Lawrence said, was that Postmus had the misfortune of being "cross examined by a good attorney [Keller]. Nothing nefarious occurred or has been proven. Mr. Postmus was trying to do what he was asked to do."

Judge Smith said that "With regard to the issue of cooperation, the court finds the defendant did

cooperate with the DA's investigators throughout the investigation of the case. He was interviewed and gave what appeared to be accurate testimony [before the grand jury]. The second issue is: Did he testify truthfully at trial? The People's position is he substantially testified truthfully before the grand jury and on direct examination. It was in his cross examination that there is a problem."

Judge Smith said Postmus stayed relatively faithful to his statements relating to the threats, intimidation, blackmail and extortion he told the investigators he was subjected to by Erwin but that he waffled with regard to having been bribed. Smith said that "I think the people had to accept that at least Mr. Postmus believed that [he was not bribed] to be true," though Postmus' understanding of what constituted a bribe was faulty. Judge Smith cited "The argument brought forth by the investigators, who said [to Postmus] 'You say Jeff Burum promised to support you in either your future campaign or in business if you left politics but not until after the settlement had been taken care of. Then you got it [the settlement] done, and low and behold you got \$100,000. Wasn't that a bribe?' Mr. Postmus said, 'I never saw it that way.' It would be up to the jury to decide whether that was a fulfillment of the earlier promise, but Mr. Postmus did not. The court finds his testimony with regard to the \$100,000 not being a bribe was truthful."

But that did not settle the matter of whether Postmus actually was bribed, Judge Smith said. "Then we get to the issue of whether or not Mr. Burum offered him future support for political office and future support in business if he were to leave politics if he got the settlement done before he left the board of supervisors. Mr. Postmus said, 'Yes, he made the statement offering future support but there was no contingency.' Within a ten page

span of the transcript and about five minutes later, he says 'Yes,' to whether there were conversations about future support and he said 'Yes, he [Burum] did say that future support is if we got the settlement done.' After saying that, Mr. Postmus said he did not believe it was a quid pro quo. It wasn't until the FBI interview and he was asked, 'Did you and Mr. Burum have that conversation about if you got the settlement done before you left the board that there would be support?' He said there had been. Then they said, 'You also said there was no quid pro quo' and said that if there is a promise of support and if you get something, they believe that is a quid pro quo. Then he said, 'Maybe I don't know what a quid pro quo is.'" Postmus had undergone a voluntary interview with the FBI, with Levine present, in October 2012.

Continuing, Judge Smith said, "I am satisfied Mr. Postmus did not at the time consider it to be a quid pro quo or a bribe. If he let it go at that, I would find that his testimony was true, but he went beyond that in his cross examination." Smith said that Keller started out with getting Postmus to acknowledge his drug use and got him to agree that drugs "mess up your memory. You don't know what's true and what's not true. If you don't know what's true you have a tendency to accept just what they are saying. That's what happened. The DA's investigators told you what happened and you accepted it as true."

Judge Smith said, "When you go through the actual transcript in detail, you see that is not what happened." Smith said that throughout much of the exchange with the investigators Postmus "was minimizing" Burum's action and "was reluctant to give information" implicating Burum. At a point some two-thirds into the interview, however, Judge Smith said, Postmus showed he "clearly

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Changing Of The Political Guard In Upland

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ber 6, the first wave of incoming votes from the city's polling places had been tallied.

With 11 of 16 precincts in District 2 having reported, Elliott was holding steadily in the lead over Walker, 1,633 votes or 54.63 percent to 1,356 votes or 45.37 percent.

There was little relative movement among the positioning of the candidates in the District 3 race as well, with Felix still in command with 463 votes or 40.37 percent to Filippi's 356 votes or 31.04 percent and Osuna's 328 votes or 28.6 percent after three of that district's precincts' ballots had been counted.

In District 4, eight of ten precincts reported by 10 p.m.. And though Zuniga had advanced somewhat on Timm, his forward movement did not appear to be sufficient to overcome the incumbent's edge. Timm had at that point captured 620 votes or 43.42 percent to Zuniga's 575 votes or 40.27 percent and Rapp's 233 votes or 16.32 percent.

At midnight, no further counting of Upland's ballots had been completed.

By 4 a.m. on November 7, all of the Upland precincts had reported.

In the Second District, with the ballots from all 16 of the district's polling places having arrived and been counted, Elliot, whose total had moved to 2,574 or 53.54 percent, lost ground to Walker, but only slightly, as the challenger claimed 2,234 votes or 46.46 percent.

With all 11 of District 3's precincts reporting and those ballots tallied, Filippi had slipped badly. Felix was well ahead with 937 votes or 40.92 percent. Osuna had knocked Filippi from second place, such that she was more than five percentage points up on him, having logged 738 votes or 32.23 percent to his 615 votes or 26.86

percent.

Even more dramatic is what had occurred in District 4 after all ten of the district's precincts had been heard from. Zuniga had made a dynamic bound forward, capturing 1,157 votes or 44.53 percent, surpassing Timm, whose count stood at 1,051 votes, which at that point represented 40.45 percent of the District 4 votes up to that point, followed by Rapp's 390 voter endorsements or 15.01 percent.

Yesterday, the San Bernardino County Registrar of Voters Office updated the voting results from all around the county, as straggling mail-in ballots that arrived late have been added to the totals, along with the inclusion of so-called provisional ballots, i.e., ones about which some question as to their validity or the registration status of those casting them existed. As election officials have verified those provisional ballots as valid, they have been counted.

As of 4 p.m. yesterday, November 15, Elliott had solidified her lead over Walker, 3,722 votes or 54.14 percent to 3,153 votes or 45.86 percent.

Felix was comfortably ahead of Osuna, 1,285 votes or 40.29 percent to 1,079 votes or 33.84 percent. Filippi was even further out of the running than he had been previously, with 825 votes or 25.87 percent.

In District 4, Zuniga with 1,638 votes or 45.37 percent, had widened the gap over Timm, who stood with 1,436 votes or 39.78 percent. Rapp held 536 votes or 14.85 percent.

While the election will not be certified until early next month, all of the votes cast at Upland's precincts have been counted along with virtually all of the Upland mail-in ballots and the lion's share of the city's provisional ballots. Thus, the election of Elliott, Felix and Zuniga appear to be mathematical certainties at this point.

"It is a time of new be-

ginnings for the City of Upland," Elliott told the *Sentinel*. "Upland residents want us to openly communicate, to listen carefully, and to work together professionally and respectfully. I am confident we will rise to this challenge as we begin this new chapter in Upland's history. I want to thank my supporters for your faith in me and for your vigilant efforts to share our messages. I am honored by your trust and will continue to work hard to maintain that trust. I want to thank my opponents who have caused me to reflect on my weaknesses and make needed changes in my attitude and behavior. I hope that now we can work together for our common good."

Elliott said, "Starting now, we have the opportunity to all work together for Upland's betterment, to focus on restoring the trust in Upland's leadership. All of us want the same thing: for Upland to thrive. Now is the time to come together, create a new vision for Upland and work towards realizing our potential. I hope from now on, we can choose kindness and co-operation. We can improve our communications and our decision-making. If we put aside our past differences, overlook shortcomings, and seek common ground when addressing our concerns, we can unify our voices and work more productively. Upland's first district election has created many opportunities. With your help, it is a new chapter in Upland, pregnant with possibilities."

Felix said, "It was a good race. It was a tough race. All three of us worked really hard. I am very humbled at the support that was given to me."

He was not pointed in his criticism of Filippi, but said, "I felt it was time for a change. I have nothing against him. I commend him for his work. I respect him for his work on the council."

Felix said the current city council members had been too distant

from the city's residents and too insensitive to the needs of their constituents. "Irmalinda [Osuna] really opened my eyes," he said. "I was impressed by her message and I agree that we need to involve the community more."

Felix said he did not want to function in lock-step with the rest of the council, as Filippi, Stone, Timm and Robinson had insisted on doing.

"I am going to try to be as independent as possible," he said. "I will be out there, going into the community and I will be here at City Hall, talking to residents."

The clean sweep of three fifths of the council as it is currently composed is not a setback, Felix insisted. "I feel good about it," he said, remarking that the addition of Zuniga and the vote of confidence given to Elliott strengthens rather than weakens the city. "I think we will be able to work well together, but as always, I am independent from anyone and from social media or groups of that sort," he said. "I am always willing to hear everybody. It shouldn't matter if they hate me or love me. If they are residents, my goal is to listen to them and do what I feel is best for the community, for our city. My focus is on District 3 and I really want to make us a better district, but having said that, I'm a representative for everyone in Upland."

Zuniga said, "I am so honored by the election outcome and I am very hopeful that the results will become official and I will be declared councilmen-elect in District 4. I am ready and beyond eager to roll my sleeves up and get to work for everyone in my district, as well as for everyone in all four districts in the City of Upland. I believe that even if my 106 vote lead over Carol Timm as of Tuesday, November 6 is reduced by the provisional ballots still being tallied, that I have done incredibly well in this race and my family has so much to be thankful for. I am so incredibly grateful to the voters in

District 4 and so very humbled by their trust in me, to truly represent them."

Continuing, Zuniga said, "I simply could not be more proud to live in a city where the residents united in every district and voted for a major course correction for our entire city, in what now seems like a citywide revolution. I would like to thank everyone that took a chance on me, who voted for me, who believed in me, who helped me and volunteered for me, as none of this would have ever been possible without so many unwavering Upland residents. Please know if victorious and successfully elected in District 4, after every vote is counted, I will work my heart out for our community. I will try to win over all 78,000 residents living in Upland in the next four years, by dedication, determination and public accountability. I will serve with integrity, honesty, transparency and with reverent respect for every resident in the City of Upland."

Paul Trawnik is the co-owner of Steel Details, a business located on 9th Street in downtown Upland that designs bridges and other steel structures. His wife, Linda Nani Trawnik, was Filippi's campaign manager.

At the November 12 Upland City Council meeting, Paul Trawnik in remarks made during the public comment period of the meeting sized up what the election meant for him and other members of the Upland establishment.

Of the election of Elliott, Felix and Zuniga, Trawnik said, "Only time will tell if they are the right choice for Upland."

Trawnik said the candidates favored by the establishment had gotten a raw deal on November 6.

"I do want to set the record straight on what I perceive to be a real injustice that was done in the last few weeks of the campaign," Trawnik said. "I specifically want to focus on a mail and

internet campaign that was waged to attack the character and credibility of sitting Councilman Gino Filippi. I hold in my hand one of seven different attack mailers that were sent out in the final weeks of the campaign that were paid for by a group calling themselves Business Leaders For Ethical Government. Although the name would imply a group of civic minded businesses, this is in fact the PAC [political action committee] name used by Jeff Burum and Jim Previti, who are the main competitors of the Lewis Development Group."

Burum and Previti are developers. The Lewis Group of Companies is the corporate successor to Lewis Homes, a highly successful residential real estate development company created by Ralph Lewis in the 1950s, which prospered and grew under his guidance and that of his wife, Goldy in the 1960s, 1970s and 1980s. In time, they handed off control of the company to their four sons, Richard, Randall, Robert and Roger. Since then, the company grew from handling single family residential subdivisions exclusively to incorporating multifamily elements into their development schemes and then retail components into the master planning. In recent years, the company, which has expanded into areas in California far beyond the Inland Empire and across the California border into Nevada, has ceased to function as a homebuilder, instead concentrating on getting entitlements to build large scale master planned and specific planned communities that are then spun off to contractors to complete. Lewis Homes is certainly within the top three or four, and arguably the single most, successful corporation based in Upland.

"Jeff Burum was one of the ones indicted in connection with the Colonies in North Upland along with some government officials

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San Bernardino County Coroner Reports

Coroner's Case #7701806903 On Friday, 11/09/2018, at 2:50 pm, San Bernardino Police Department responded to the intersection of Sterling Avenue and Marshall Boulevard, in San Bernardino, regarding a solo-motorcycle traffic collision. Upon arrival, they found David Higgins, a 66 year-old resident of Highland, with injuries. He was transported to local hospital where he was pronounced dead at 6:13 pm. The San Bernardino Police Department is investigating the collision. [11102018 0600 SC]

Coroner's Case #7701807686 On Thursday, 11/08/2018, at 5:33PM, Guillermo Manzo, a 75-year-old resident of Ontario, was crossing Mountain Avenue at Flora Street in Ontario when he was struck by a vehicle. He was pronounced deceased at the scene. Ontario Police Department is investigating. [11092018 0515 SC]

Coroner's Case #701807679 On Thursday, 11/08/2018, at 11:17 AM, emergency personnel were sent to the truck runaway ramp adjacent to the Interstate 15, in the unincorporated area of Phelan, in response to the report of an overturned tractor and trailer. Upon arrival, San Bernardino County Fire Department personnel found the driver of the vehicle, Gabriel Edwardo Torres, a 40-year-old a resident of Hesperia, seated in the cab of the overturned vehicle. Torres was declared dead at 11:39 AM. The California Highway Patrol is investigating the incident. [11092018 0510 SC]

Coroner's Case #7701807647 On Tuesday, 11/06/2018, a 911 call was received at 8:42 PM by Rialto Police dispatch, regarding an unresponsive male lying on E. Baseline Road, just west of N. Sycamore Ave. in Rialto. Paramedics and Officers responded and found Jose Estrada, a 55-year-old male resident of Rialto lying in the road. He was pronounced dead at 8:56 PM by Paramedics. Rialto Police Department is investigating the circumstances surrounding the death. [11072018 0600 JK]

Coroner's Case #7701807622 On Monday, 11/05/2018, at 9:20 PM 911 calls were received reporting a collision on Boulder Ave, just south of Greenspot Rd, in the city of Highland. Deputies and Paramedics responded and found the operator of a motorized tricycle, 35-year-old San Bernardino resident Marcus Haynes, in the roadway. Haynes was pronounced dead at the scene by Paramedics at 9:25 PM. The collision is being investigated by the SBCSD Highland Station Major Accident Investigation Team (MAIT) [11062018 0500 JK]

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Upland's New Political Order from page 7

prior to Gino Filippi taking office," said Trawnica. "In fact this type of corruption is exactly what Councilman Filippi ran against eight years ago to try to clean up Upland politics. According to

documents filed, Burum and Previti put together a \$100,000 PAC to run a smear campaign in order to discredit Gino and the sitting council and get them removed from office, in my view, not because of their corruption but because they couldn't be corrupted. These ads accused Coun-

cilman Filippi of making backroom deals with the Lewis Brothers. In reality, anyone can check through the state finance laws what contributions the candidate receives. If you do, you will find no recorded contributions from the Lewis Companies to the Filippi Campaign, whereas Bu-

rum and Previti set up a \$100,000 fund to send out repeated attack mailers to all of the voters in Councilman Filippi's district at a cost of thousands of dollars in order to help assure his defeat and help his opponent. I think it should be obvious where the real corruption lies."

Continuing, Trawnica said, "As for me, I think Upland should be grateful for councilman Filippi's time in office, along with Carol Timm and Sid Robinson. They together brought the city back from the verge of insolvency and were successful in bringing many high quality businesses

to Upland to help them grow and prosper. In short, I believe the outgoing council should be proud of the things they have accomplished and leave with the knowledge that their ethics and hard work have served to make Upland a better city."

-Mark Gutglueck

County & Social Workers Reducing Case Loads To Ensure Focus On Children's Wellbeing from page 7

number of case-carrying social service practitioners within the Children and Family Services Department, reducing the average level of cases and referrals assigned to the Children and Family Services social service practitioners, and assigning caseloads more equitably so that social service practitioners will not have significantly higher caseloads than other workers on the same type of assignment performing similar tasks. The memorandum of understanding also included a provision that between six months and one year following board approval of the memorandum of understanding, Service Employees International Union Local 721 had the option to request to re-open the restructure and range adjustments article to meet and confer with management on the caseloads

and workloads of social service practitioners assigned to the Children and Family Services Department."

McBride's report continued, "Following board approval of the memorandum of understanding, representatives of the county and representatives of Service Employees International Union Local 721 regularly met as part of the Children and Family Services Department Labor Management Committee to discuss and address caseload issues. Further, Service Employees International Union Local 721 also timely exercised its option to re-open the memorandum of understanding. The parties have continued to meet and confer with the following goals in mind: establishing a safe reduction in the number of children entering out-of-home care; increasing timely permanency (including family reunification, legal guardianship and adoption) for children in out-of-home care; reducing children re-entering out-of-home

care; reducing maltreatment of children in out-of-home care; increasing placement stability for children in out-of-home care; increasing foster children placed with siblings; and increasing foster children placed in relative and non-relative extended family member care."

According to McBride, "On September 28, 2018, the parties reached a proposed side letter agreement that will aid in realizing the above mentioned goals. For example, the proposed side letter agreement will establish caseload management controls in an effort to equitably distribute caseloads. A quarterly caseload analysis will be used as a mechanism by which caseload inequities are identified, analyzed, and plans for reallocation of staff and/or cases are developed for implementation. In pursuit of this, staff and/or cases may be reassigned within and between offices and regions to achieve an equitable balance provided, however, there shall be

no disruption of the services plan for the child. Further, the parties also agreed that management shall ensure that there is a system in place for monitoring each social service practitioner's individual caseload and for assigning new cases to assure equitable distribution of cases in pursuit of caseload goals. It is the social service practitioner's responsibility to diligently perform case practice and case management activities in an efficient manner and to work productively with the supervisor to identify and implement solutions to any case practice and case management issues inhibiting the safe transfer or closure of cases. In situations when caseloads exceed the caseload goals, the parties have developed a process by which to resolve the caseload distribution."

The board approved the side letter agreement, whereupon it was deemed effective immediately and established what McBride said are "attainable caseload goals." He said it is the

county's goal to "implement collaborative methods to regularly monitor the equitable distribution of cases, and ultimately assist in reducing caseloads. Caseload reduction allows social workers to spend the time necessary to engage and support children and families in a manner consistent with the County Vision."

The County Vision is county's declared standard of operating to intensify the efficiency and reach of county government and enhance the quality of life of the

county's residents.

McBride said the terms contained in the side letter agreement are "in direct support of the Children and Family Services Department's mission. Caseload reduction allows for high quality assessments and interventions that protect children, safely reduce the number of children entering foster care, improve permanency and well-being for children already in foster care, and reduce maltreatment of children in foster care."

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Postmus Was The "Big Fish," Prosecutor Says

from page 16

wanted to say something, that there were conversations where Mr. Burum said the support would be coming 'if and when we got the settlement accomplished before I left the board.'" Moreover, Judge Smith said, outside the confines of the coercive atmosphere of the district attorney investigators' interrogative techniques, when Postmus was being interviewed by the FBI, "when that very same line of questioning was put to him by the FBI, he told them 'No, they didn't coerce me. No, they didn't put words in my mouth. No, my memory was not impaired.'"

Judge Smith said, "It is ironic that Ms. Keller was doing what she accused the district attorney's office investigators of doing, providing a narrative to Mr. Postmus, and Mr. Postmus adopted that narrative. I can see no way to reconcile that as being a mistake, a slip. It simply is not believable and not reasonable, in the court's view, that [Postmus truly believed] his statement on cross examination he was so impaired that the DA's investigators were giving him a narrative and he was so vulnerable and so suggestible that he simply adopted it." Thus, Judge Smith said, "The court makes a finding that Mr. Postmus made an intentional decision to retract his earlier statement that Mr. Burum had offered future political support and future support in business if Mr. Postmus was successful in getting the settlement accomplished before he left the board. The explanation that he had an epiphany and moment of clarity where he realized his prior statements grew out of his lack of memory and drug impairment is not true and is simply not believable or reasonable. The court finds that testimony was intentionally false."

Smith said the sug-

gestion that Postmus was at the mercy of the investigators and dominated by them is belied by multiple examples of Postmus contradicting their statement and suggestions throughout their interrogations of him.

On Wednesday, Smith denied Postmus motion to withdraw his 2011 guilty plea.

The proceedings late Wednesday and on Thursday then moved on to the consideration of Postmus' sentence. Lawrence brought in character witnesses – Postmus' former lawyer Steve Levine, and his longtime political associate and current Hesperia City Councilman Paul Russ. Both of those witnesses, however, may have wreaked more damage to Postmus than they rendered him assistance.

Levine softened no soap with Judge Smith when he offered his view that the entire Colonies criminal case, including the prosecutions of Postmus, Erwin, Kirk, Biane and Burum, had proven out as "much ado about nothing." From the tenor of Judge Smith's analysis of the interaction between Erwin and Postmus and between Burum and Postmus, not to mention that Judge Smith had devoted more than eight months of his life and professional career to overseeing a court trial pertaining to the case, it was clear Judge Smith considered the matter to be a weighty one.

Russ told of how he had waged several tough medical battles throughout his life, including getting a kidney transplant as a young man; then in 2004 contracting lymphatic cancer which through treatment went into remission; then learning last year that he had liver cancer and that his kidney was failing before sojourning to New Orleans to undergo a dual liver and kidney transplant. Postmus, whom Russ had met in 1994 when both were involved in supporting Republican candidates, had been caring and supportive throughout both of his bouts with cancer, Russ said. During his

latest health challenge, Russ testified that Postmus offered him encouragement and called him daily while he was in New Orleans.

Russ, nevertheless, may have inadvertently added even further to Postmus' credibility problem with Judge Smith regarding his claimed "moment of clarity" on the witness stand under cross examination by Keller. Russ indicated that prior to testifying in the court case, Postmus had indicated to him he was already highly conscious of the contradiction between the district attorney's office's narrative of events and the defense's contentions about what Postmus had testified to before the grand jury. "He talked to me about how he was in a dilemma, between a rock and a hard spot," Russ said. "He said if he told the truth, he would be in trouble with the prosecution but if he kept with his testimony, he'd be able to go home free."

Lawrence also put Postmus on the witness stand once again, giving him an opportunity to relate how he has overcome the grip that methamphetamine once had on him, and has been off drugs entirely and consistently for more than six years. He has also become, through a sober living network, a sponsor to four other men who are struggling to put their abuse of drugs behind them, Postmus testified.

Postmus' presence on the witness stand, however, gave Mandel another opportunity to aggressively question him.

Mandel asked him if he believed his use of drugs is what caused him to violate the public trust as both a supervisor and county assessor. Postmus said he believed that if he had not been under the influence of drugs, things would have gone differently.

"Did you take a bribe from Mr. Burum?" she asked

"No, ma'am," he responded.

"Did you steal from the people of the coun-

ty?"

He acknowledged that he had used his county issued credit card when he was assessor to purchase gasoline when he was on a trip to Colorado.

In her summation, Mandel told Judge Smith "The people recommend a sentence of no less than five years."

She noted that Postmus had been charged with conspiring with Erwin, Biane, Kirk and Burum in the Colonies case and that it "appeared he was rendering a benefit to his co-conspirators by his false testimony." Postmus had subjected the county's lawyers who were representing it during the litigation with the Colonies partners to abuse and retaliation and had done likewise to those county employees who had come forward to expose the misuse in the assessor's office when he headed it. "He threatened to destroy their careers if they attempted to expose corruption," Mandel said. "He was as an aggressive and obnoxious bully who destroyed those who tried to protect the taxpayers from his illegal activity. He took advantage of his position of trust and confidence. He claimed he was a pawn in the game of the prosecution who was bullied by investigators and that he was only prosecuted to get bigger fish. That was a side show. The narrative that the investigators were only interested in big fish has enabled the defendant to continue to rationalize his conduct."

Mandel then turned from addressing Judge Smith and walked to just behind Postmus, addressing him directly. Gesturing at him, she fairly thundered, "You are the big fish. You had a high duty and you used it to wreak havoc on the citizens of this county."

Mandel then referenced that element of Postmus' admission that he had been victimized by Erwin who had extorted him into supporting the Colonies lawsuit settlement. Those such as Burum and others corrupting county of-

ficials would not be enabled to compromise government if it were not for corruptible and self-serving public officials such as Postmus, she indicated. "They can't buy an official act if it isn't for sale," she said.

Postmus, she said, is not truly remorseful. "He took no responsibility," she said. "He continues to try to claim he did not take a bribe. He only takes responsibility for the first time he took drugs. He says, 'I didn't do it, but if I did, the drugs made me do it. His unwillingness to accept this is based on his belief that all of this wasn't illegal. He was so deeply immersed in a culture of corruption he had no view of what is right and wrong.'"

Mandel said it was undeniable that Postmus had engaged in a quid pro quo and she scathingly referenced Lawrence's rhetorical question, "What's the big deal? Everyone knew he was running the PAC [political action committee]." The big deal, Mandel said, is that "He was a public official who is supposed to be transparent about his public activities. This PAC was done solely to conceal the source of the funds. He gave away millions of dollars for personal gain."

Judge Smith said that he had taken into careful consideration all of the factors in mitigation and aggravation with regard to Postmus' activity.

"If only the charges Mr. Postmus were facing on sentencing were those of bribery related to the Colonies settlement, I think I would be hard-pressed to sentence Mr. Postmus to prison because a prison sentence would not be appropriate for those offenses since the court has to make acknowledgment of the fact that two separate juries rejected the premise that the settlement was the result of bribery," Judge Smith said. "The retraction of Mr. Postmus' earlier statement was not the sole reason for the verdict or perhaps even the largest factor, but it was a significant factor

in those verdicts. If that were the only count it would be difficult and unfair for this court to have Mr. Postmus take the fall for everyone and go to prison. I would be reluctant to do that. That would not be fair."

Judge Smith continued, "Unfortunately for Mr. Postmus, those are not the only charges he is facing." Smith offered the view that the assessor's case represented a "seriousness of circumstance and crime. Mr. Postmus was an elected official. He is a fiduciary of public funds. Public funds are not some vague entity. These are citizens' tax dollars. As an elected official and department head he had a fiduciary duty to protect those public funds so they are not only not wasted but not utilized for improper purposes. He violated that public trust and he violated his fiduciary duty with regard to public funds. As discussed here in these proceedings, the allegations with regard to Mr. Postmus' conduct within the assessor's case is significantly greater than the allegations that involved people such as Mr. Gutierrez, and you have to look at the circumstances surrounding that. When he became assessor, he wasn't someone off the streets who had no political contacts. He came into office having been chairman of the board of supervisors. He had significant contacts. He used that political influence to create positions that were funded by tax dollars. If those positions were needed in the assessor's office and were filled by people doing the job and making the office more efficient, then he was doing his job. On the other hand, if those new positions were created to appoint friends and cronies and do favors for people associated with the board of supervisors who had previously made offers of support to him and he received that support, that casts those positions in a different light. Mr. Gutierrez was appointed

Continued on Page 20

Grace Bernal's **California Style**

Gobble Trends

We're starting to feel the season of autumn, which is different in California. The colors



of clothes say a lot for the upcoming deep fall celebration of Thanksgiving. It's cool and hot down here but the color of dresses, sweaters, tops, and accessories are speaking floral patterns and the trends

are all coming together, from blazers to coats to sweaters to jackets. Fanny packs are perfect for holiday shopping. But, if you're like me and thinking of food on Thanksgiving, the idea is roomy wear to take



on the mashed potatoes and then some. With that said, it's about keeping it simple with a pair of leggings and a cute oversize sweater. But keep the sweater, coat, and fanny pack handy in case you decide on that after tur-



key shopping. Enjoy your week preparing for gobble gobble!



how you present yourself to the world, especially today, when human contacts are so quick. Fashion is instant language."
-Miuccia Prada



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

Postmus Going To Prison from page 19

as a favor to Mr. Burum. Mr. Gutierrez received money for his work and while there he didn't do any work for the assessor's office. He used that position to conduct politics and as an additional source of income. A jury found those allegations true and found Mr. Gutierrez guilty. The trial judge determined that Mr. Gutierrez had no other criminal record. But the circumstances of taking that position and taking those public funds and not doing the public's work was so egregious that the trial judge imposed a sentence of 2 years and 8 months in state prison. That caused some concern for Mr. Postmus. Mr. Postmus was responsible for appointing Mr. Gutierrez. Mr. Gutierrez's was not the only position within the assessor's office sub-

ject to those same allegations. There was Mr. [Greg] Eyler, who had a relationship with Mr. Postmus. The allegation was that Mr. Eyler received a public position and was paid for being in that public position with taxpayer money but was doing little work. These were not isolated incidents. Mr. Postmus was hiring political cronies and expending public funds and there was no commensurate work done in the assessor's office for those public funds."

Judge Smith said he took into account Lawrence's assertion that what Postmus had become involved in was "due to unusual circumstances" that are now "unlikely to occur, as the unusual circumstance was the threat from Mr. Erwin in the Colonies case, and Mr. Postmus is no longer in office. Certainly it is true that he is no longer in office means those circum-

stances cannot reoccur. But it doesn't change the fact that it was an intentional decision by Mr. Postmus and it was an ongoing decision. An additional fact for the court to consider is whether there was sophisticated criminal planning. With regard to the assessor's office, I think there was some sophistication in the planning. That scheme was developed first requiring the creation of new positions, getting the board of supervisors to fund those positions and then filling those positions with friends, political cronies or as favors to others. There was sophistication and it was on an ongoing basis."

For the several reasons he enumerated, Judge Smith said, a sentence of probation would not be appropriate.

With regard to the Colonies case, Smith sentenced Postmus to two years in prison for conflict of interest and

three years for conspiracy to commit bribery, as well as for three years for misappropriation of funds. In meting out punishment for Postmus' involvement in the assessor's case, Smith sentenced Postmus to three years in prison for misappropriation of public funds and another three years for perjury. The two year sentence for conflict of interest was inapplicable, since it rose out of the same set of acts involved in one of the other acts for which he was convicted and sentenced. Smith called for all of the three-year sentences he handed down to be served concurrently, so that Postmus' actual sentence does not equal 12 years but three years. With good behavior, he will be eligible for release at the halfway point of his three year term, or in 18 months. Smith further credited him with two days served and one day of good behavior, which

will shorten his upcoming time in incarceration by three days.

Smith reduced all of Postmus' drug charges to misdemeanors, and then dismissed them in total, pursuant to Proposition 47, the 2014 law that reduced many nonviolent drug and property felony offenses to misdemeanors, making drug law offenders candidates for probation.

Upon Lawrence's request, Smith granted

Postmus a short stay to put his affairs in order, requiring that Postmus present himself for incarceration in Smith's courtroom S-21 on the sixth floor of the San Bernardino Justice Center at 8:30 a.m. November. 30.

Lawrence gave indication he will file an appeal of Smith's ruling on both the denial of the plea withdrawal and the sentence.

-Mark Gutglueck

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