

Redlands Cultural Battle On As Measure G Angles To Undo Growth Controls

By Mark Gutglueck

In Redlands over the better part of the last half century, preservationists through repeated successful efforts at the ballot box have wrested from the city council ultimate land use authority on specific issues and vested that control in the city's population at large as a hedge against overdevelopment. Now, however, a major existential and cultural battle

is ongoing as the forces of controlled growth are being challenged by both the city council and their building industry sponsors with an initiative which will, if passed, undo those previous voter-approved restrictions against aggressive residential development in the city of 72,000.

Redlands was incorporated in 1888, the third San Bernardino County community to become a

municipality. A group of wealthy investors from Chicago who became known as the Chicago Colony founded what would become the city on land that was previously sparsely developed for agricultural use, and the city attracted affluent Easterners wanting winter homes in the region. Redlands became what was arguably the grandest residential/agricultural/resort venue

in Southern California at that time, and through subsequent generations its residents built on and enhanced that status. By the late 20th Century, a core of sophisticated and energetic city residents were acutely conscious of the city's rich heritage and assets, and so worked together to codify protections against the urbanization that was consuming most of the surrounding commu-

nities.

Proposition R in 1978, Measure N in 1987 and Measure U in 1997, all of which were intended to reduce growth to manageable levels, were sponsored by those community activists and passed by the voters.

Measure R put a limit on the annual growth rate, followed by further refinements and restrictions put in place under the auspices **See P 5**

Joining With Jury, Judge Sentences Merritt To Death In McStay Family Murders

On Tuesday, January 21, more than a year after his trial in the 2010 murders of the McStay family began, Charles, "Chase" Merritt following a series of interminable delays was handed a death sentence, which included being consigned to life without the possibility of parole for the killing of his business partner and three

sentences of death for the murders of his business partner's wife and two children.

Before pronouncing sentence, Judge Michael A. Smith first denied a motion by Merritt's attorney, filed that morning, calling for the judge to remove himself from the case based on what was alleged to have been his bias in the case.

Merritt's sentencing was originally scheduled four days previously, for the morning of January 17, Friday of last week. But his attorney, Raj Maline, had filed a motion for a new trial based on prosecutorial misconduct in the weeks prior to that hearing and on Friday morning had augmented that filing with another, one

that sought a new trial based on ineffectiveness of counsel by Maline's one-time law partner, James McGee, who had represented Merritt in conjunction with Maline and McGee's associate, Jacob Guerard, during the nearly six-month long trial that was staged before the jury from January until June of 2019.

On June 10, 2019, the

jury had returned guilty verdicts in the killing of Joseph McStay, his wife Summer McStay and the couple's two sons, four-year-old Gianni and three-year-old Joseph, Jr. On June 24, 2019 the jury recommended sentences of life without the possibility of parole for the killing of Joseph McStay and the death penalty in the killing **See P 2**

Allgower Back In Catbird Seat As Planning Commission Chair

J.R. Allgower is back as the chairman of the Yucaipa Planning Commission.

Allgower, a landowner, real estate broker, builder and developer, was originally appointed to the planning commission in 2013. He acceded to the chairmanship of the commission, but resigned from the panel in February 2017. He was replaced by Jack Masters but was subsequently

reappointed to the commission by Councilman Bobby Duncan, reassuming a position on the commission in January 2019.

At the January 21, 2020 planning commission meeting, his fellow commissioners settled on appointing Allgower to serve as chairman a second time. He was selected to replace Bart Brizzee as chairman.

Allgower did **See P 7**

In Second Effort To Use Measure M Loophole & Get Council To Up Density, Borstein Fails

For the second time in slightly over two years, the Chino City Council this week by a narrow margin shut the door on Borstein Enterprises in its effort to wring from the city density concessions in its proposal to develop what had formerly been agricultural property just outside the city limits in the remaining swath of unincorporated land between Chino and Montclair within

Chino's sphere of influence.

Borstein had sought previously and once more requested permission to residentially develop the property, which at one time was a poultry and rabbit farm, at a higher density than is permitted in Chino's general plan.

More than 25 months ago, Borstein had asked the Chino Planning Commission to consider

its proposal to build 43 single-story, ranch-style homes and a neighborhood park on 13.46 acres lying within a pocket of unincorporated San Bernardino County adjacent to the City of Chino at the corner of Francis and Yorba avenues. The property is within Chino's sphere of influence, and the county had deferred land use authority to the city with regard to it. Under Bor- **See P 7**

California Supreme Court Suspends Rowe's Removal As Her Appeal Proceeds

The California Supreme Court has responded positively to a petition the San Bernardino County Office of County Counsel filed on January 17, asking that Third District Supervisor Dawn Rowe be allowed to remain in office while the Fourth District Court of Appeals makes a determination about the soundness of a San Bernardino Superior



Dawn Rowe

Court Judge's order that her current tenure in office be annulled.

Rowe is now involved in an election campaign to remain in the Third District supervisorial position to which she was appointed in December 2018, and from which she oversees that portion of the county encompassing Barstow, Johnson Valley, Twentynine Palms, Joshua Tree, Morongo Valley, Yucca Valley, Yucaipa, Big Bear and its sur-

rounding eastern San Bernardino Mountains communities, Mentone, Oak Glen, Redlands, Loma Linda, Highland, east San Bernardino and Grand Terrace. She is the odds-on favorite to win that race in which she is competing against Kaisar Ahmed, Karen Ickes, Latron Lester and Eddie Tejada. Available campaign finance documentation shows Rowe

enjoys a sizable fundraising advantage over all of her opponents, with more than 33 times as much money to spend on her campaign than all of the others combined. As of earlier this month, she had \$190,492.69 in her electioneering fund. As of last week, Ickes had \$1,000 at her disposal for her supervisorial run. Ahmed's campaign filings **See P 7**

Hospital At Last Resigned To Resident Vote On Sale Of Parkland

Pursuant to direction yet to be given by San Antonio Regional Hospital's board of directors, the corporate leadership of the medical facility will likely follow through on the effort begun in 2018 to appropriate 12 percent of Upland's Memorial Park that is adjacent to its campus for use as a parking lot to accommodate its burgeoning parking burden. That takeover has lain dormant for nearly 22 months, while legal and political sparring took place which resulted in no fewer than six of Upland's institutional leaders being shown the door or leaving of their own accord because of the controversy the yet-to-be-consummated parkland sale generated, not to mention city residents' removal of the three of the city's four council members who supported the sale who were up for voter approval in the last election cycle.

This time around, it appears that the hospital will seek to form a community consensus at the ballot box to effectuate the purchase, which those who opposed the sale have advocated be done all along.

On one level, San Antonio Hospital finds itself in this position not because of failure but rather success.

In 2011 Harris Koenig was named San Antonio Community Hospital's CEO and president. Immediately thereupon, Koenig and the hospital's board of directors embarked on transforming the institution from a community hospital into a regional institution. Using financing that consisted in large **See P 3**

Judge Dismisses Motion He Get Off Case Because Of Defense Objection Over His Interaction With Victims' Family Members

from front page

of the Summer, Gianni and Joseph, Jr.

Thus the near capacity crowd that had assembled on January 17 in Department 1, the largest courtroom at the 11-story San Bernardino Justice Center, had to wait patiently throughout the earliest part of the morning while Judge Smith read the 91-page brief that accompanied Maline's latest motion, and then sit patiently while Maline presented an oral argument in favor of the motion for a new trial based on prosecutorial misconduct that extended itself into the noon hour. After an abbreviated lunch break, the courtroom spectators returned, at 1 p.m., upon which they learned as the proceedings picked up once more that Merritt wanted to fire Maline on the spot. There ensued what could only have been a very intense exchange between Maline, Merritt and Judge Smith in the latter's chambers. After this further delay, all three returned to the courtroom and Judge Smith denied Merritt's motion, whereupon Maline reassumed the attitude of a defense attorney dedicated to his client, putting his former law partner, Jim McGee, with whom he had represented Merritt during the marathon five-month-and-three-week-long trial proceedings last year, on the witness stand and subjecting him to a round of questioning that was angled toward suggesting that McGee had been remiss in failing to fully explore the degree to which the prosecution and one of its witnesses, FBI agent Kevin Boles, had misrepresented the technical precision of cell phone data relating the cell phone Merritt was using in 2010. The prosecution alleged, and Boles testified, information

gleaned from Merritt's cell phone activity suggested that Merritt was at the McStay home in Fallbrook on the night of February 4, 2010, when the victims disappeared and when the prosecution maintains they were murdered. Merritt's cell phone data was further used to place him on December 6, 2010 in an area of the High Desert proximate to where the bodies of the family were later discovered to have been crudely interred in two shallow graves near a wash not far from a rarely used dirt road used for utility line maintenance.

Following that testimony, Judge Smith ruled on both of the motions for a new trial, dismissing them. By that point, the hour had reached five of the clock, an almost unheard-of extension of the business day at the courthouse, particularly on Friday. With many of the McStays' extended-family members in the court clamoring for the judge to continue the hearing into the evening and render sentence that night, Judge Smith said he was constrained from imposing on court staff to remain that long after hours, but he did consent to allowing Joseph McStay's adoptive stepfather, Patrick McStay, the opportunity to make his victim witness statement before he was scheduled to take a return flight to Texas the following day.

What remained as a substantial crowd involving both McStay and Merritt family members, sheriff's department officers involved in the investigation of the McStay family deaths and a sizable media contingent was again the courtroom Tuesday morning following the Martin Luther King Holiday extended weekend. With the crowd anticipating that the hearing would very rapidly move to the crux of the hearing, they were again met with the delay Maline's motion to disqualify Judge Smith entailed, which again required that he repair to his chambers to read the entirety of the motion and analyze it from both a factual and legal standpoint. That done,

Smith returned to the bench, where he took up Maline's motion to disqualify the court and prevent it from ruling on the remaining issues.

"The only issue that the court can rule on at this point with regard to the motion to disqualify the court is whether or not the motion is timely filed," Smith said. "Under CCP [Code of Civil Procedure] Section 170.3 C1 the court does have the authority to strike such a motion if it is not timely filed. If it is timely filed, then the procedure is that the court will file a written statement in opposition or denying the allegation within five days. That then goes to the judicial council, who would then appoint another judge to rule on the motion. So, that would obviously take some time. The only other thing, the only issue this court can rule on now is whether or not the motion to recuse or disqualify this court from the remaining motions is timely filed. In that regard, the section 170.3 C1 and California Supreme Court case of *People vs. Scott* state that the motion to disqualify a judge must be filed at the earliest practical opportunity once the grounds for the motion are discovered or known by counsel. Here the primary allegation alleged to disqualify the court are the fact that the court allowed counsel to meet with the jurors in the jury room after the jurors had returned the final verdict in the penalty phase and the court was also present for that, and then when the bailiff notified the court that the McStay family wished to come in and thank the jurors the court allowed the McStay family to come in and thank the jurors. Mr. Maline complained about the atmosphere that existed during the time that jurors and the McStay family and the court were present. So, the question is whether the motion at this point is timely. Clearly, it is not timely. That occurred seven months ago. All of that was known to the defense literally from the time it occurred. Although Mr. McGee

and Mr. Maline were not present, defense investigators, Alexandra Hailey, and Mr. McGee's second counsel was also present so they were certainly apprised of whatever occurred at that point in time. Since then, as I said, seven months have transpired, and during that seven-month period Mr. Maline requested additional time to file motions for a new trial. At least one of the motions for a continuance was granted. Subsequent motions were denied. Mr. Maline then filed motions for a new trial. We spent an entire day discussing and ultimately ruling on some of those motions. Then, apparently, Mr. Maline alleges he was unhappy with how the court ruled on the motions and the manner in which the court ruled on the motions. He alleges that as an additional grounds for disqualifying the court. Obviously, counsel's disagreement with the court's ruling on the motions and the manner in which the court ruled on the motions is not a ground to disqualify the court. So, those allegations can be stricken as not constituting grounds for disqualification. The fact that seven months had elapsed from the time that the primary allegations counsel now alleges as disqualification had elapsed and that counsel in the interim had requested continuances, actually filed motions for a new trial and participated in a day-long hearing on motions for a new trial clearly indicate that counsel did not file the motion to disqualify the court at the earliest practical opportunity once counsel was aware of those events. So, the court based upon that strikes the motion to disqualify on the grounds that it is not timely. Suffice it to say that if we were to reach the merits of the issue, the court would file a written statement denying the nature of the allegations and explaining in the court's view what did in fact and did not occur during the meeting in which the jurors, prosecution at-

The San Bernardino County

Sentinel

Published in San Bernardino County.

The Sentinel's main office is located at 10788 Civic Center Drive in Rancho Cucamonga, CA 91730

A Fortunado Publication in conjunction with

Countywide News Service

Mark Gutglueck, Publisher

Call (951) 567-1936

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torneys and the McStay family were present. The defense counsel of course was invited to be present for that. I think the record indicates the court's comments at the time were if the jurors wished to speak with the attorneys, the attorneys would be available shortly and that's when the attorneys had the opportunity to go back and talk with the jurors. Since the court is striking the motion for disqualification on the grounds of timeliness, this is not the appropriate time or manner to address the issues alleged in the motion, so the court will not do so at this time."

Smith made note that in conjunction with another of Maline's motion for a new trial based on the cumulative misconduct of the prosecution team ruing the trial, Maline had provided him with a notebook with six exhibits, including videos of certain elements of the proceedings. Judge Smith said he would not view those exhibits but consented to them being designated as exhibits and becoming part of the record to be considered by the appellate court.

Objections to those alleged instances of misconduct were not brought up in their immediate aftermath during trial. In response to Maline's assertion in his motion that the defense had not made issue of that alleged misconduct at the time of the trial because Judge Smith had denied earlier motions relating to the defense's allegations of prosecutorial misconduct and McGee and Maline thus believed

the judge would not rule in favor of the defense if it had lodged such complaints during the trial, Judge Smith said was not a justification for filing an untimely motion relating to such matters at this late of a stage.

In response to Maline's assertion that he had been insensitive to prosecutorial misconduct as evinced in his rejection, last Friday, of the defense's motion for a new trial based on prosecutorial misconduct, Judge Smith said he had reviewed the transcript of the trial notes with regard to prior defense motions relating to allegations of prosecutorial misconduct. "I am satisfied after reviewing all of those that, number one, there was no prosecutorial misconduct, number two, there was no prejudice in reviewing the totality of all of the alleged instances of misconduct, [and it] did not rise to the level of prejudice to the defendant. As I indicated during the trial and as I indicated on Friday, it is my experience that when counsel conduct themselves inappropriately, that does not aid them or their case but is to their detriment in the jury's view, and I expressed that to counsel during the course of the trial. In any event, the court finds there was no misconduct. There was no prejudice to the defendant as a result of any of the complained misconduct by counsel, and therefore the motion for a new trial on the grounds of prosecutorial misconduct and the cumulative effect of

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Sale Of Park Acreage To Hospital Has Resulted In No Fewer Than Ten Career & Political Casualties *from front page*

measure of \$125,000,000 in certificates of participation issued using the City of Upland's bonding authority, the hospital underwent six years of construction and renovations. That construction involved a series of planned expansion stages which increased the number of beds at the institution from 271 to over 400, saw the addition of the \$160 million four-story Vineyard Tower at 999 San Bernardino Road, as well as another \$30 million, 60,000-square-foot structure at 1100 San Bernardino Road, upped the number of stations in the hospital's emergency room from 34 to 52, and created and outfitted 12 more intensive care units.

In a remarkable misjudgment, neither the hospital nor the city's community development division had foreseen or taken stock of the degree to which the hospital room expansion and its accompanying increase in not only patients but visiting family members and friends would result in overwhelming the hospital's existing provisions for parking. Indeed, when the city in 2015 updated its general plan after the hospital expansion had progressed for four years, still no heed had been given to the way in which the enlarging of the hospital's footprint to that point had consumed some of the previously existing parking spaces, nor the likelihood that by the time the renovations were completed that more space for parking would be needed. Then-Upland Community Development Director Jeff Zwack had failed to ensure that arrangements for enhanced parking availability was included in the application/plans approved by the City of Upland for any of the hospital projects as re-

quired by law. Within two months of the completion of the hospital's final expansion phase in 2017, the problems were manifest. At that point, Zwack huddled with interim City Manager Marty Thouvenell, Assistant City Manager Jeannette Vagnozzi, City Attorney Jim Markman and subsequently incoming City Manager Bill Manis, who began with the city in January 2018 as Thouvenell transitioned into the status of the city's senior management consultant. Together they sought to find some way to assist the hospital. All five officials were sensitive to San Antonio Hospital's status as the city's major institution and largest employer, and they considered accommodating its needs to be paramount.

Penultimately, the five, together with Doug Story, who had been promoted to the capacity of Upland's recreation manager in the September/October 2017 timeframe, devised a plan that would in a relatively short period end their status as City of Upland employees.

Stealthily, on March 26, 2018, after having given the community a mere 72 hours notice, Manis, Thouvenell, Markman, Vagnozzi and Story presented and recommended to the city council a proposal that called for the city selling to the hospital 4.631 acres of the southwestern portion of Memorial Park, which contains a baseball field that is actively used by the city's youth sports leagues. In compliance with that recommendation, the city council with remarkably little deliberation that night voted 3-to-1 to approve a purchase and sale agreement between the hospital and the city, with San Antonio Hospital committing to paying \$906,931.55 per acre, or a total of \$4.2 million, to acquire the 4.631 acres. Mayor Debbie Stone and then-council members Gino Filippi and Carol Timm went along with making the sale. Councilwoman Janice Elliott opposed

it. Then-Councilman Sid Robinson, who normally voted in lockstep with Stone, Filippi and Timm, was not present at the meeting. In approving the sale, the city council authorized City Attorney James Markman to undertake a so-called validation proceeding intended to foreclose any procedural or future legal challenge to the sale. In its validation action filed with the court, the city invited anyone opposed to the sale to lodge a protest. A challenge to the validation had to be filed within 60 days. Once the court validated the sale, any future lawsuits contesting the sale would be barred. The calculation by those favoring the sale was that no one would go to the expense of hiring an attorney to make an answer to the validation petition. The validation procedure was directed to the courtroom of Superior Court Judge David Cohn in San Bernardino. To the chagrin of city and hospital officials, Marjorie Mikels, an attorney living in the city, as well as the Inland Oversight Committee represented by Cory Briggs, an attorney based in both Upland and San Diego, filed answers to the validation action. Those responses took issue with the sale on multiple grounds, among which was that the city selling off a slice of the park – in particular the one sold by the council on March 26, 2018, which included the long extant and actively used baseball field – is tantamount to abandoning public property. Such abandonments, under state law, cannot be effectuated without a vote of the citizens residing in the jurisdiction that owns that property. Faced with not one but two challenges to the sale he had not anticipated, City Attorney Markman sought to convince Judge Cohn that the city council, acting on its own authority, was within its rights to sell off city land. In response to the argument that a municipality's abandonment of property it owned and was putting to beneficial

public use had to be subjected to a vote, Markman asserted that selling the property did not constitute an abandonment. Ultimately, some 14 months after the sale of the park property was approved by the city council, on May 29, 2019, Judge Cohn, after hearing the responses to the city's filing, dismissed its petition for validation. Judge Cohn's ruling cleared the way for anyone with standing – meaning essentially any city resident – to file a lawsuit challenging the sale. Before 2018 had fully run, several of those who had been involved in the park sale had paid a severe price and the others were headed toward a rendezvous with destiny.

In June of that year, Zwack abruptly retired as the city's development services director. In September 2018, Manis resigned as city manager after a tenure of less than nine months, effective November 1, 2018. Councilman Sid Robinson's status in Upland had largely been based upon his involvement in the city's youth sports leagues. Suddenly, his voting record which was virtually indistinguishable from those of Mayor Stone and council members Filippi and Timm created a gulf between him and his natural constituency, given Stone's, Filippi's and Timm's support of eradicating one of the city's baseball diamonds. He announced he would not seek election that November. When that election was held, Filippi and Timm, who had become the object of a large number of voters' wrath in part due to their March 28 vote to sell off 12 percent of Memorial Park, were voted out of office, while Councilwoman Janice Elliott, who had opposed the parkland sale, emerged victorious in her effort to gain election in the city's newly created Second District, as the city held its first by-district election.

Roughly a month after the election, seeing the writing on the wall, Thouvenell resigned his position as the city's

managerial consultant. Jeannette Vagnozzi, who had been promoted to acting city manager upon the announcement of Manis's resignation and then was elevated to the position of city manager by the lame duck city council without Elliott's support in November 2018, and City Attorney Jim Markman, who had been almost as much as Zwack an architect of the parkland sale, managed to survive the close of 2018. But by May of 2019, Vagnozzi was chased out of Upland, essentially fired by the city council as city manager.

That same month, Judge Cohn's ruling had dismissed the validation action the city had filed to keep the sale of the park property from being challenged, at which point Markman found himself under siege as well. Not only was his legal expertise and judgment subject to question, it was painfully obvious that his militating on behalf of the hospital in its effort to obtain the park property for a parking lot was out of step with a sizable cross section of the most civically-active residents of the city. In October 2019, as the city council was making preparations to terminate him, Markman resigned as city attorney, and was replaced by Stephen Flower, a member of Markman's law firm, as interim city attorney.

A month before Markman's forced departure, San Antonio Hospital CEO and President Harris Koenig had been fired by the San Antonio Hospital Board of Directors. While the six-year-long expansion of the hospital that had begun shortly after Koenig had been named the president and CEO of San Antonio Hospital in June 2011 modernized, upgraded and improved the hospital, the hospital's earnings from 2016 onward had not been proportional to the investment that had been made to accomplish those improvements. A factor was the plain inconvenience both old and new patients and their families had to endure in simply finding

a place to park when seeking to use the hospital. Consequently, some individuals who have been treated at the hospital over the last several years, reluctant to have to deal with the torturous effort to find a place to park, are now going elsewhere in search of medical care.

After Judge Cohn's ruling in May 2019, those yet hoping that the city might be prevailed upon to let go of some of the park acreage so the parking structure could be built turned to Recreation Director Doug Story in a last ditch effort to formulate some way to have the city's residents hold still for a reduction in the Memorial Park acreage. Story at that point threw together an application for \$8.5 million in Proposition 68 park development/improvement grant money from the State of California. Story's request was that the city be given the \$8.5 million, the most any governmental jurisdiction could receive under the auspices of Proposition 68, to refurbish or replace Memorial Park's playground equipment, add a water splash pad, an amphitheater and an artificial turf multi-sports competition field, augment the park with walking and exercise trails, a basketball court and a garden of native plants with trees and plants hospitable toward bees, hummingbirds and the like. In this way, Story hoped, Upland's citizenry would ignore that accompanying the park enhancements would be the reduction of the 38.5 acre park by 4.631 acres.

When certain residents last fall asked him how it was that he could be so confident that the city was going to receive any grant money at all based on Upland proving the Memorial Park environs was an "economically disadvantaged" area and other competitive criteria, Story evinced impatience with the questions, brooking no suggestion that the state would turn the city's supplication for the grant down. He was

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Name Calling Dominated Case Put On Against Merritt, His Attorney Argues *from page 2*

the totality of the prosecutors' conduct is also denied."

With the motions for a new trial denied the court then took up the automatic motion to modify the sentence to life without the possibility of parole.

Maline said his arguments were made without conceding guilt as it was yet the defense's position Merritt had not committed the crimes, so there was no plea of mitigation to lessen the sentence. He did say, however, "We would still like the court to consider the insufficiency of the evidence because at the end of the day, there is no evidence linking Mr. Merritt to these brutal murders. The fact remains the February 4 circumstance of events cannot be explained with Mr. Merritt as the perpetrator in any way, shape or form. In whatever mental gymnastics one wants to undergo, it would exclude Mr. Merritt as the perpetrator."

Maline reminded the court that it was the defense's contention that Merritt was not at the McStay home in Fallbrook on the evening of February 4, 2010, but even if one accepted the prosecution's assertion that it was Merritt's truck driving away from the home at 7:47 p.m. that night, there was yet documentable proof that there had been activity

on computers inside the McStay family home involving the family in the 31 minutes after that, which oversets the prosecution's theory of Merritt's guilt as it stands. Maline said the prosecution had engaged in a "lot of name calling in the trial," particularly in seeking to prejudice the jury against his client by drawing attention to his proclivity for gambling "That dominated and had an effect on an already-receptive jury," Maline said, "who of course – who would blame them – want to give justice to the [McStay] family, who had waited so long. But if you look at the evidence, there's nothing there. Whatever the prosecution said about any given fact or any given circumstance, it was taken out of context. This led to the atmosphere in which the jury could find Mr. Merritt guilty, when you talk about greed, when you talk about all of the nonsensical things they did. How do you counteract something when they are just name-calling? You can't do it. And that's the atmosphere that permeated the trial."

Supervising Deputy District Attorney Britt Imes countered Maline.

"The one thing that is clear on the merits, the defense's position is to impugn not only the credibility of the jury now but also the court, and that is not a basis to reduce the verdict," Imes said.

Imes then sought to make an issue of Merritt not having confessed to the crimes or having

acknowledged, despite his conviction, that he was the perpetrator.

"I think the court can also take into consideration the defendant's lack of remorse," Imes said. "I think that has been abundant and apparent from the day one of this investigation, through his attitude to investigators in interviews, his statements to investigators, his statements to the family through today."

Imes called the conclusion the jury had come to "a deliberative verdict," citing in doing so that the jurors had recommended that the judge mete out life without the possibility of parole for the killing of Joseph McStay and the death penalty in the deaths of his wife and two children.

Judge Smith said, "The standard that the court is required to utilize in reviewing a verdict of death by a jury in considering the statutory motion to reduce that verdict to life imprisonment without the possibility of parole is that the court must independently examine and weigh the evidence regarding the aggravating and mitigating circumstances and then the judge must make an independent judgment as to whether or not the totality of the weight of that evidence supports the jury's verdict of death. The court does not render its own or de novo penalty decision. The court has independently examined and weighed the evidence... as it relates to the aggravating and mitigating

factors."

Judge Smith then summarized the evidence relating to factors in aggravation and in mitigation he considered most significant.

Judge Smith addressed Maline's characterization of the evidence against Merritt as "flat out false or out of context." The judge said there indeed was a conflict in the evidence presented by the prosecution and the defense. "The prosecution evidence says one thing" Judge Smith said. "The defense evidence says that evidence is wrong, it is taken out of context, it's false, here's why it's false. That creates a conflict in the evidence. The jurors had the opportunity to see the arguments on both sides to evaluate those conflicts in the evidence, and the jury resolved that conflict against the defense and in favor of the prosecution. In the court's independent judgment, after weighing all of the evidence, the court's independent judgment was and is that substantial evidence supports the jury's verdict in resolving those conflicts in the evidence. With regard to the motion to modify the verdict, the court has independently examined and weighed the evidence of aggravating and mitigating circumstances."

Judge Smith said that in considering the circumstances of the crime, "The extremely aggravated nature of the crime certainly carries significant weight."

If Merritt had killed

Joseph McStay alone, the judge said the application of penalty would not have been death. "What makes the circumstances here more aggravated is that the defendant went to the victims' home where he knew Joseph's wife and young children were and any confrontation there would result in both Summer and the children being present. The additional killing of two children is extremely aggravating. There really isn't much that can be more aggravating than the intentional murder of two children and the manner in which that was done."

Judge Smith said the extremity of the violence added to the aggravating circumstances of the crime. Moreover, Judge Smith said, Merritt inflicted tremendous suffering on the McStay family's survivors.

Merritt, Judge Smith said "knew he had a brother, knew he had a mother. He knew the loss that would be created for the family."

There was a further aggravating factor in that, Judge Smith said, the "victims were vulnerable" and they knew and trusted him and had no reason to expect violence on his part.

The judge did cite some factors in mitigation, including that he had not history of violence and that he had been, at least intermittently, a good father, and possessed a "creative streak" and "positive work ethic."

Judge Smith said Merritt's close and strong

relationship with his daughter "reflects positively on Mr. Merritt and the values she attributed to him."

Judge Smith said in a circumstantial case there is always some room for lingering doubt.

"The court will acknowledge there is a possibility of lingering doubt and that is a mitigating factor to take into consideration in determining the appropriate penalty," Judge Smith said. "The court does not consider that a strong mitigating factor or attach significant weight to it."

Judge Smith rejected Imes' assertion that Merritt's failure to admit his guilt or express contrition for the crime of which he stands convicted was a factor in aggravation.

"The prosecution argues lack of remorse is an aggravating factor," Judge Smith said. "The court does not consider lack of remorse in this case to be an aggravating factor. The defendant's position throughout the trial is he is not the person who committed the crime. So, a defendant asserting his innocence I don't think can be considered a factor in aggravation. The court does not consider lack of remorse where the defendant is steadfast in his assertion he is not the responsible party to be a circumstance in aggravation."

In sizing up the formula he was applying in his evaluation, Judge Smith said, "In order to sustain a verdict of
Continued on Page 6

Struggle Between Preservationists And Development Industry Advocates Ongoing In Redlands Over Measure G

from front page

of Measures N and U, such that no more than 400 residential dwelling units can be approved or constructed within the city annually, and the city council is not empowered to suspend, waive or rescind those provisions.

In recent years, several individuals have been elected to the city council with the heavy backing of the development industry in terms of money provided to those elected leaders for use in their election campaigns when they were candidates. In other cases, candidates who were not elected with hefty building industry support or who were appointed to the council have seen deep-pocketed developers swing behind them to support them in their political campaigns going forward. At this point, the entirety of the current city council, beholden to the development community for the lifeblood needed to sustain its individual members' political careers, are in favor not only of jettisoning the slow-growth/controlled growth provisions of Measures R, N and U, but a host of other development limitations in the city.

Over the last two years the city has formulated the so-called Redlands Transit Villages Plan, which calls for ensuring substantial ridership on the planned light rail system that is being constructed to connect San Bernardino to Redlands, a public transportation project intended to reorient commuters away from utilizing personal vehicles to rely instead on the use of trains and buses, particularly in transiting southwestward, westward and northwestward across the Inland Valley and the Los Angeles Basin to their places of employment in Orange County, Los Angeles County/

western San Bernardino County and the San Gabriel Foothill Communities. Thus, the Redlands Transit Villages Planning Area near the city's core is proposed to consist of a train station and bus stops surrounded by high density multi-story rental apartments as well as townhomes, retail/commercial uses, service shops, restaurants, and entertainment venues, what the city is referring to as a "walkable mixed use community," one that will allow its inhabitants to greatly minimize use of their own personal vehicles. The city council has seized on the imperative of seeing the Redlands Transit Villages Plan to fruition as the pretext for doing away with Measures R, N and U. Thus, the council used its authority to place on the upcoming March 3 ballot Measure G, which will absolutely undo all of the provisions of Measure R, Measure N and Measure U in the city's 782-acre central corridor and make further general sallies against Measures R, N, and U throughout the city. Specifically, Measure G would eliminate the current requirement that a four-fifths vote of the city council is needed to approve residential densities exceeding 18 dwelling units per acre. Measure G would eliminate the current requirement that a four-fifths vote of the city council is needed to approve residential buildings exceeding two stories or 35 feet in height. Measure G would eliminate the need for developers to ensure that the level of traffic flow that exists at the intersections proximate to their projects prior to the construction of their projects be maintained after the projects are completed. Measure G would eliminate the requirement that the voters of the city rather than the city council be solely authorized to establish any new land use designations in the city. Measure G would eliminate the requirement that the proponents of certain new development projects prepare a socioeconomic-cost/

benefit study before approval of those projects. Measure G would eliminate the requirement that certain residential subdivision projects be subject to competitive review for issuance of building permits. Measure G would eliminate the requirement that the developers of new projects pay 100 percent of the development impact fees that are imposed on those projects. Measure G would rescind voter-approved measures R, N and U, which prohibit more than 400 residential dwelling units being constructed within the city in any year. Recent state legislation has suspended the city's enforcement of the Measure R, N and U 400-unit limitation through the year 2025. Approval of Measure G would permanently exempt residential dwelling units constructed within Redlands' Transit Village Planning Area from the 400 dwelling unit limitation.

According to a website put together by Measure G's advocates, the initiative will "allow the Redlands Mall to be developed with boutiques, restaurants, townhomes and parking, increase attainable housing and reduce homelessness, support our neighborhood businesses, provide for sustainable economic growth by creating good-paying jobs and increased revenue, maintain and enhance small town walkability with increased access for pedestrians and bikers and ensure any downtown development respects our rich Redlands history."

According to its support group, Measure G will "prioritize our public safety, reduce homelessness, revitalize the Redlands Mall and improve our city's parks, recreation and transit."

Measure G's opponents, however, see Measure G as a ploy to destroy the barriers the current and past generation of city voters and city officials had erected against the profit-driven motives of the development community and their advocates both elected and non-elected who are

ready to compromise the city's values and quality of life to allow that profit-taking to occur. They lament the loss of mountain views the five story structures will impose on the neighbors to the south and complain that city officials are being driven by a slavish desire to please their political patrons and are kowtowing to pressure being vectored on them from the development community, including multiple members of the Redlands University Board of Trustees, who are themselves creatures of the development industry. These opponents decry the willingness of city officials to surrender land use and planning autonomy to the state and to make density and other concessions in exchange for federal dollars for participating in such affordable housing programs in which the money the city will receive does not offset the negative impacts of the increasing intensity of land use the city is on the verge of allowing to take place. They lampoon the representation that Measure G represents a fix to the city's or the region's homelessness problem as "magical thinking," pointing out that the "affordable" units Measure G and the Redlands Transit Villages Plan will give rise to will entail monthly rentals of \$1,500 at the low end in current dollars, which are in no wise "affordable" for those now living on the streets. They maintain the eventual advent of the train line will not precipitate any significant transformation in the commuting habits of the populace, in that public transportation options in the form of bus lines already exist and that the vast majority of workday commuters are spurning them. Whatever conveniences in shopping and service availability the nearby commercial venues will represent to the Redlands Transit Villages residents will not obviate their need or desire to seek out and travel to other more comprehensive and less expensive retail outlets, the oppo-

nents state, and they say it is a fallacy to claim or think that Measure G will fix the Redlands Mall. In addition, they say, the assumption that those who will move into the central core's apartments will be entirely dependent on public transportation is a fallacy, and they note that plans for the apartments appear to have no or inadequate parking facilities. Moreover, they say the deterioration of the community that will ensue from Measure G being put into place will hasten the exodus of the affluent members of the Redlands community who yet live here because of its small town, upscale and less-than-urbanized ambiance. They maintain that Measure G is a ruse by Redlands Mayor Paul Foster and the cabal of development interests that are heavily invested in his political career to eliminate the elements and standards of the Redlands community which distinguish it from the cities that surround it, so to enable land speculators and builders to proceed wholesale with the urbanization of the city.

Foster has somewhat aggressively sought to dissuade those speaking out against Measure G to desist, stating that they are obstructing the city in its effort to let go of the past and make the progress it needs to make toward the future. He spurned the *Sentinel's* offer to make a case for the passage of Measure G.

Redlands Councilwoman Toni Momberger, however, laid out a very cogent explanation of what the city council's rationale for putting Measure G on the ballot was, and her version of events in large measure rejects the cynical and pessimistic view of the Measure G naysayers.

"The impetus for this change is the general plan included a transit village concept featuring a mixed-use component, including a commercial and mid-to-high density residential element focused on connectivity, involving an intermodal transportation hub

and modeling that contained paths connecting residential, retail-commercial, entertainment, neighborhoods, etc.," Momberger said. "This is really a big deal. That was voted into the general plan. The way the city approached the general plan was to put a concerted effort into making sure everyone, every residence was contacted as to that. What this constitutes is a basic and enduring constitution for the City of Redlands, a constitution for development that was passed on December 5, 2017."

It was subsequent to the general plan's passage, Momberger said, that city officials came to the realization that "this transit village concept in the general plan is not compliant with our growth regulations. We now have a problem. We have to adhere to the general plan on [future development] but legally we cannot do that."

Hence, Momberger said, Measure G was put together to undo the restrictions that would otherwise prevent the city from proceeding with the general plan.

"The first rationale for the passage of Measure G is to make it possible to execute that vision, and we have indicated the reason we want and we have to make that policy official is for downtown development [to take place]."

Continuing, Momberger said, "Number two, there are mandates from the state to add more housing units to Redlands than we have generally allowed previously and more than we were expecting to add. We are on a tight deadline to add as many units as early as we can because if we don't we will be severely penalized. Based just on what is in effect, we are mandated to add thousands of housing units in the city limits. If we don't meet those numbers, the courts will seize our planning authority and ability to approve the development [that takes place] here and will replace our control with

Continued on Page 16

Aggravating Factors Outweighed Any Mitigating Considerations In McStay Family Killings, Judge Determines *from*

death, the aggravating factors must outweigh the mitigating factors, and the aggravating factors must be so substantial in comparison to the mitigating factors that death rather than life in prison without the possibility of parole is the appropriate sentence. The jury so found that with regard to the murder of Summer, Gianni and Joseph, Jr. that the aggravating factors did outweigh the mitigating factors, and that the aggravating factors were so substantial in comparison to the mitigating factors that death was the appropriate verdict for those three offenses. After independently examining and weighing all of the evidence of all of the aggravating and mitigating circumstances, it is the independent judgment of this court that the totality of the weight of the aggravating evidence overwhelmingly supports the jury's verdict of death."

Judge Smith reasoned "the extreme violence and savagery of the killings, particularly of two small children, far outweigh the totality of all of the mitigating evidence. For those reasons, the motion to reduce the jury's penalty verdict of death as to the murders of Summer, Gianni and Joseph, Jr. to life in prison

without the possibility of parole is denied."

The court heard victim-witness statements. While each of the six spoke, Merritt, who was seated at the defense table facing the front of the courtroom, turned his chair to face, as best as the narrow confines between the defense table and the prosecution table behind it allowed, those speaking.

Tracy Russell, Summer McStay's sister, in her statement navigated between statements to Merritt directly addressing him and to the court. She said that the "trial has been excruciatingly painful." She and her family, Russell said are "scarred for life," and that "for almost ten years our family has already been given a life sentence of death over again. Never again in our lives will we hear their voices. Never will we see their smiles. Our children won't grow up together. My sister walked with a purpose and passion. She was brave, smart, funny and, yes, territorial. She is none of the horrible things she was made out to be over all these years. It kills me in my soul we will never have them in our lives again. You took their lives so violently. You sit there with no remorse or accountability. There is no justification or comprehension for what you have done. Your actions have devastated and destroyed my mother. You have sentenced her to a life of grief. You left my beautiful nephew Jonah fatherless. There is a hole in his heart that none of

us will ever be able to fill. He still hasn't admitted what he has done. He hides behind attorneys. Knowing what I do will hurt me for the rest of my life."

Susan Blake, Joseph McStay's mother called Merritt a "despicable, evil monster... a lowlife coward and baby killer. You deserve the verdict the jury came to." She said she was grateful to the prosecution team and the jurors "that worked so hard to put you behind bars."

Summer McStay's first husband, Albert Lagara addressed the court, directing many of his comments toward Merritt after thanking the jury and reminiscing about his ex-wife and recollecting what he felt when he first learned of the family's disappearance and deaths.

Lagara at several junctures taunted Merritt. "Divine intervention is beautiful, Chase," he said. Lagara alluded to testimony at trial indicating that Summer McStay had taken a dislike to Merritt from soon after she met him. "Her judge of character was spot on," Lagara said, "as it was back when we were young." He then repeated, "Her judge of character was spot on when she met you, Chase, Charles. I guess she didn't like you, right? I don't believe she was mean-spirited. She had a need to keep people at arm's length."

Lagara said, "When I thought of what to say to you, I thought about being vulgar to you, but you would expect that. You would just sit there looking at me like you were watching TV, still disconnected from what you have done. Then I thought, because of my heart, that I would kill you with kindness, and make a statement that I forgive you. But I'm not able to do that. I don't forgive you. So, instead I want to psychologically mess you up. Human beings compartmentalize trauma, and I want to wake up that suppression in you. Every time you hear a sound in prison, or in a movie, that is similar

to the sounds you made that day when you murdered the family, I hope it rings loud in your ears, and that those sounds haunt you, Chase. I want those sounds to trigger a memory to the point that you are unable to suppress it."

Banging the side of the lectern violently, Lagara said, "Come on, Chase! Aren't you tired, man? Aren't you tired? Just stop all the appeals, all the shenanigans. Don't worry. Your fate will be way less tragic than that of the family you murdered. No one will cause you the physical pain you caused Joseph or Gianni or Joe, Jr. No one is going to beat you or break your jaw the way you beat Summer and broke her jaw, my ex-wife. No one is going to beat you. You will just slip into unconsciousness. Be brave. Ask for forgiveness from the only entity that can give it to you, and that is God, Almighty."

Michael McStay, Joseph McStay's brother said, "November 13, 2013 left a mark. That was the day Sergeant [Ryan] Smith and Detective [Joseph] Steers told me they had found the box [i.e., bodies]. The jury has spoken and even though the darkness in this man tried to overcome my family, the light will always overcome the darkness. My family - my mother - lost a son, a daughter-in-law and two grandsons. Having to watch my mother bury them [is] so unnatural. Not natural causes. There was intent here. It was disturbing, devastating. My nephew had to grow up without a father, though he had one heck of a stepdad. It didn't just mark me that day. It marked my kids. They were stolen from us. This world was robbed of four beautiful souls. I looked up to my brother. I'll never get another conversation with him. No more surfing. No more anything. This whole thing is a bad deal. I'm not a gambler, but this is a pretty poor exchange rate. We lost four beautiful souls for one to remain, a man that is heartless, that is the face

of evil. He's unrepentant. He lacks a conscience. He is conscience-deprived. He is unapologetic. He is merciless. He was a lifelong criminal, but I won't waste any more time on him."

Pointing to the four members of the jury that were present in the courtroom, Michael McStay said, "They have spoken," and then appealed to Judge Smith, "I'm asking you not to reduce the sentence."

Michael McStay's wife, Ellen McStay, saying she was speaking as the wife of Michael McStay and as "an unashamed follower of Jesus," lamented "what could have been because of the choice you, Chase Merritt, made to brutally murder my husband's family. We are forced to live in the continuous what-could-have-been state of loss.

There is really no way to explain the impact the horrendous violent crimes the murders of the family has had on our lives and lives of all of our family."

She lamented "the gruesome and brutal details of the crimes you committed. It is not just a Netflix documentary to us. The details are shocking and nauseating to sit through."

She said Merritt was a "coward. Being in your presence in this courtroom caused great anxiety for me. I've never been exposed to such an evil person in my presence. You brought evil into our world."

Jonah McStay, Joseph McStay's son by his previous marriage, told the court that he had "lived in the shadow of losing my father, stepmother [and] two little brothers. Sometimes just seeing another boy with their dad reminds me of the tremendous loss I have endured. I fight each and every day to mend the wounds left by someone who instead of healing, sought to destroy others for their own personal gain."

For the first time in trial other than in response to questions that had been posed to him at times by the judge

with regard to his assent to waivers or other procedural issues, Merritt spoke. Though audio recordings and video recordings of his statements during his interrogations by sheriff's detectives from both the San Diego County and San Bernardino County sheriffs' departments had been heard during the trial, his pre-sentencing statement provided his most extensive and direct participation in the proceedings that ended with his conviction and consignment to death. At times, his emotion nearly overcame him, and he was lachrymose during much of his oration, which consisted primarily of his reading from a narrative he had previously prepared, which he twice seemed to briefly depart from. Much of his statement consisted of remarks made directly to Susan Blake, Joseph McStay's mother, and Michael McStay, Joseph McStay's brother, both of whom testified at the trial.

"I would like to say I am so very sorry for Joseph's, Summer's, and Joseph Jr.'s family, and Gianni's," Merritt said. "No mother or dad should have to bear the pain of losing their son or daughter. No brother or sister should be deprived of their lifelong relationship with their sibling. Their family lost so much that is unmanageable. In this setting, in which the loved ones' feelings in which they finally found justice, I'm conflicted in addressing the issues that I have to here. After hearing your statements and knowing you feel justice was done here, part of me wanted to just stay silent, at least for a while. The thing that is bringing you this solace is ending my life, ending my life for a crime I did not commit. I loved Joseph. He was a big part of my life, and my family's life. I would never have hurt him in any way. I would never raise my hand to a woman or a child. I did not do this thing. I know you do not believe this, and that's what kills me. But

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Cutting Corners In Appointing Rowe Led To Challenges from front page

two weeks ago gave no indication of how much money his campaign has on hand. Similarly, Lester's filings show no money in his campaign account. Tejada, who is a city council member in Redlands, as of December 31, had \$4,750 in his political war chest.

For most political observers it is a foregone conclusion that Rowe will be elected to serve as Third District

supervisor this year in the term running from 2020 until 2024, with the only question being whether she will win outright during the presidential primary balloting on March 3 with a majority of the votes or whether she will need to head into a November run-off against whoever captures second place if she can't accumulate 50 percent of the vote five-and-a-half weeks from now. Still, there remains a strong question as to whether she can legally hold claim to the Third District supervisor's post

at present. Her claim to that spot has been under challenge, since literally before her appointment.

The last undisputed holder of the Third District supervisor's mantle was James Ramos, who was elected to the post in 2012 and then re-elected to it in 2016. In 2018 Ramos successfully vied for the California Assembly in the 40th District. In seeking someone to serve out the two years remaining on Ramos's term, the board of supervisors settled on Rowe. In so doing, it used a selec-

tion process that invited residents of the Third District who were registered to vote to apply, which attracted 48 qualified applicants. Without explaining or disclosing its criteria in doing so, the board then eliminated in one swoop 35 of the applicants, reducing the field to former Third District Supervisor Dennis Hansberger, Republican Central Committee Chairwoman Jan Leja, Loma Linda Councilman Ron Dailey, former San Bernardino Councilman Tobin Brinker, Barstow Mayor Julie Hackbarth-

McIntyre, former Twentynine Palms Mayor James Bagley, former Yucca Valley Councilwoman Dawn Rowe, former Westlake Village Mayor Chris Mann, former Chino Councilman/current Big Bear Councilman William Jahn, then-San Bernardino Mayor Carey Davis, former Assemblyman/State Senator Bill Emmerson, former Congressional Candidate Sean Flynn and Loma Linda Mayor Rhodes Rigsby. Twelve of those 13 were Republicans, with Dailey being the only Democrat. That

heightened the alarm level of several Democratic Party activists, who were already on alert to whatever powerplays the board – at that point dominated by Republicans Curt Hagman, Robert Lovingood and Janice Rutherford – were ready to pull off. After interviewing the 13 candidates they had initially selected, the supervisors then in private reduced the field to five Republicans: Emmerson, Flynn, Jahn, Rigsby and Rowe. This was done without disclosing how

Continued on Page 18

Company Again Tests Willingness Of Chino City Council To Adhere To Zoning Limits On Property In Its Sphere Of Influence from front page

stein's application originally filed in 2016 and considered by the city in 2017, the 13.46-acre parcel was to be annexed into the city, which was necessary so the homes to be developed could connect with the city's sewer system. Under the city's general plan, the land is zoned R2, meaning that a maximum of two units per acre were

allowed to be built there. Borstein's request was that the city consent to a zone change that would allow 3.6 units per acre, what under the city's zoning code is referred to as R4.5, which allows as many as 4.5 units per acre to be constructed on a single acre. Known as Chino Francis Estates, the proposed project is surrounded north, east, south and west by property developed to no more than two units per acre.

On December 4, 2017, the planning commission on a 3-to-2 vote recommended against allowing the project as proposed to proceed. Borstein then appealed that decision to the Chino City Council,

which has the authority to second-guess the planning commission.

Under most conditions, the city council does not have the authority to deviate from land use restrictions contained in the general plan. A generation ago, Chino voters passed Measure M, which mandates that if a developer wants to proceed with a project of greater density than provided for in the city's general plan or zoning codes, the city council does not have, on its own, the authority to accommodate the developer's request. Rather, under Measure M a majority of voters throughout the city must give their consent for such a

project to proceed.

In the case of the property Borstein has sought to develop, however, there is a loophole.

Measure M applies only to property that falls within what was the incorporated borders of the city when the measure was passed in 1988. Borstein's executives were conscious that the city council as it existed in 2017 had a decidedly pro-development bent. Its five members in December 2017 were Mayor Eunice Ulloa, Tom Haughey, Earl Elrod, Gary George and Dr. Dr. Paul Rodriguez. Of those five, only Ulloa was a stickler for adhering to the guidelines – including those

for density – within the city's general plan. Thus, Borstein's corporate officers believed they could induce the city council to reverse the planning commission's decision.

When the matter came before the city council on December 19, 2017, the flow of events appeared to be moving in Borstein's favor.

Nicholas Liguori, Chino's director of community development, in a staff report relayed to the city council through city manager Matthew Ballantyne, recommended that the council "overrule the recommendation of the planning commission" and adopt a resolution stating that any environmental impacts

from the project were either insubstantial or could and would be mitigated. Liguori further recommended that the council grant the appeal by Borstein Enterprises, doing business as Chino Francis Estates, LLC, such that the San Bernardino County Local Agency Formation Commission be requested to initiate the annexation process, that the tentative tract map be approved along with the site plan and the special conditional permit needed for the project to proceed, and that staff be directed "to negotiate with the County of San Bernardino to increase the

Continued on Page 17

Allgower Once More Yucaipa Planning Commission Chairman from front page

not seek the appointment, instead having seconded Commissioner Kathy Fellenz's nomination of Brizzee to remain for a second term as chairman. Brizzee is an attorney, one who specializes in land use issues, and is employed with the San Bernardino County office of county counsel, in which capacity he advises the San Bernardino County Land Use Services Department. The move to perpetuate Brizzee as chairman, however, did not succeed when Brizzee did not support

his own reappointment and no others beyond Allgower and Fellenz supported his reappointment, either.

Thereafter Commissioner Denise Work nominated Allgower to serve as chairman. Allgower prevailed in that vote 5-to-2, with commissioners Fellenz and new commissioner Steven Shaw dissenting. After Fellenz made her second nomination of the night for Brizzee, this time for vice-chair, it passed 7-to-0.

The evening's voting took place after Shaw was sworn in to replace former Commissioner Aron Wolf.

Councilman Bobby Duncan told the *Sentinel* that Allgower's return to the position of planning commission chairman was independent from

and unrelated to the recent reorganization of the city's management, which included the revamping of the city's planning division, entailing eliminating the position of director of community development and reallocating the position of associate planner to planning manager/city planner.

"Those were part of the reorganizations that go on from time to time," Duncan said. "Two people from the city retired. The city lost those two individuals. They held pretty prominent positions. When a city manager loses that much experience, making some changes is understandable."

Duncan said the city council had no influence over deciding who would serve as chairman of the

planning commission, and that the decision on who would serve in that capacity was up that panel's members.

"He he was appointed by his associates," Duncan said of Allgower. "His colleagues on the planning commission appointed him back to the chair position. J.R. Allgower has been in the City of Yucaipa for 35 or 40 years and has been very active. He is the president of the equestrian center, he is a member of the Lion's Club and is involved in the local business community. He understands what is going on in Yucaipa. He is a good guy. He is an honest guy. He is just an all-around great guy altogether. That is why he was my choice for appointment to the planning commission."

As to the suggestion that Yucaipa is on the cusp of a development frenzy and that Allgower's ascendancy to the planning commission chairmanship is intended to advantage him and his business associates as a consequence of his orientation as a pro-development real estate agent who is himself involved in promoting various projects and undertaking others, Duncan said all of that is unrelated to the outside issues pressing the city toward an accommodation of more housing.

"Gavin Newsom, our newly elected governor, has dictated that we develop more housing for obvious reasons and has threatened that if we don't have more housing the state will take away our authority to zone our

own property," Duncan said. "If we don't do what we are being asked to do by the state of California, they will take away our land use authority. This is nothing personal against Yucaipa; it is every local jurisdiction in the state. We have been mandated to do more residential zoning. J.R. Allgower didn't come up with that mandate. From here out what we have to do is figure out how we can legitimately zone our property or decide how we are going to work with local property owners to help if we can, or encourage local property owners if we can, and approve their projects in a way that will follow the mandates coming down from the State of California."

-Mark Gutglueck

Public Notices

The following person(s) is(are) doing business as: Summer Nails & Spa, 935 West Foothill Blvd, Rialto, CA 92376, Mailing Address: 7876 Celeste Ave, Fontana, CA 92336, Tuyen T. Nguyen, 7876 Celeste Ave, Fontana, CA 92336, Stan M Le, 7876 Celeste Ave, Fontana, CA 92336

Business is Conducted By: A Married Couple

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Tuyen Thi Nguyen
This statement was filed with the County Clerk of San Bernardino on: 12/30/19

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 4/18/2015
County Clerk, s/ C5032

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1/17/20, 1/24/20, 1/31/20, 2/7/20

FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200000641

The following person(s) is(are) doing business as: Goosehead Insurance- Teresa Akahoshi Agency, 3333 E. Concourse St, Suite 7102, Ontario, CA 91764, Mailing Address: 10699 La Vine St, Alta Loma, CA 91701, Teresa A. Akahoshi, 10699 La Vine St, Alta Loma, CA 91701

Business is Conducted By: An Individual

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s/ Teresa A. Akahoshi
This statement was filed with the County Clerk of San Bernardino on: 1/14/2020

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County Clerk, s/ 11361

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1/17/20, 1/24/20, 1/31/20, 2/7/20

FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200000054

The following person(s) is(are) doing business as: Upland Nutrition, 230 N Central Ave Suite G, Upland, CA 91786, Mailing Address: 11116 Countryview Dr, Rancho Cucamonga, CA 91730, Jacquelyn Lakin, 11116 Countryview Dr, Rancho Cucamonga, CA 91730

Business is Conducted By: An Individual

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s/ Jacquelyn Lakin
This statement was filed with the County Clerk of San Bernardino on: 1/2/2020

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/ 12443

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Public Notices

1/17/20, 1/24/20, 1/31/20, 2/7/20
FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200000069

The following person(s) is(are) doing business as: LG Interpreting and Notary Services, 9175 Alta Loma Dr, Rancho Cucamonga, CA 91701, Mailing Address: PO Box 9267, Rancho Cucamonga, CA 91701, Lindy M. Martinez, 9175 Alta Loma Dr, Rancho Cucamonga, CA 91701

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Lindy Martinez
This statement was filed with the County Clerk of San Bernardino on: 1/2/20

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 1/6/20

County Clerk, s/ C5032

NOTICE- This fictitious business 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 name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

1/17/20, 1/24/20, 1/31/20, 2/7/20

AMENDED NOTICE OF PETITION TO ADMINISTER ESTATE OF:

Alvaro Antonio Rodriguez NO. PROPS1901122

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Alvaro Antonio Rodriguez

A PETITION FOR PROBATE has been filed by Virginia R. Robertson, in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Virginia R. Robertson be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S35P at 8:30 a.m. on Feb. 06, 2020 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

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

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate

Public Notices

Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Petitioner: Virginia R. Robertson

106 Redoak Street, Hudson Oaks, TX 76087

Telephone No: 1-817-999-6814

San Bernardino County Sentinel

1/24/20, 1/31/20, 2/7/20

A.P.N.: 1074-211-01-0-000

Trustee Sale No.: 2019-1568
Title Order No: 1375135CAD
Reference No: 1 KOLTONIUK NOTICE OF TRUSTEE'S SALE UNDER A NOTICE OF A NOTICE OF DELINQUENT ASSESSMENT AND CLAIM OF LIEN. YOU ARE IN DEFAULT UNDER A NOTICE OF DELINQUENT ASSESSMENT DATED 8/29/2019 UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. Notice is hereby given that on 2/24/2020 at 1:00 PM, S.B.S. Lien Services, As the duly appointed Trustee under and pursuant to Notice of Delinquent Assessment, recorded on 9/3/2019, as Document No. 2019-031188, Book , Page , of Official Records in the Office of the Recorder of San Bernardino County, California, The original owner: Nancy Pasos and Nancy Koltoniuk and David Koltoniuk The purported new owner: Nancy Pasos and Nancy Koltoniuk and David Koltoniuk WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER payable at time of sale in lawful money of the United States, by cashier's check drawn by a State or national bank, a check drawn by a state or federal credit union, or a check drawn by state or federal savings and loan association, savings association, or a savings bank specified in section 5102 of the Financial Code and authorized to do business in this state.: NEAR THE FRONT STEPS LEADING UP TO THE CITY OF CHINO CIVIC CENTER, 13220 CENTRAL AVENUE, CHINO, CA 91710 All right, title and interest under said Notice of Delinquent Assessment in the property situated in said County, as more fully described on the above referenced assessment lien. The street address and other common designation, if any of the real property described above is purported to be: 10015 Hillside Road Alta Loma, CA 91737 AKA 10015 Hillside Road Rancho Cucamonga, CA 91737. The undersigned, Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, express or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum due under said Notice of Delinquent Assessment, with interest thereon, as provided

Public Notices

in said notice, advances, if any, estimated fees, charges, and expenses of the Trustee, to wit: \$6,381.65 accrued interest and additional advances, if any, will increase this figure prior to sale. The claimant: HERITAGE LANE ESTATES HOMEOWNERS ASSOCIATION under said Notice of Delinquent Assessment heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation. NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call FOR SALE INFORMATION, PLEASE CALL (855)986-9342, or visit this Internet Web site www.superiordefault.com using the file number assigned to this case 2019-1568. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. THE PROPERTY IS BEING SOLD SUBJECT TO THE NINETY DAY RIGHT OF REDEMPTION CONTAINED IN CIVIL CODE SECTION 5715(b). PLEASE NOTE THAT WE ARE A DEBT COLLECTOR AND ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. Date: 1/16/20. S.B.S LIEN SERVICES, 31194 La Baya Drive, Suite 106, Westlake Village, California, 91362. By: Annissa Young, Sr. Trustee Sale Officer (1/24/20, 1/31/20, 2/7/20 | TS#2019-1568 SDI-17293)

Notice of Hearing: Date: 02/28/2020 Time: 8:30 a.m. Department: S17

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

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

Dated: Jan., 17, 2020
Lynn M. Poncin
Judge of the Superior Court.

Published in the San Bernardino County Sentinel on 1/24/20, 1/31/20, 2/7/20, 2/14/20

SUMMONS - (CITACION JUDICIAL)
CASE NUMBER (NUMERO DEL CASO) CIV DS 1920881

NOTICE TO DEFENDANT (AVISO DEMANDA-DO): SHARON VANSTEENWYK and DOES 1 TO 20

YOU ARE BEING SUED BY PLAINTIFF (LO ESTA DEMANDANDO EL DEMANDANTE):

SHANAYE HAMPTON

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

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

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

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS2001785

TO ALL INTERESTED PERSONS: Petitioner: Ramon Mancera filed with this court

Public Notices

for a decree changing names as follows:

Ramon Mancera to Raymond Mancera

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

Notice of Hearing: Date: 02/28/2020 Time: 8:30 a.m. Department: S17

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

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

Dated: Jan., 17, 2020
Lynn M. Poncin
Judge of the Superior Court.

Published in the San Bernardino County Sentinel on 1/24/20, 1/31/20, 2/7/20, 2/14/20

SUMMONS - (CITACION JUDICIAL)
CASE NUMBER (NUMERO DEL CASO) CIV DS 1920881

NOTICE TO DEFENDANT (AVISO DEMANDA-DO): SHARON VANSTEENWYK and DOES 1 TO 20

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SHANAYE HAMPTON

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

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

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bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una repuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefonica no le protegen. Su repuesta por escrito tiene que estar on formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulano que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y mas información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede mas cerca. Si no puede pagar la cuota de presentación, pida si secretario de la corta que le de un formulario de exencion de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corta le podrá quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia a abogados. Si no puede pagar a un a un abogado, es posible que cumpia con los requisitos para obtener servicios legales gratis de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov), o poniendose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos gravamen sobre cualquier recuperacion da \$10,000 o mas de vaioir recibida mediante un acuerdo o una concesion de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corta antes de que la corta pueda desecher el caso.

The address of the court is: San Bernardino Justice Center

Superior Court of California

247 West Third Street San Bernardino, CA 92410

The name, address and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la direccion y el numero de telefono del abogado del demandante, o del demandante que no tiene abogado, es):

David E. Lewis, Sr., Attorney At Law, 112 Shoppers Lane, Covina, 91723

Telephone: (626) 339-3390

DATE (Fecha): July 1, 2019

Clerk (Secretario), by Lisette Ortega, Deputy (Adjunto) Published in San Bernardino County Sentinel on 1/24, 1/31, 2/07 & 2/14, 2020.

FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20200000224

The following person(s) is(are) doing business as: No Name Catering, 13763 Lighthouse Ct, Fontana, CA 92336, Eric B. Joyce, 13763 Lighthouse Ct, Fontana, CA 92336

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW,

Public Notices

I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Eric Joyce

This statement was filed with the County Clerk of San Bernardino on: 1/7/2020

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 1/01/2019

County Clerk, s/ 11327

NOTICE- This fictitious business 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 name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

1/17/20, 1/24/20, 1/31/20, 2/7/20

FBN 20190014839

The following person is doing business as: JIMENEZ TRANSPORT, LLC 9842 GREENWOOD CT FONTANA, CA 92335; JIMENEZ TRANSPORT, LLC 9842 GREENWOOD CT FONTANA, CA 92335

The business is conducted by: A LIMITED LIABILITY COMPANY 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/ JORGE JIMENEZ

Statement filed with the County Clerk of San Bernardino on: 12/26/2019

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 01/03/2020, 01/10/2020, 01/17/2020, 01/24/2020 CNBB01202001MT

FBN 20190014857

STATEMENT OF ABANDONMENT OF USE OF FICTITIOUS BUSINESS NAME

The following person is doing business as: SOSSY'S HOT DOGS 16005 SIERRA LAKES PKWY FONTANA, CA 92336; MAILING ADDRESS 1495 W 9TH ST STE #304 UPLAND, CA 91786; SOSSI P MARIKIAN 16005 SIERRALAKES PKWY FONTANA, CA 92336

The 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/ SOSSI P MARIKIAN

Statement filed with the County Clerk of San Bernardino on: 12/26/2019

Original File#20180005728. This statement was filed with the County Clerk of San Bernardino County on 05/15/2018.

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 01/03/2020, 01/10/2020, 01/17/2020, 01/24/2020 CNBB01202002CH

FBN 20190014846

The following person is doing business as: JDQ TRANSPORTATION 16171 FOOTHILL BLV 2 1/2 FONTANA, CA 92335; SUSANA GONZALEZ HERNANDEZ 16171 FOOTHILL BLV 2 1/2 FONTANA, CA 92335

The 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

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FBN 2020000671
The following person is doing business as: SONOQUI INTERIORS 1223 WEST VICTORIA ST RIALTO, CA 92376; JOAQUIN SONOQUI 1223 WEST VICTORIA STREET RIALTO, CA 92376; DEANNA SONOQUI 1223 WEST VICTORIA STREET RIALTO, CA 92376. The business is conducted by: A MARRIED COUPLE. The registrant commenced to transact business under the fictitious business name or names listed above on: 01/15/2020. 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/ JOAQUIN SONOQUI, PARTNER Statement filed with the County Clerk of San Bernardino on: 01/15/2020. 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 state-

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ment 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 01/24/2020, 01/31/2020, 02/07/2020, 02/14/2020 CNBB042020321R

FBN 20200000737
The following person is doing business as: INLAND EMPIRE MEDICAL TRANSPORT 16041 PFC PARIS MONTANEZ ROAD FONTANA, CA 92336; RALPH A VELUZ 16041 PFC PARIS MONTANEZ RD FONTANA, CA 92336. The business is conducted by: AN INDIVIDUAL. The registrant commenced to transact business under the fictitious business name or names listed above on: 01/16/2020. By signing, I declare that all information in this statement is true and correct. A registrant who declares

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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/ RALPH A. VELUZ, OWNER Statement filed with the County Clerk of San Bernardino on: 01/16/2020. 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 01/24/2020, 01/31/2020, 02/07/2020, 02/14/2020 CNBB042020331R

FBN 20200000729
The following person is doing business as: INTL DRILLING SERVICES IDS PRODUCT

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STEEL PIPING 1039 N PERSHING AVE SAN BERNARDINO, CA 92410; EREZ G BRADFORD JR 1039 N PERSHING AVE SAN BERNARDINO, CA 92410. The 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/ EREZ G. BRADFORD JR, OWNER Statement filed with the County Clerk of San Bernardino on: 01/15/2020. 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

Public Notices

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 01/24/2020, 01/31/2020, 02/07/2020, 02/14/2020 CNBB042020341R

FBN 20200000685
The following person is doing business as: DHILLON NETWORK INC 6836 TAHOE WAY FONTANA, CA 92336; DHILLON NETWORK INC 6836 TAHOE WAY FONTANA, CA 92336. The business is conducted by: A CORPORATION. The registrant commenced to transact business under the fictitious business name or names listed above on: 01/02/2020. 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/ SURJIT DHILLON, CEO Statement filed with the County Clerk

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of San Bernardino on: 01/15/2020. 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 01/24/2020, 01/31/2020, 02/07/2020, 02/14/2020 CNBB04202035 MT

FBN 20200000686
The following person is doing business as: LG MARKETING 9151 CAMULOS AVE MONTCLAIR, CA 91763; LETICIA GONZALEZ 9151 CAMULOS AVE MONTCLAIR, CA 91763. The business is conducted by: AN INDIVIDUAL. The registrant commenced to transact business under the fictitious business name or names

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listed above on: 01/14/2020. 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/ LETICIA GONZALEZ, OWNER Statement filed with the County Clerk of San Bernardino on: 01/15/2020. 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 01/24/2020, 01/31/2020, 02/07/2020, 02/14/2020 CNBB04202036MT

Measure G Fight In Redlands Pits Preservationists Against Pro-Development Politicians
from page 5

their own. We have to add as many units as possible as fast as possible. That is the mandate from the governor.”

The regional planning collective for Southern California is SCAG, which is an acronym for Southern California Association of Governments. SCAG has arrived at what is referred to as the “Regional Housing Needs Assessment,” which is its tentative interpretation of the new housing unit quotas for each of Southern California’s cities and counties under the order issued by Governor Gavin Newsom that new housing be created to remedy the state’s housing shortage. According to that assessment, by 2025 the City of Redlands is mandated to allow a total 4,487 dwelling units to be built within its city limits, which are to include 1,248 for those with very low income, 789 for those with low income, 830 for those with moderate income, and 1,620 for those with above moderate income.

“It is not a matter of what we want,” Momberger said, asserting the city is in essence compelled with doing away with Measure R, N and U. “It is a matter of we are getting units [and] the traffic. The question is will we be able to

put the units downtown rather than everywhere else, and will we be able to minimize the traffic impact.”

The concept, Momberger said, is to make the incoming housing “walkable,” that is, within walking distance from the places the residents in those homes will most often and most likely visit. She said the new development should be “one or two miles from where you get services – shopping, retail, entertainment, dining. Most people will drive to where they get those services. This is about the advisability of putting those services close to where the incoming population is going to live. So the idea behind building up downtown instead of building at the city’s outskirts is that potentially you are reducing the guaranteed traffic that will come with the development. People will still own their cars and they will still drive but if they commute using the train and if they live within walking distance to all the shops and have access to the train, in a couple of years there is at least the potential the impact on traffic won’t be as bad.”

Momberger said, “Reason number three is it is better on our air quality and the allocations and expense in general as it is more economically responsible to build more units per acre of land instead of having them spread out all over and using far more acreage for single family residences.” She asserted

that compact residential districts represent “more water efficiency in general.” She said putting high density housing close to regional rail facilities would translate to “fewer cars, less impact on roads [and] infrastructure. It will cost the city less in maintaining our infrastructure.”

Momberger’s fourth reason for signing on to Measure G was that it would enhance the populace’s chance for home ownership. “We are in an era right now, especially in Southern California, where few people are able to make it into the middle class,” she said. “Research proves that home ownership is a big factor in becoming economically independent, successful and prosperous. One of the biggest factors in the generation of wealth is that home ownership of [by one’s parents] can dictate a person’s lifetime health quality. A survey was conducted that showed a chronic disease investigator [in adults] was whether [as children] their parents owned their home for first five years of their lives. The study showed the value of home ownership, which was how well you do in school is directly tied to home ownership. There is a tremendous housing shortage and the housing demand is so dire that government has put extreme mandates on local government and cities for the construction of new homes. This is egregious. I hate being under threat. Someone who doesn’t know my

community and doesn’t respect the quality of my community that brought the residents here and is now going to supplant standards the community consensus has created is not appropriate. All of those circumstances are at play. I think it [Measure G] is the best option of what is available to us. That is why I believe we should pass this measure.”

While Momberger indicated there were provisions in Measure G she had reservations about, she said it nonetheless was necessary that the city be proactive in dealing with the challenges facing it.

“I don’t want that many units,” Momberger said. “I don’t want to add the traffic. I think we need time to adapt. I don’t like giving up the authority to approve some of the utilities, to approve certain development under the measure. Mine is a sticky and conflicted position, but when I see what we have to risk, I think that what is best for this community is to acknowledge that growth is coming and we don’t get to stop it and we have to manage it as responsibly as we can.”

One of Momberger’s predecessors in office, Bill Cunningham, illustrated the degree to which the conflict over Measure G represents a cultural battle.

“The council has placed Measure G on the ballot,” Cunningham said, noting that the initiative found its genesis in the city’s current political leadership. “It

would gut Measures R and N and U and free up the development of multi-story rental housing in the central corridor of Redlands. That rental housing is intended to be associated with the light rail project near downtown. That is the essence of the situation. The central corridor is approximately 782 acres. Beyond that, most of Measures R and N would still be applicable, in theory.”

Cunningham said the passage of Measure G would have dire consequences.

“What we are looking at is a total change to the character of Redlands,” he said. “That is the issue that troubles me the most. In 1998, Redlands was deemed one of the four most notable places in Southern California’s six primary counties. Part of that identity consisted in the small town atmosphere we projected in our downtown area. The Southern California Association of Governments put out a multi-page brochure lauding Redlands and its character of maintaining the image of a small town, anchored by our outstanding university, our historic homes, our citrus groves and open space heritage. It was really quite an honor. Over the years, Redlands has maintained that image. Now the city council is in the process of implementing a new general plan attacking those particular characteristics, and are basically seeking to urbanize Redlands away from its historic

image.

The primary driving force appears to be Mayor Foster. I really don’t know what his motivations are. It does appear to involve the other four members of the city council. It appears there is a philosophical change with regard to the future of Redlands.”

The effort to keep Redlands true to the vision of being and remaining a quality environment runs deep, Cunningham said.

“The first of these growth management measures has been in place for over 40 years,” he said. “Secondly, as far as I can tell, there is still a very large measure of support for maintaining the community as it is. We never attempted to stop growth in Redlands. What the measures did was encourage commercial growth rather than unbridled residential growth. The effort was primarily to ensure that the growth would be at such a rate that the schools could handle the increased load, and to give an opportunity for the new people to be integrated into the culture of Redlands rather than the community being overwhelmed by a massive influx of residents who had no idea of or appreciation for what we are as a community.”

According to Cunningham, “Measure R limited the number of units that could be built in any given year. Measure N basically extended the issue of controlling the growth

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Two New Councilmen In Chino Change The Complexion Of Governance With Regard To Development *page 7*

amount of property tax retained by the city in non-island annexations.” The size of 42 of the lots in the proposed project ranged from 8,090 square feet to 10,679 square feet, with a single lot at 16,227 square feet. The size of the homes, which were variously designed in hacienda ranch, California ranch and Spanish colonial styles, ranged from 2,820 square feet in a three-bedroom/2.5 bathroom model to 3,590 square feet in a 5 bedroom/4.5 bathroom model.

Elrod, however, was absent from the December 19, 2017 meeting. Because of previous city resident unrest with regard to the city council’s disregard for the provisions of Measure M as applied to land in the city’s sphere of influence outside the city limits that would subsequently

be annexed into the city and involve property built to a greater density than exists in neighboring properties already in the city, George proved unwilling to support the increase in density Borstein was requesting, a significant departure from the pro-development attitude he was previously recognized as having evinced.

Rodriguez made a motion to approve the staff recommendation to overturn the planning commission’s denial of the project. Haughey, curiously, did not second Rodriguez’s motion, anticipating that George would do so. When George did not, Rodriguez’s motion died for lack of a second. Thereafter, Ulloa made an alternative motion to uphold the planning commission’s denial of the application. At that point, George seconded the motion, tacitly making a break with the pro-development wing of the city council. The vote on that motion ended in a 2-2 deadlock, with Ulloa and George voting in favor of it and Rodriguez and Haughey opposed.

For Borstein, Elrod’s

absence that evening thus proved crucial. With the council vote having ended in a tie and no majority vote to overturn it, the planning commission decision to deny the project remained operative.

Having waited a decent interim, Borstein revived its proposal. This time around, there were some relatively minor changes, one being that the property to be developed was shown as 13.35 acres rather than the 13.46 specified in 2017, and the number of homes to be built was reduced from 43 single story homes to 39 single story homes, together with an increase in the average lot size, an increase in the side yard setbacks on some of the lots to support recreational vehicle parking if desired by future homebuyers.

As it turned out, in this most recent go, the planning commission, which on November 18, 2019 considered the revamped proposal, reversed itself from its 2017 decision, voting 4-to-3 in favor of the project.

The matter of the re-

vamped Chino Francis Estates project thus came before the city council this week for approval as a legislative action relating to its rezoning and annexation, the approval of a general plan amendment required to allow the greater degree of density than is foreseen in the city’s general plan and an associated mitigated negative declaration. A mitigated negative declaration is the decision-making body’s official assertion that any negative impact on the local environs by the development will be mitigated by measures required pursuant to the project’s approval.

Since 2017, Elrod and George have left the council. They have been supplanted by Mark Hargrove and Marc Lucio.

Borstein indicated the 39 single-family, single-story homes featuring variously four or five bedrooms would be constructed on lots ranging from 8,130-square-foot to 16,920-square-foot, with an average square footage of 10,000-square-foot.

The project as proposed calls for a density of 3.2 homes per acre,

but for the city to approve the project it had to up the existing zoning, which allows two units per acre, to the next level on the city’s density scale, which is 4.5 units per acre.

Borstein said the asking price on the models would range between \$805,000 to \$960,000. Borstein said the development would also entail a 14,953-square-foot private park recessed into one of the corners of the development.

More than three dozen residents living near the project, living both within the city limits and just outside them, held forth with regard to their perspective on the proposal. Some supported it. Others did not.

Supporters said the upscale homes would improve the area, and modernize it with sidewalks and curbs. They said just over three units to the acre would be preferable to the potential that higher density homes or apartment complexes could be built there to meet state mandates for affordable housing to be built in Chino.

Opponents of the project, including mem-

bers of Protect Chino, a grassroots group advocating for livable neighborhoods, said the project would destroy the area’s quaint rural nature, increase traffic on surrounding streets, worsen flooding and encourage other developers to seek further density concessions from the city.

Councilman Hargrove expressed concern and discomfort over altering the standards of the general plan for the project. He indicated he did not believe there was yet indication of a consensus within the community to allow the change in density and change to the general plan that Borstein was requesting without hearing more input from the community. Hargrove also expressed the misgiving that if the city were to grant the general plan amendment to approve the project, that would imply the zone uprating to 4.5 units to the acres.

Thereafter, he indicated, Borstein might flip the property to another developer with the entitlement to build yet intact, and that developer might

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Hospital Yet Reluctant To Consider Parking Structure Construction As Solution To Its Dilemma *from page 3*

equally dismissive of any insinuation that the city might get less than the \$8.5 million he had applied for. Abruptly, amid reports that someone had “dimed the city out” by calling state officials to inform them that the city did not meet specific criteria in the formula the state applies for determining a governmental jurisdiction’s eligibility to receive the Proposition 68 grant money, Story departed Upland to take up another position with the City of Beaumont. One of those grant eligibility criteria is that the city have a “deficit” of parkland such that its total park area is less than

three acres per 1,000 people in the city overall. Another requirement is that those living within Memorial Park’s “service area” be documented as having an average per-household annual income of less than \$51,000.

With Story’s departure, he joined Koenig, Robinson, Filippi, Timm, Manis, Thouvenell, Vagnozzi, Zwack and Markman as casualties of the city’s not-fully-thought-out March 2018 ploy to sacrifice a portion of Memorial Park to solve San Antonio Hospital’s parking issues. The only participant in that debacle that yet remains in position is Mayor Debbie Stone. She will be up for election in November.

When Judge Cohn made his ruling in May 2019, hospital officials appeared to have resigned themselves to the necessity of subjecting the sale of the property to a citywide vote. It earlier

appeared that balloting would take place in conjunction with the March 2020 California Primary election. City and hospital officials put that on hold, however, hoping that Story’s gambit in getting the Proposition 68 money might placate Upland’s citizenry to the point that the sale of the 4.631 acres to the hospital could take place without any further objection, resistance or effective obstruction. With that having apparently failed, there were reports this week that city officials and the hospital are once again looking toward holding that vote, this time in November.

An issue that has gotten little public discussion is the possibility of reducing the acreage of the hospital will need to meet its parking demand by building up rather than out. In 2018, Zwack had indicated that the hospital would be using some of the park

acreage it was to obtain to construct a parking structure. Since before Zwack’s departure, however, discussion has been in terms of a parking lot rather than a structure. According to sources the *Sentinel* deems reliable, San Antonio Hospital considers it more propitious to acquire adequate property to accommodate the parking it needs than to accrue the expense of building a parking structure. At present, the hospital’s parking space deficit at peak usage is approaching 250 parking stalls. By purchasing the 4.631 acres, upon which 96 parking spaces plus driving lanes per acre can be established, the hospital can meet its current need and any future need projected into the foreseeable future. However, a one-acre four-story parking structure that included roof parking would accommodate 410 parking spaces, when subtraction

of usable parking space to allow for ramps is figured in. Such a structure could be constructed on an acre of ground now used as the hospital’s parking lot. Subtracting the current 96 spaces located on that acre from the 410 parking stalls the structure would provide would give the hospital a net gain of 314 parking spots, adequate to meet its current needs and those likely to develop over the next decade.

Like Koenig before him, the hospital’s current acting CEO, John Chapman does not appear to be favorably inclined to converting the hospital’s existing surface grade parking lot to a parking structure. Rather, word is that the hospital is considering defraying the cost not only of a citywide vote on the parkland sale in November, but a public information campaign to convince the electorate that San Antonio Hos-

pital’s place and stature within the Upland community as well as the lifesaving and health-enhancing service it provides merits the citizenry’s support in carrying out its medical mission. Chapman was traveling this week, and was therefore not available to speak with the *Sentinel*.

Cathy Rebman, San Antonio Hospital’s vice president for business development and community outreach, did say however that “San Antonio Regional Hospital is reviewing the potential park purchase. Any decision to proceed with a ballot initiative would require approval by the hospital’s board of trustees. More information can be provided after the board of trustees makes a decision about next steps regarding the park purchase.”

-Mark Gutglueck



Board's Favoritism Toward Rowe In The Selection Process Provoked Close Examination By Democratic Party Operatives *from page 7*

the board had arrived at those five selections. This threw two Democratic party operatives, Ruth Musser-Lopez and Michael Gomez Daly into political DEFCON 1.

Musser-Lopez on the evening of December 11 fired off a letter to the board and County Coun-

sel Michelle Blakemore through the clerk of the board, reiterating her objections in writing, and labeling it a "complaint." In the letter, she asserted, "On December 10-11, 2018, you the members of the county board of supervisors in concert and individually violated the Ralph M. Brown Act specifically CA Gov. Code, § 54953.5 when you did cast preliminary votes secretly, without a process agreed upon by the public and without publicly disclosing the votes of the individual supervisors to the public." She

said that "the public was left out of the selection process, some applicants were not invited to address the board and were not allowed equal time, and due to the illegal polling, board members knew which applicants were 'winning' prior to their vote." Musser-Lopez said this led to the board members "knowing in advance which applicants were preferred by the other members" and "wrongfully influencing their vote without public knowledge or intervention," such that "a majority of the board" had been able to illegally

"develop a collective concurrence as to action to be taken" and had furthermore engaged in private communications with one another through the use of secret ballots that were tantamount to a "serial meeting," which is also outlawed by the Brown Act, which is California's open public meeting law. Musser-Lopez demanded that the board of supervisors cure the violation by voiding the December 11 vote and voiding "any other serial votes by members of the board of supervisors on December 10 and 11,

2018 and that to be voted on December 13, 2018 pertaining to the selection of a replacement supervisor for the 3rd District."

The letter panicked the board of supervisors into canceling the interviews of Emmerson, Flynn, Jahn, Rigsby and Rowe scheduled for the morning of December 13, 2018. The board did, however, reconvene on December 18, 2018, at which time it picked up where it had previously left off, and conducted second interviews with Emmerson, Flynn, Jahn, Rigsby and Rowe. That

same day, Michael Gomez Daly, acting as the executive director of the Democratic Party-affiliated political advocacy group I.E. United, sent the board of supervisors a letter requesting that the board rescind its previous action and reinstate the process by interviewing all of the candidates. The board carried on with the process over Daly's objection. At the prompting of the only Democrat on the board, Josie Gonzales, the board also consented to hearing from Chris Carrillo, Ramos's one-
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Measure G Involves Fight For Redlands' Past & Future *from page 16*

rate and set standards for development such as the transformation of citrus groves into open space. It put into place limitations on how much density could be created with any particular development. In combination with Measure U, the city created a mechanism by which 100 acres of citrus came under city ownership."

The measures created a circumstance in which the quality of life as was manifested in terms of deescalating the intensity of development took precedence over allowing developmental and financial interests to dictate what environment the city's residents would have to live in after the speculators, landowners, investors and developers took their profit and moved on, Cunningham said. "Measure U was a broader encapsulation or incorporation of all the elements of N, but extended the standard to issues of noise, traffic, building height and to the preservation of open space. It emphasized more strongly the saving of the citrus areas," he said.

Measure G is genetically engineered to go in and create havoc with the three measures that preceded it, Cunning-

ham said. "It's a large measure from what I can tell," he said, attributing its genesis to Foster. "Though his efforts personally at various meetings he has strongly advocated that the electorate adopt it," Cunningham said. "He has been pretty aggressive about it. I think Mayor Pro Tem [Denise] Davis is out campaigning for it pretty hard, too. I don't know the situation is as intense with the other three council people."

Time will tell, Cunningham said, but the council may be running something of a political risk by plugging a measure that runs contrary to the values of a committed contingent of the community.

"The only thing I can say is none of these council people has run for office where that kind of change to the community has been an issue, and their reelection is likely to be dependent on how the voters see that," he said.

Cunningham said that "It needs to be recognized what this new general plan means to the community."

Cunningham, who was on the city council from 1987 until 1999 and was the mayor for the last two of those years, contrasted himself with Foster. "He has always been pro-development," Cunningham said. Foster has blurred the distinction between the benefits of commercial development and residential de-

velopment, Cunningham observed, remarking that the former provided a net plus in revenue while residential development "does not increase the tax base in proportion to its expenses," meaning that property tax alone does not offset the cost of providing municipal services to residential areas. "He has perhaps the most urbanizing perspective of any council member in recent years," Cunningham said of Foster.

Despite that, Cunningham said, he gets along well with the man who has currently succeeded him in possession of the mayor's gavel. "We're both members of Kiwanis," Cunningham said. "I certainly have no animus toward him," Cunningham said. "Nor do I detect any animosity toward me on his part. He and I disagree on these issues relating to development. That's it."

Foster and those in his circle will not encounter smooth sailing in the voyage toward Measure G victory Cunningham said.

"There is a handful of people who are working to stop Measure G," he said. "As far as I know there is no else speaking out against it other than our small group. We have formed a PAC [political action committee]. There is no significant money that we have raised. We are basically operating on pennies but we would like to, and I think we are, getting the

message out about what we think the disadvantages of Measure G are."

Cunningham said he believed there was a political action committee endowed with a fair amount of money that was pushing for the measure's passage. Asked if he feared that the use of classic campaigning techniques would influence the crucial set of voters in the middle, particularly newer and younger residents in the city, to support Measure G, Cunningham said "[former California Assembly Speaker] Jesse Unruh said money is the mother's milk of politics, and the people in favor of Measure G have formed a PAC with \$50,000 in it. With regard to the generational perspective, I happen to live my grandchildren and great grandchildren, who are in their 40s and 20s. I believe they reflect what their friends in their generations are saying. It appears that the young people who know what measure G is are as opposed to it as I am. If everyone is well-informed, it will not pass. That is the hill we need to climb. We believe Measure G will be defeated multigenerationally if we can get the word out. What I find is that the younger generation is far more sensitive to the environment than my generation."

Cunningham continued, "There is the issue, of course, that the measure is obscure to most

people in the community. Most don't know what the measure is and what it will do. That is the essence of our problem, bringing people up to speed. We feel strongly that if everyone is fully involved and aware, we will prevail in defeating Measure G. We feel most people will agree that moderate growth is necessary so the community can maintain its character and those who move here will have a chance to see what the community is and then can truly become Redlanders. Redlands takes tremendous pride in its community, the place it is and its cultural attributes."

Shirley Harry, a real estate agent with Century 21 Lois Lauer Realty, who acknowledged that "I am something of a reactionary who is involved in selling real estate," said she was for that reason in favor of Measure G. "We need to control our own destiny," she said.

Harry had a different take than Cunningham on whether the under-40 crowd would be in favor of the measure.

"I know as old folks we always say we like things the way they are, but young people have a different mindset toward their lifestyles and that is what Measure G speaks to," she said.

Nelda Stuck, who moved with her husband to Redlands more than a generation ago when he was stationed at Norton

Air Force Base and was at one time a journalist with the Redlands Daily Facts, said, "I went to the mayor's presentation [regarding Measure G] on Thursday. He has done a tremendous amount of work. He and the council have experienced ten years of frustration. The [Redlands] mall is never going to be developed."

Stuck used one of the buzzwords Foster and the rest of the city council are using in promoting Measure G and the Redlands Transit Villages Plan. "We are putting in the downtown station, so we have to have walkable housing," she said. "Redlands has got to take those issues up at this time."

Asked what she thought of those who object to the intensive move toward the urbanization of Redlands, Stuck said, "They have a good point, but I am also concerned about our progressing world and Redlands role in it if we keep saying, 'Not in our backyard.' I have concerns about California not providing living quarters for our homeless people. I would like to preserve the history and the finer historic things of our community, but we need to look at the future and what our knowledgeable people in government are telling us. They see the lay of the land."



Republican-Dominated Board's Pretextual Selection Of Another Republican Led To Democratic Party Complaints, An Examination And Ruling By A Democratic Judge Reversing The Appointment And The Matter Being Turned Over To California's Democratic Governor

from page 18

time deputy chief of staff who had applied for the post and whom the board had overlooked previously and who had not been among the 13 originally interviewed. The process, which was heavily stacked in favor of Rowe from the outset, concluded after the interviews with the six were completed. Lovin-good immediately nominated Rowe.

Bowing to the inevitable, and realizing that Rowe's selection was unstoppable and that she would need to work with her future colleague going forward,

Gonzales joined with the remainder of the panel to make Rowe's appointment unanimous. After Rowe's elevation, both Musser-Lopez and Daly, in his capacity as the executive director of I.E. United, an entity affiliated with the Democratic Party, filed separate lawsuits, claiming the board had not corrected the violations of the Brown Act before proceeding with its selection of Rowe, had engaged in a secretive voting process including serial meetings in the bypassing of 35 of the candidates, and had

conducted what was supposed to be an inherently public process behind closed doors.

Ultimately, the lawsuits were routed to the courtroom of Judge Janet Frangie, herself a Democrat. Both suits were eventually set for trial before Frangie, who subsequently ruled in favor of the county to dismiss Musser-Lopez's suit for not being timely filed.

Daly's suit, however, remained alive and after months of legal wrangling between the county's office of county counsel and Daly's lawyers, Frangie ruled in favor of Daly, concluding, "1) The process by which Dawn Rowe was selected to the San Bernardino County Board of Supervisors violated the Ralph M Brown Act. 2) Respondents failed to cure and correct their

violations of the Brown Act. 3) The appointment of Dawn Rowe as Third District Supervisor is null and void. Respondents and each of them shall rescind the appointment of Dawn Rowe as Third District supervisor. Pursuant to [the] board's charter, the appointment of the Third District supervisor shall be made by the governor."

Governor Gavin Newsom is a Democrat.

The county appealed Judge Frangie's ruling to the Fourth District Court of Appeal. In November, in response to requests that Rowe be barred from acting as supervisor while the appeal process is ongoing, the Fourth District Court of Appeal granted what in legal terms is called a "writ of super-sedeas," which imposed a stay on Judge Fran-

gie's finding that Rowe's appointment was null and void as well as the resultant order that she be removed from office. On Wednesday, January 8, the appellate court reversed its November decision that was permitting Rowe to continue in the role of supervisor.

The county then filed a petition with the Supreme Court on January 17, seeking clearance for Rowe to continue in the capacity of appointed supervisor while the appeal moves forward. Yesterday, Thursday, January 23, the California Supreme Court issued a directive that Judge Frangie's order be placed on hold.

Thus, it appears that Rowe will yet hold, tenuously, the position of Third District supervisor when the March 3 election is held. This is of some consequence

because the ballot describes her as the incumbent. If Judge Frangie's ruling yet applied, Rowe's political opponents would be able to assert, if she indeed prevails in March, that she was elected under false pretenses.

Rowe remaining in office holds further political significance. Upon assuming office, Rowe over the last week of 2018 and into January 2019 hired as her staff members three individuals – Suzette Swallow, Dillon Lesovsky and Matt Knox – who had been heavily involved in electioneering efforts for Republican candidates in the past. Word spread that Knox, as Rowe's chief of staff, Lesovsky, as Rowe's policy advisor, and Swallow, as Rowe's communications director, were actually in

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"I Did Not Do This Thing," Merritt Says Of Murders

from page 6

I believe if you were to look deep into what has happened here, in this courtroom in the last five years, you'd have to recognize that something, something is amiss, something is wrong. This prosecution team without any care whatsoever has used you and others to accomplish their goal. They convinced you I did this thing. I know that, and honestly, if I lost a son, brother or daughter, grandchildren to such a cowardly act and genuinely believed what the detectives and prosecutors were telling me, that we have the man who did it, I would likely do as you have. But Miss Blake, Michael, the things you told the jury, they were untrue. They were not unimportant. They helped get me convicted. I hope someday you can ask yourself, someday, the question: 'Why would the prosecutor need these false statements from you if indeed they had the evidence proving my guilt?' What you witnessed throughout this trial was fabricated. And, as I said, I

can't feel angry for your participation in my conviction. If I were in your shoes, I might have done the same. I do, however, have the utmost disdain for the people who put us all in this courtroom. This prosecution team without concern of the consequences systematically manipulated the evidence in this case to unrecognizable and malicious assault I never would have thought possible, and in doing so knew the person or people responsible for this heinous act are still free, all to simply get a win. Their theories throughout trial have been a target that moves opportunistically when confronted by contrary evidence, like when Mr. Imes [lead prosecutor Supervising Deputy District Attorney Britt Imes] stated, 'I believe the family was murdered in the house and to not believe that you'd have to ignore the evidence.' And the next day, the following day, Miss Rodriguez [Deputy District Attorney Melissa Rodriguez] stated, 'We never said they were killed in that house.' These prosecutors resorted to inflammatory rhetoric, brought out prejudicial and inadmissible statements in

the guise of questions, suborned perjury, misled witnesses, including you, Michael [McStay], and you, Susan [Blake]. They did these things to keep consistently before the jury the assumption of damaging facts, which they knew could not be proven, which they knew were false. Then, of course, there's the court, who let this misconduct permeate the trial. A judge who was so set on ending the trial, abdicated his role by telling counsel on both side he could not stop the trial and have hearings on misconduct because, 'I'm going to... I'm going to let the next court deal with it.' What is most troubling, however, is that after my penalty phase verdict was read, the judge still had to decide my fate as to whether I live or die, entered the jury's chambers with Joseph and Summer's family and had intimate contact with them. This, prior to deciding my fate in the motion for a new trial, as the 13th juror. Indeed the jury room was full of high-fives, hugs and congratulatory remarks. When I was told of this behavior, which included the court as well as prosecutors, it reminded me

of a story I once read of a photographer who photographed soldiers flashing thumbs up behind a pile of their victims. As he looked on, he said, it was so jarring that for a few seconds he took it for a montage. But yet, there was something familiar about that scene. Then he remembered the last time he had seen a scene like that was in photographs of lynchings. I'm sure this is not the first time anyone or all of these prosecutors egregiously committed fraud upon this and other courts. They are professional liars and likely have been for the better part of their disreputable careers. Your Honor, there are no second acts. Do what is right. Give me the hearing I deserve. I can show you where this trial has failed. Allow me to show the family just what these prosecutors have done. What's happened here is wrong. It's taking me from my family, a family that does not deserve this. I may deserve a lot of things. I don't deserve this. I did not do this. And as God is my witness, I will be back here and prove to everyone that is true."

Judge Smith said that independently consider-

ing and weighing the evidence he had come to the same conclusion as the jury. Signaling that he was ready to pronounce sentence, Judge Smith asked Maline if there was any reason why he should not proceed.

Maline said, "It is our position that there is still legal cause as to why judgment should not be pronounced. Even though the court denied the motion, we still feel that this court should not be sentencing because there is a bias that was pointed out in our moving papers."

Judge Smith disagreed, saying there was "no legal cause why judgment should not be pronounced."

Judge Smith then proceeded.

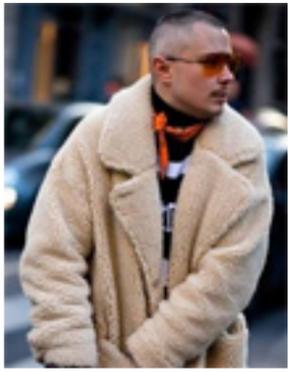
"For the offense of the first degree murder of Joseph McStay, pursuant to the jury's penalty verdict of life in prison without the possibility of parole, the court will sentence Mr. Merritt to the sentence of life in prison without the possibility of parole for the murder of Joseph McStay," Judge Smith pronounced, continuing, "The jury having found Mr. Merritt guilty of the first degree murder of Summer McStay and the

first degree murder of Gianni McStay and the first degree murder of Joseph McStay, Jr., and the jury having found the special circumstances of multiple murder to be true as to each of the first degree murders as to Summer, Gianni and Joseph Jr., and the jury determining the appropriate penalty verdict to be death for each of the murders of Summer, Gianni and Joseph, Jr., and before having denied the motion to modify the verdict from death to life imprisonment without the possibility of parole, it is therefore the judgment and sentence of this court that for the first degree murder of Summer McStay and for the first degree murder of Gianni McStay and for the first degree murder of Joseph McStay, Jr. that the defendant, Charles Merritt, be sentenced to death, that the penalty be carried out in San Quentin State Prison in the manner then prescribed by law, and at a time to be fixed by this court in a subsequent order of execution after the defendant's appeals are exhausted, all in accordance with Penal Code Section 3605."

-Mark Gutglueck

California Style Teddy

By Grace Bernal



The Teddy Boy style of the 50s had an Edwardian look to it. In British attire, a teddy boy look was a teen way of dressing. Then came rockers, mods and punks. A little rebellious then, but today looking back, there was a lot of chic to it. Which brings

me to teddy trend of today lately that being a coat. Flamboyant? Yes, very, and neat too. So, if you're ready to teddy up, try the coat of the mo-

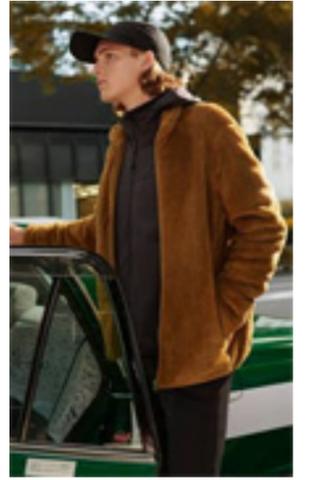


ment. After all the weather has been cool enough. You can dress it up or down with slacks, denim, and sporty attire. The teddy coat comes in varied lengths

for your personal preference. Interesting how the past has a lot of influence on the present. The thought of dressing has this thing about history repeating it-



self, and its what makes dressing up fun. Fashion is fabulous when men strike a pose on the streets daring to be unique. There's a lot more to happen with fashion in 2020 but for now teddy up.



"Yeah, I like causing trouble. It's the teddy boy in me. I used to be a teddy boy." Michael Gambon



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

Two Years After It Failed To Get The Chino City Council To Allow It To Double The Permitted Density On Its Residential Proposal, Borstein Enterprises Again Shot Down *from page 17*

then insist on increasing the density to the maximum, that is, 4.5 units per acre. City staff said a new development proposal from a different

developer would likely require a new approval process.

Councilman Haughey said the project stood on its own merit and Coun-

cilman Rodriguez, while referencing state mandates that cities approve "affordable" housing, suggested the city might get in Dutch with the state if it didn't approve this housing project, ignoring the price tags on the homes.

Councilman Lucio questioned whether it

wouldn't make more sense and be more cost effective for the city to annex the entire area north of the city in one fell swoop to be able to deal with infrastructure issues in a coordinated fashion rather than in making piecemeal annexations.

In a 3-to-2 decision,

with Ulloa, Hargrove and Lucio prevailing and Haughey and Rodriguez dissenting, the council voted to overturn the Chino Planning Commission's recommendation for approval and reject city staff's recommendation to let the Chino Francis Estates development proceed. Ulloa,

Hargrove and Lucio enunciated their collective belief the city should stand by the standards in the Chino General Plan, and keep the two homes per acre designation for the property at Yorba and Francis avenues in place.

-Mark Gutglueck

County Officials Have Stood By As Supervisor Rowe Has Run A Political Shop Out Of The Third District Supervisor's Office *from page 19*

place to ensure her election in 2020, as well as to work on behalf of other Republican candidates in the same election cycle, including Congressman Paul Cook, who is running for supervisor in the county's First District, and 33rd District Assemblyman Jay Obernolte, who is running to replace Cook as Congressman in the 8th Congressional District. The status that Swallow, Lesovsky and Knox have as

employees of Rowe's office provides them with agency-to-agency privilege. Agency-to-agency privilege includes the free exchange of information between various levels of government, federal, state and local, often including information gleaned from law enforcement data bases. Such information can be useful for political operatives such as Swallow, Lesovsky and Knox in their political campaign

work. While the sharing and use of such information for partisan political purposes is illegal, as is the use of government facilities and equipment, enforcement of those restrictions are difficult and highly unlikely given the power, autonomy and authority holders of elected office possess.

While the activity Swallow, Lesovsky and Knox are engaged in is known to the members of the board of supervisors as well as County Chief Executive Officer Gary McBride, Deputy Chief Executive Officer Leonard X. Hernandez,

County Council Mchelle Blakemore and other top county staff members, the will to counteract what is going on in that regard has yet to hit a critical level by which a move to stop it has taken place. Rowe's prospect of prevailing in the supervisor's race is a major factor discouraging county employees from taking action with regard to the matter.

There is nevertheless precedent in the county for law enforcement agencies stepping in to curtail such bold use of county facilities and governmental authority by

powerful personages for electioneering purposes. In 2009, then-County Assessor Bill Postmus was arrested and eventually prosecuted for utilizing the assessor's office for partisan political campaign efforts. Previous to being assessor,

Postmus had been First District supervisor, including a two-year stint as the chairman of the board of supervisors. He was also the chairman of the San Bernardino County Republican Central Committee.

-Mark Gutglueck

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