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Big Bear Lake Council Rebukes Colleague After City Manager's Departure

There were double punctuations this week to what has become an ongoing controversy involving Big Bear Lake City Councilman Alan Lee. Despite the council passing a resolution of reprimand against Lee and closing out the tenure of City Manager Frank Rush with a severance agreement which the council said was necessary to prevent a lawsuit based upon treat-

ment Lee had accorded the city manager during the 15 months Lee has been in office, the situation does not appear to have fully resolved itself.

While it was pretty well established that a fair cross section of the Big Bear community shares the city council's discontent with the sometimes provocative and sometimes reasonable-sounding first term councilman, the jury is

yet out on whether a sizable enough contingent of the resort city's population will swing behind Lee to provide him with staying power and whether he has the political skill and reach to form a political counterweight to the forces that have lined up against him.

Big Bear Lake, with an official head count of 5,303 residents, is the second-smallest of

San Bernardino County's 24 municipalities population-wise and at 6.42 square miles the county's third smallest city geographically. Located in the eastern San Bernardino Mountains, it is relatively isolated, although it does have neighboring unincorporated communities that boost the greater Big Bear area to a population somewhat greater than 19,000. Nevertheless,

much though not all of what goes on in the City of Big Bear Lake stays in Big Bear Lake, such that most of the outside world has not been aware of the contretemps involving the city council.

Lee was elected to the council in 2020, the second election cycle in which positions on the council were selected by district but the first time that a by-district election was actu- See P 5

Judge Bert Swift, Who Defied The San Bernardino County Court System's Ethos Of Automatic Guilt, Gone

By Mark Gutglueck

Bert Swift, an iconic member of San Bernardino County's legal community whose ordeal resulted in a giant stride toward independence of the local judiciary, has died.

Swift retired from the bench in 2008, more than a decade after prosecutors tried and failed to bring him to heel by seeking his removal from office so they might then use that as a warning to other judges they felt were not accommodating enough to law enforcement. He continued to serve as a judge sitting on assignment for more than a dozen years after his retirement.

Born in 1940, Swift joined the Navy when he got out of high school, and he managed to land a berth in that service's prestigious Navy Amphibious Scout and Radar School, becoming one of the first members of the Navy Seals when they became the U.S. navy's primary special operational force in 1962.

Swift eventually moved into law enforcement after he left the military, going to work for the Palms Springs Police Department. He attended Western States College of Law, passing the bar in June 1977. He did not, as was common with lawyers who had previously worked in law enforcement, become a prosecutor with a district attorney's office. Rather, he practiced primarily in the area of personal injury law and in criminal defense.

In 1989, he See P 2

Walter Bratton Broke The Color Line At The Ontario Fire Department In 1975

Walter Bratton, the homegrown kid who went on to shatter the color line at the Ontario Fire Department and then innovated to create the first video ministry for, and become the longest serving deacon at, Ontario Mt. Zion Church, has died.

A paradoxically quiet drum-beating member of the Ontario business and social community,



Walter Bratton

Bratton lost the use of his voice three years ago as the consequence of his

bout with amyotrophic lateral sclerosis. That disease ultimately took his life but did not arrest his intensity nor diminish his dignity.

Born on November 3, 1951 in Rock Hill, South Carolina, he moved with his parents, James Lawrence and Elvenia Steele Bratton, and his one sister who had been born at that point to California when he was four years

old. The Bratton family settled in Ontario, becoming parishioners at Mt. Zion Baptist Church, and James established a sole proprietorship janitorial business, JL Bratton & Company.

Walter attended Grove Elementary, Euclid Elementary and De Anza Junior High.

As a teen, he worked with his father, assisting him several hours

a week as he made his rounds at the various Ontario industrial and commercial institutions where JL Bratton & Company had contracts, including with General Electric, Ontario Airport, the Koll Company, Berry Construction and other smaller businesses. This assistance allowed his father to expand his operation beyond Ontario to pick up See P 6

Chino Paying \$2.625M To Construct Pipeline To Send Contaminant-Laden H₂O To Treatment Facility

Chino is beset with a lingering contamination issue on its eastern end north of the former agricultural preserve, it was publicly revealed last week in a roundabout fashion.

The city is going to construct, at a cost of \$2,625,835.22, a transmission water pipeline to a treatment facility.

The project is neces-

sitated by the presence of trichloropropane in the water table below the area lying generally in the vicinity of the intersection of Cypress Avenue and Walnut Avenue.

It is suspected that the trichloropropane contamination resulted from the chemical's use in agricultural operations on nearby properties.

Also known as al-

lyl trichloride, glycerol trichlorohydrin, and trichlorohydrin, 1,2,3-Trichloropropane is a chlorinated derivative of propylene. A colorless liquid, it is used as a solvent and in other specialty applications, including as a paint or varnish remover, a cleaning agent and for degreasing. With a sweet but strong odor, it evapo- See P 3

To Scotch Bribery Reports Warren Poaches Chino City Manager

In an effort to contain or at least downplay a cacophony of reports about graft and corruption at Fontana City Hall as the 2022 election season approaches, Fontana Mayor Acquanetta Warren this week moved to poach Chino's city manager.

Fontana lured Matt Ballantyne, who has been at the helm of relative-

ly sedate and well-run 91,403-population Chino for a decade, to head up the municipal operations at the 217,237-population scandal-plagued former steel town by offering him what looks to be a nearly \$100,000 escalation in his total annual compensation that will but him beyond the half of a million dollar range annually. See P 2

Valdivia's One-Time Council Ally Nickel Now Challenging Him For Reelection As Mayor

Former San Bernardino Fifth Ward City Councilman Henry Nickel has joined with Treasure Ortiz, Helen Tran, James Penman, Mohammad Khan and Gabriel Jaramillo in vying against incumbent John Valdivia for mayor in this year's San Bernardino municipal contest.

Nickel is the newest addition to the race. It has long been known

that Ortiz and Tran will attempt to unseat Valdivia, who has been steeped in controversy since even before he was sworn in as mayor in 2018. Penman, the former city attorney when that position in San Bernardino was an elected one who ran unsuccessfully for mayor in 2005 and 2009 and San Bernardino County District Attorney in 1994, announced he

was running for mayor again last August. Khan and Jaramillo are more obscure candidates who nevertheless vow they are in the contest for real.

Less than a month after he was elected mayor in November 2018 and before he acceded to that position, Valdivia was on the premises of an unlicensed marijuana marketing facility just shortly before it

was robbed at gunpoint and the principal in the business shot. Reports ensued that Valdivia was there to shake the company down. Captain David Green of the police department conducted what the department maintains is a classified investigation of what had occurred. That report has never been released. Green was subsequently promoted to assistant po-

lice chief and is now the acting police chief.

The day Valdivia was sworn in as mayor, December 18, 2018, he initiated an effort to fire then-City Manager Andrea Travis-Miller. He achieved that goal by June 2019. Shortly thereafter, nearly a dozen applicants for commercial cannabis licenses and permits in the city came forward, stat- See P 3

When He Became A Judge, Swift Was Welcomed Into A World In Which Physical Abuse Of Prisoners Was Considered A Tool Of Justice & The Concept Of A Fair Trial Was That Convictions Are Guaranteed, And Those Who Thought Otherwise Were Deemed Criminals Themselves *from front page*

replaced Judge Richard Crouter as the Municipal Court judge in the Joshua Tree Judicial District. Crouter was an unabashedly pro-law enforcement jurist, one who could be counted upon to extend every courtesy and then some to Morongo Valley's peace officers, those being San Bernardino County Sheriff's Department deputies and detectives, as well as their supervising sergeants, lieutenants captains and deputy chiefs. Crouter was equally proud of his established reputation for never denying a motion made by a member of the prosecutor's office, of which he had been a member before his elevation to the bench. Crouter was the municipal court judge in Yucca Valley from 1983 until 1989. Shortly after he took on that assignment, a sign had been posted inside the Joshua Tree jail that said, "You're in Crouter Country now, Boy!" The sign was meant as a warning to inmates that they had little or no prospect of acquittal upon being criminally charged at the Joshua Tree Court and should anticipate the maximum sentence applicable to

the crime being alleged upon what was to be an inevitable conviction.

The court system in San Bernardino County, a position in which Judge Swift had come to inhabit, for more than a century was one that was inordinately inhospitable to criminal defendants. As a strict matter of course, those arrested and charged with violating the law in San Bernardino County were traditionally presumed guilty and it was incumbent upon them to prove their innocence, quite often without the assistance of an attorney. Much of the public credited law enforcement officers with moral rectitude and were willing to grant them wide latitude in upholding the standards of civility and the law. Prosecutors were seen as the equally virtuous adjuncts to the police departments and sheriff's department, whose assertions deserved the status of fact. Those who had been arrested and the criminally accused were considered to merit the disapprobation of society and whatever punishment was to be meted out to them. The vast majority of those arrested in San Bernardino

County admitted their guilt and capitulated without a trial. Of those who went to trial, only a minute fraction were vindicated, which was as it should be, the overwhelming majority of the county's decent, law-abiding populace, from which the court system's jury pool was drawn, thought. As overwhelmingly lopsided in favor of the upholders of the law as the court system was in its urban areas of San Bernardino, Colton, Redlands and Ontario, the legal playing field was tilted even more in favor of the prosecution in the desert region at its Barstow, Needles, Victorville and Joshua Tree courthouses.

Lowell Lathrop, the San Bernardino County's district attorney first elected in 1950 who served six terms before retiring in 1974, in the run-up to his reelection in 1958 gave an illustration of how excessively heavy-handed and brutal enforcement of the law was in San Bernardino County. In a speech before the Victorville Chamber of Commerce in 1958, Lathrop lamented that a series of rulings by both the California Supreme Court and U.S. Supreme Court had deprived his office and the county's law enforcement agencies of the tools they had come to rely upon for making arrests, obtaining evidence, and gaining convictions. Explaining

why it was growing increasingly difficult to keep criminals off the streets of San Bernardino County, Lathrop told those assembled at that day's luncheon that sheriff's department deputies could no longer pistol whip suspects to obtain a confession from them as they did in the past and that if they persisted in using that technique, the confessions obtained in that manner would be deemed inadmissible in court.

Lathrop was yet district attorney 12 years later when a group of reformers consisting of three of the county's judges, some members of the grand jury and a handful of common citizens coalesced in an effort to restrain the rampant abuse of inmates in the county's jails.

Raymond Pryke, was the foreman of the Grand Jury that had been impaneled in 1970. Pryke had taken on the grand jury foreman assignment at the instigation of Judge Joseph Katz, who was then the presiding judge of the San Bernardino County Superior Court, only on the condition that he be permitted to do something that would be, Pryke insisted, "meaningful." With Katz's pledge of support, Pryke, in conjunction with the grand jury foreman pro tem, Jim Mealey, who had been the trainmaster at one of the county's railroad yards, to have the

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grand jury look into the running of the county's jails. Pryke and Mealey took it upon themselves on one occasion to go to the Glen Helen Detention Center at midnight, virtually unannounced.

The facility was overseen by a sheriff's department inspector, a rank used by the sheriff's department at that time. The Glen Helen inspector served in a capacity tantamount to being the warden of a prison. After using their grand jury credential to get past the main gate and into the compound, Pryke and Mealey were delayed and made to wait outside the housing facilities of the detention center while the sheriff's department inspector overseeing the facility was awakened from what was presumably a sound sleep and summoned. Upon the inspector reaching them, they went inside with him and informed him

of who they were, declaring their intention to inspect the jail. The inspector, putting his hand to his lips, pointed to where there was a microphone in the room. He took them outside and told them that Sheriff Frank Bland knew they were there and was on his way, indicating that he would very likely lose his job if he showed them too much. The inspector took them inside and they began a tour of the facility. Before Bland arrived, they encountered prisoners who were being kept in cages.

Upon Bland showing up, Pryke and Mealey referenced the authorization they had been given by Judge Katz to inspect the facility. Bland, reluctantly, escorted them on a tour of the detention center, including Glen Helen's infamous "hole," its isolation ward. Bland, using his own key, *Continued on Page 4*

Ballantyne Will Take Up His Place Among A Litany Of Fontana City Managers, Some Extraordinary & Some Less Remarkable, All Of Whom Had To Carry On Within A Milieu Of Corrupt Dysfunction *from front page*

In taking on the assignment, Ballantyne is playing for far higher stakes than he has heretofore while assuming a substantial degree of risk he would not have encountered if he had remained in Chino.

Over the years, Fontana city managers have courted an uncommon degree of controversy. While some prospered, others involved themselves in circumstances that so poisoned their

reputations that even the comfortable retirements they were eventually were able to slip into were no solace for having been publicly vilified or delivered to the confines of an asylum.

Jack Ratelle, who was Fontana's city manager from 1973 to 1987, looted the city seven ways from Sunday, orchestrating arrangements by which the city and its taxpayers paid out approaching half of a billion dol-

lars to cover the cost of infrastructure and both on-and-off-site improvements to allow development to proceed. Ratelle laundered the kickbacks he received - estimated at no more than \$2 million - through a credit line set up for him at the MGM Grand Hotel in Las Vegas. He was fired after 14 years on the job but escaped being prosecuted based on the amount of compromising information he had accumulated on the city's then current and former political leaders and high ranking members of the police department. There followed an effort at reform by Ratelle's successor, the dynamic John

O'Sullivan, who was ultimately undone by the overwhelming financial burden that Ratelle had saddled the city with and the lingering conflicting interests the city and some of its political leadership had become involved in under Ratelle. O'Sullivan left Fontana a broken man after less than four years. There followed relatively short tenures of city managers Russ Carlson and Jay Corey, who like O'Sullivan, were unable to map the city out of its deepening fiscal crisis brought on by massive debt. It was Greg Devereaux, Fontana city manager from 1994 to 1997, who structured a financial re-

covery plan that hinged itself on substantial growth by intense development of properties in the city's redevelopment areas that were previously encumbered by the corruption-encrusted arrangements of Ratelle and the development/redevelopment director, Neil Stone, Ratelle had employed. Devereaux went on to an even more illustrious governmental management career with the City of Ontario and thereafter the County of San Bernardino. Still, before he left Fontana, Devereaux had put in place a municipal operations strategy so comprehensive and well-devised that Ken Hunt, who fol-

lowed in Devereaux's wake in Fontana, needed to merely execute upon that game plan for the next two decades to have a spectacular run as city manager as the city grew exponentially, until today it is neck and neck, population-wise, with the county seat, the City of San Bernardino, as the county's largest municipality. Hunt became by 2019, the third-highest paid city manager in California

Fontana, nevertheless, remained steeped in governmental and political corruption, and part of what had made Hunt the envy of others in the

Continued on Page 12

Its Agricultural And Aeronautic Past Has Left Chino With A Legacy Of Groundwater Contamination *from front page*

rates very quickly, and small amounts of the substance will dissolve in water. Known as TCP, 1,2,3-Trichloropropane is recognized in California as a cancer-causing agent. Furthermore, short term exposure to TCP can cause throat and eye irritation and can affect muscle coordination and concentration. Long-term exposure can affect body weight and kidney function. Prior to 1980, farming operations in the United States commonly made use of chloropropane-contain-

ing soil fumigants for use as pesticides and wormicides. 1,2,3-TCP was a minor component in a popular soil fumigant marketed under the name D-D that was used in the cultivation of various crops, including citrus fruits, pineapples, soy beans, cotton, tomatoes, and potatoes. D-D was first available commercially in 1943, but is no longer available in the United States. Fumigants applied today use far less 1,2,3-TCP, only 0.17 percent by weight, according to one source available to the Sentinel.

1,2,3-Trichloropropane has been present in the local water supply for decades. It became an issue when the State of California lowered its acceptable contamina-

tion level for 1,2,3-TCP to five parts per trillion. Samplings from the City of Chino's various wells showed that Well 11, which supplied groundwater that was pumped into the city's water distribution system, had a contaminant level exceeding the maximum. The city shuttered Well 11.

Last week, the city council voted to approve a contract with MCC Equipment Rental Inc. of Yucaipa to construct a 16-inch raw water transmission pipeline that will run from the intersection of Cyress Avenue and Chino Avenue north to Walnut Avenue, jog right or east to San Antonio Avenue and then continue north on San Antonio Avenue to meet up with

an existing 18-inch raw water pipe near the alley at Aster Court, roughly two blocks north of Walnut Avenue. The existing 18-inch pipeline will whisk the water to the Eastside Water Treatment Facility in Ontario.

In addition to constructing the pipeline from Well 11 to the existing pipeline near the Aster Court alley, MCC Equipment Rental Inc is to complete backfill, repaving, and street repair for streets affected by the construction for the said price of \$2,625,835.22. MCC Equipment Rental Inc was the low bidder on the project among 15 companies that made applications to do the work. The closest bid to MCC's was one for \$2,727,777 by E.J. Meyer Compa-

ny. The highest bid was \$4,956,361 by James W Fowler Co.

Chino is beset with contamination issues.

The Regional Water Quality Board has long been working with the City of Chino and the County of San Bernardino over the contamination of ground water beneath Chino Airport. The Regional Water Quality Board has issued multiple clean-up and abatement orders pertaining to both the removal of drums of napalm buried on the airport grounds as well as solvents and aviation fuel that has migrated into the water table.

Other contamination issues exist in the area, including excessively brackish groundwater in

the south end of the Chino Basin brought about by nitrates and dissolved solids from agricultural and dairy operations there. As a consequence, the cities of Chino, Chino Hills, Norco [in Riverside County] and Ontario, along with the Inland Empire Utilities Agency, the Jurupa Community Services District, the Santa Ana River Water Company and the Western Municipal Water District formed the Chino Basin Desalter Authority as a Joint Powers Authority to operate the Chino I and II Desalter facilities to purify groundwater extracted from the lower Chino Basin.

-Mark Gutglueck

Nickel Challenging Valdivia *from front page*

ing that Valdivia had taken money from them in exchange for assurances that he could facilitate the approval of their marijuana-related operations. There were further reports of Valdivia taking money in exchange for arranging city council approval of city contracts, franchises and development proposals. One by one, a majority of the members of the ruling coalition on the city council that Valdivia considered his allies and whom he called upon to achieve his goals as mayor - Councilwoman Sandra Ibarra, Councilman Ted Sanchez and Nickel - disassociated themselves from him. Thereafter, three women working in the mayor's office - Mirna Cisneros, Karen Cervantes, Jackie Aboud - and Alissa Payne, one of his appointees to the city's Arts and Historical Preservation Commission and the San Bernardino Parks, Recreation and Community Services Commission, came forward with allegations that he was making sexual advances toward them. Cisneros and Aboud augmented those claims with allegations about political corruption in which Valdivia took official action in ex-

change for money. The accusation that Valdivia was taking money in exchange for government action was repeated by Don Smith, who had worked on Valdivia's campaign for mayor and was subsequently hired by the city to serve as Valdivia's part time field representative at the city. Matt Brown, who was brought in to serve as Valdivia's chief of staff in August 2019, supported the charges of the others employed in the mayor's office. Ultimately, Cisneros, Cervantes, Aboud, Smith and Brown retained attorney Tristan Pelayes and sued Valdivia and the city over their experience in working for Valdivia.

Ortiz has been critical of Valdivia from the outset of his mayoralty and has remained his most vocal opponent.

Tran was San Bernardino's human resources director. She came in for a round of criticism for failing to prevent or stem Valdivia's mistreatment of Cisneros, Cervantes Aboud and Smith while she was still employed by the city. She left the city's employ relatively early after the revelations about Valdivia's interactions with his staff members. Some have suggested that Tran's connection to the city administration during this critical span of inaction

will doom her mayoral candidacy. Others have said they will withhold judgment to see if she will ultimately utilize the inside information she attained while with the city and utilize her campaign as a forum to engage in a wholesale exposé of the dysfunction at City Hall and the full depth of Valdivia's depredations.

Penman was long a Valdivia supporter, having been instrumental in Valdivia's political rise in 2011 when he was elected Third Ward city councilman. He continued to support him, including in Valdivia's campaign to unseat then-incumbent Mayor Carey Davis in 2018. Some found this curious, given Penman's representation of himself as a reformist and the indications that were already extant of Valdivia's willingness to conform his votes as a councilman to the will of those providing him with political donations or other payments. Penman now says that he is disappointed in Valdivia's comportment as mayor.

Mohammad and Jaramillo are relatively new arrivals on the San Bernardino political scene. Not much is known about them, although some feel there is grounds to believe that Jaramillo is actually a stalking horse for Valdivia. Jaramillo has not leveled any criti-

cism at Valdivia, and instead has made public statements decrying Ortiz as a divisive force in the community, implying that her tirades against Valdivia are unwelcome and uncalled for. Jaramillo's addition to the field of mayoral candidates, by the calculation of at least some political prognosticators and San Bernardino mayoral race handicappers is a benefit to Valdivia, who has substantial name recognition, the power of incumbency and \$318,426.56 in his campaign war chest, which at present is far ahead of the \$132,859.53 Tran has committed toward her electoral challenge and the \$47,146.72 Penman has in his electioneering fund. The other candidates are well under those totals. Most election analysts concur that the more opponents who run against Valdivia in the June primary race, the better it is for him. They believe that based on his current name recognition and incumbent status, he will need to spend only about one-fifth to one fourth of the amount of money he has in his campaign fund to ensure first or second place in the June race, and thus a berth in the November run-off. He will then be able to utilize the remainder of his money, which at this point would run to

more than \$200,000 and will by then be far more based on the donations he can anticipate receiving between now and then, to ensure a victory over whoever his opponent is. Conversely, with more and more candidates getting into the contest, for any of the current crop of challengers to ensure so much as a second-place finish in June, he or she will need to spend virtually all of his or her currently available funding, leaving whoever that is at a tremendous disadvantage to Valdivia in the fall.

Nickel in the 2015 to 2018 timeframe while he and Valdivia were both councilmen had evolved into Valdivia's closest ally on the council. That has now changed. Nickel grew wary of Valdivia as the latter's megalomania in the role of mayor became apparent and he threw caution to the wind in seeking ever more money, both in the form of political donations, consulting fees and what most people consider to be payoffs.

In his 2020 stand for reelection, Nickel was damaged, on one hand, with some voters for his past association with Valdivia. On the other hand, he reaped little benefit by braking with Valdivia, since Valdivia, who was in a position to do so given his fat cam-

paign fund coffers, offered Nickel no financial assistance in his reelection bid. Nickel was beaten by Ben Reynoso for the Fifth District council post.

"Over the past year, many fellow residents have asked if I would consider running for mayor given my prior six years of experience as an effective collaborative council member," Nickel told the *Sentinel*. "I have decided to do so. We are concerned the hard-fought gains made since the city exited bankruptcy in 2017 are now threatened by a return to the bad old days of constant bickering and dysfunction that brought the city to insolvency 10 years ago. We must move forward. We must create a safe, clean and prosperous community for all. We must demand experience, commitment and integrity in the office of mayor. We must bring together our community and city council. We must set aside egos, selfish ambition, greed and petty squabbles. We must deliver results for those who elect us and pay our salaries. If we devote ourselves as a community to these objectives, we will become a truly world class city. This is my promise should the voters decide I am their choice for mayor."

-Mark Gutglueck

With Quiet Determination, Judge Swift Sought To Bring The San Bernardino County Bench Further Out Of The Era Of Crude & Barbaric Frontier Justice *from page 2*

opened each door to the separate sequestered and fully darkened cells. The occupants were bade to emerge, whereupon Pryke and Mealey explained to each inmate that they were with the grand jury and wanted to know how they were being treated. With the imperious sheriff of San Bernardino County glowering at each of the prisoners, Pryke and Mealey were given answers of varying degrees of candor. One of the prisoners in the hole told Pryke and Mealey, "Every three days they let you out and they beat you up and claim you attacked a deputy and then they throw you back in." Pryke's and Mealey's conclusion, based on what they had seen, was that even measured against what were the lax standards relating to the conditions of confinement of that era, many of the prisoners in the county's detention facilities were being barbarically treated.

Bland reacted virulently, suggesting that Pryke and Mealey and even Katz had ulterior motives. He had detectives with the department's intelligence division and those attached to the department's command echelon initiate investigations of all three.

When the grand jury's report came out in November 1970, Bland had an immediate, and predictably negative, reaction.

"The grand jury just doesn't know what it's talking about," he told the board of supervisors.

In private conversations with those he considered to be more sympathetic to law enforcement, Bland expressed himself somewhat differently, acknowledging that jails were unpleasant places and that the experience of jail and prison was intended to make a lasting impression on those consigned to them. Whatever experience those

in jail underwent, Bland maintained, was a consequence of their own criminal acts.

Within a short span of time, his department produced a written response to the grand jury report that was intended to mollify his department's critics. "The [grand jury] report is an incredible collection of half truths and misstatements. It was obviously prepared by people who, out of idealism, inexperience, and ignorance, have not obtained all the facts."

Bland dismissed suggestions that those jailed were subjected to mistreatment, by either their keepers or other inmates. "Inmates classified to serve their time in maximum security are considered to be escape risks due to their past history of escaping, or the fact that they are facing a major prosecution in this county or elsewhere, due to the fact that they are addicted to the use of narcotics or dangerous drugs and will go to every means to sustain their habit, or they are homosexuals and must be isolated from the other inmates for their own protection and to prevent the occurrence of criminal sex acts."

Nevertheless, evidence of Bland's contempt for efforts to interfere with his employment of a harsh incarceration regime crept into the response, with an assertion that his approach was one that found favor with the public at large.

"The people throughout the United States are extremely dissatisfied with the present judicial system thinking only of the rights of the defendant and failing to consider the protection of society against the criminals," he propounded.

Shortly after Bland succeeded in riding that storm out, more onerous clouds appeared.

Less than a year later, the sodomizing of prisoners in San Bernardino

County's jails was a front and center issue. Whereas before Bland had been able to retreat into the protection his status as county sheriff afforded him as well as the knowledge that the district attorney, Lathrop, had his back, this time two personages in the form of county municipal court judges threw their weight behind the grand jury's reform effort. Judges John Lawrence and Roy Chapman turned information over to the grand jury indicating that prisoners, young prisoners in particular, had been subject to sexual abuse while in the custody of the sheriff's department. While Lawrence's and Chapman's action had taken place on the down low and outside the view of the public, in early October 1971 Lawrence turned it into a public issue when he reduced sentences for two 18-year-old offenders to five days to be served in a rehabilitation center rather than send them to jail where he said they could be subjected to homosexual attack. Bland went ballistic, calling for the removal of Lawrence unless the judge could provide evidence to support his assertion about homosexual rape taking place in the county's jails. Lawrence, Bland told the board of supervisors, was justifying his propensity for sentencing leniency "by saying the jails are unsafe for criminals."

Faced with an exposition of a policy Bland might not be able to publicly defend, he asserted "All young people placed in the county jails are kept separate from known homosexuals or hardened criminals."

Nevertheless, throughout the remainder of Bland's tenure as sheriff and beyond, an unwritten rule in San Bernardino County was that unruly prisoners in the custody of the sheriff's department and particularly ones who threaten deputies, their wives or their families with retribution, as well as those individuals arrested for threatening or overzealously questioning public

officials were placed into confinement among the jail's known homosexual inhabitants for what was referred to as "attitude adjustment."

Pryke, to protect himself from investigative and enforcement action by the sheriff's department and prosecution by the district attorney's office, purchased and published five newspapers throughout the county.

Not quite two decades after the jailhouse abuse reform effort that Katz, Lawrence, Chapman, Pryke and Mealey involved themselves in, Bert Swift was elevated to the municipal court. The mechanics of law enforcement and incarceration were only slightly less brutal and the ethos of administering justice in San Bernardino County hardly any less perverse than two decades earlier. Judges were yet expected to rubberstamp every request for arrest or search warrants, grant without question every motion made by prosecutors, and side with the prosecution over the defense on any substantive issue of contention between them.

It had been assumed that Swift, with his background as a police officer, would fit in with the program. It soon became apparent, however, that Swift was not going to simply go along with the status quo. Sheriff's deputies and detectives who sought search warrants were chastened to find that he actually read the affidavits they presented to him when they applied for the warrants, and that he would put them through their paces if he detected some anomaly in their paperwork or presentation. Occasionally, they were obliged to fortify their presentation with further information or materials before Swift would agree to a warrant's issuance. He did not default to the highest bail amount during inmate bond hearings or at arraignments. He did not simply ignore or dismiss defense motions. Where he deemed them to have merit, Swift indulged defense discovery motions

in the face of prosecutorial opposition. He denied at times prosecutorial motions in situations where the defense raised legally meaningful and factually substantial grounds, and he was disinclined to mete out harsh or lengthy sentences to defendants whose crimes or circumstances did not, in his analysis, match the representations or recommendation of the prosecution. One of the most difficult elements of being a judge, Swift said, consisted of "trying to find the right punishment to fit the crime."

When Judge Patrick Morris, then the county court system's presiding judge, floated the concept of a drug court at the county's central courthouse in the county seat, Swift advocated that such a model in which those arrested on narcotic violations were diverted, at least on their first offenses, into treatment rather than incarceration be given a go in the Morongo Basin. Indeed, Swift went one better, calling for and then seeing implemented a mental health and drug treatment court in which treatment was considered as a first option in cases involving addiction or mental illness. Of that accomplishment, Swift said, "It's probably the most successful judicial endeavor I have been involved in as a judge."

Others disagreed. Prosecutors and law enforcement professionals were at best skeptical and more often downright dismissive of such approaches. They considered compassion when dealing with lawbreakers to be weakness or naiveté.

Prosecutors often used statistics to define their success. Artfully, the county district attorney would claim a "conviction rate" of 95 percent or greater. To the vast majority of the public this implied that the county's prosecutors won more than 19 of every 20 cases that went to trial. In reality, however, very few criminal cases, statistically, go to trial. In actuality, less than five

percent of criminal cases are heard by a jury or a judge in what is called a no-jury bench trial. More than 95 per cent of cases are resolved either through a straightaway guilty plea or through a plea bargain arranged by the prosecution and the defense, in most cases with some of the charges being dropped or reduced and the sentencing imposed generally on the other side of the maximum that could be applied as part of the inducement for the defendant to enter the plea. A ploy used by prosecutors often includes hitting a defendant with as many criminal charges as possible during arraignment, what is referred to in legal parlance as "overcharging." This practice, which sometimes involves alleging crimes or elements of crimes that prosecutors actually know cannot, or are unlikely to, be proven, puts a defendant at a sharp disadvantage both psychologically and practically, as conviction on a string of crimes could conceivably result in a potential sentence of decades or more upon conviction, conditional upon the sentencing discretion of the judge hearing the case.

Judge Swift was not as indulgent as other judges in San Bernardino County of prosecutors' use of overcharging. His tendency to read everything placed before him and question the basis of the rulings he was being requested to make, to say nothing of his rulings and findings against the prosecution, rubbed prosecutors the wrong way, in no little part because he threatened by doing so their vaunted 97 percent, 98 percent and 99 percent conviction rate claims. To them, it was as if Judge Swift really didn't understand what he was doing; he was too dense to understand who the good guys were and who the bad guys were. As a judge, Swift was wrongheadedly seeking to assist criminals rather than punish them, or so it

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Some Facts Do Not Fit Within the Narrative Of Lee's Demonization As The Monster Who Terrorized Big Bear Lake *from front page*

ally held, as no challengers of those incumbents seeking to remain on the council emerged in 2018.

Lee took his place on the council dais in December 2020. Before Spring 2021 rolled around, he had already antagonized some members of the local establishment and had proven too aggressive by the standards of some in questioning the performance of city employees.

According to many, Lee is too forceful in seeking to formulate city policy, and has sought to intimidate his council colleagues, city staff and some residents in that effort. He is accused of seeking to bully staff into action at his suggestion alone without getting that instruction ratified by the full council in votes officially taken at agendized council meetings. His council colleagues have protested that he has resorted to threats when they did not positively respond to, vote on and pass items he suggested for consideration. Those threats, they say, consist of him intimating he will place on the ballot a citizens' initiative to achieve his ends, seek to recall them or run campaigns against them. He has been criticized for seeking the dissolution of the Big Bear Department of Water and Power, a community institution he was previously a board member of. He is equally vilified for advocating a doubling of the city's transitory occupancy tax, that is, its bed tax or hotel tax, along with more intensive regulations on homes rented for short periods of time to vacationers. His council colleagues have charged him with, in the words of Councilman Randall Putz, "shameless self-promotion and self-aggrandizing." He has been accused of filibustering, that is taking up

too much time in making comments during council meetings, and for belaboring issues. He has been charged with using public resources to promote what others have said is political activity, of being dishonest and engaging in misrepresentation, outright lies and interrupting others when they are speaking. He has proven hypocritical, criticizing others for the same thing that he does, his detractors maintain. He has sought to opportunistically exploit situations to his own benefit, his critics say, disregarding norms, civility and decency. He is prone to outbursts, his opponents charge, and they say he is possessed of a gallingly know-it-all attitude. Even worse, Lee's council colleagues and others say, he insists on being disrespectful and disagreeable in taking his positions in opposition to others rather than agreeing to disagree civilly while working toward middle ground and compromise.

To be fair, however, many of the complaints aimed Lee's way come off as parochial and as self-serving as he is accused of being. The forcefulness Lee is pilloried for engaging in is par for the course in larger jurisdictions, where political enmity is seemingly more cutthroat than anything Lee has devised. Moreover, Lee has sometimes been decried for advocating with regard to what certainly appear to be legitimate issues, and the positions he has taken, at least in some cases, appear to represent the sentiments of a substantial element of Big Bear Lake's constituency, which in given respects has been overlooked or ignored by the council majority.

In one case, multiple Big Bear Lake residents took issue with the city giving go-ahead to a fourth food market – Grocery Outlet – within Big Bear Lake's city limits despite what many considered to be an inadequate population to support such an operation, risking failure or a lack of profitability

of all four stores. When a handful of residents pressed the issue, the city and city council persisted with allowing the project to proceed. The band of residents sued, prevailing in the matter when the Grocery Outlet proponent threw in the towel and abandoned the project. Lee was fiercely criticized for associating himself, as an elected city official, with those who took legal action against the city, potentially risking taxpayer money. Nevertheless, Lee's defenders point out, the city was pursuing a questionable goal, and Lee should not be blamed for standing with those who had the determination and courage to resist such an ill-advised course of action.

As a recreational and vacation mecca, Big Bear Lake attracts thousands of short term occupants annually, with arrivals coming in during all four seasons of the year, some more than others. Many of those flocking to the city do not conduct themselves as civilly as some would prefer, and the use of alcohol and recreational drugs by many of them exacerbates the situation, as does the consideration that in most cases there is no easy or surefire way to trace the identity of the misdoers, who hold the advantage of being able to leave, generally without a trace, at once if they so choose. Simultaneously, a substantial number of property owners in Big Bear Lake derive considerable income from catering to these short term residents. They are less in favor of the city government imposing regulations on the transient population than are the homeowners in the city who must live with a constant influx of highly unpredictable temporary neighbors of variable levels of gentility. This has created some degree of tension between the permanent residents of Big Bear Lake and those who see their property as a means of generating income. The permanent residents clamor for greater regu-

lation of short term rentals while the absentee landlords are essentially satisfied with the status quo. Since the absentee landlords are generally wealthier than the permanent residents and can apply money in the form of political grease more readily than the permanent residents, the city and city council have not put in place nor enforced regulations on the transitory population to the degree that the permanent residents want. While it is not accurate to say the city has done absolutely nothing in redressing this issue, for some the city has not been as aggressive as it could or should be in cracking down on unruly short term residents. Lee has sided with the residents who want greater regulation and enforcement action while the rest of the council has been more deferential toward the absentee landlords. In this way, which party – Lee or the balance of the council – has taken the most responsible position is a matter of perspective.

There is inconsistency in the vitriol aimed at Lee. One example is something that grows out of the absentee landlords/permanent residents divide. Some have asserted that Lee is not a true resident, or at least a constant resident of Big Bear Lake. They point to what appear to be his frequent absences from the city as an indication of this. Some have asserted that this is grounds for forcing Lee's removal from the city council. Yet it is Lee who is a more aggressive than anyone on the council in advocating the rights of permanent residents over transitory residents of Big Bear Lake.

Another example of his critics' inconsistency in attacking him is the recurrent claim that Lee is a "plant" or "shill" or "operative" of various public employee unions. Those making that accusation, however, are at a loss to explain why it is that Lee is seen as being unduly harsh in his treatment, and demands, of the city's employees.

In the narrative that is put forth by the council majority, Lee is demonized as a self-interested politician who has ascended to an elected position out of greed or ego or both, and that he is constantly awork at sowing dissension to divide the Big Bear Lake community and tear it down to achieve his own selfish betterment. At the same time, the council maintains, its four ruling coalition members are dedicated to maintaining a cooperative and enlightened as well as efficient synergy involving City Hall's 65 employees, the Big Bear Lake Department of Water and Power's 34 employees, the consolidated Big Bear Fire Department, the San Bernardino County Sheriff's Department and all affiliated and nearby governmental entities in which the sum of the parts, the whole, is greater and more important than a single component or the advancement of a single individual. Nevertheless, in 2018, when the City of Big Bear Lake formulated its council districts to determine the system under which the city's residents would choose their elected leadership, the city council as it was then composed, which contained two of its current members – Mayor Rick Herrick and Randall Putz - voted to adopt a city electoral map which gerrymandered the districts in such a way that all of the incumbents were placed into safe districts in which they did not need to run against one another, which virtually ensured their reelection. Indeed, the 2018 election was not held in Big Bear because no challengers emerged for Herrick, Putz or the other incumbent up for election that year, David Caretto.

As it turned out, also on the agenda for Monday night was the fourth and final required public hearing required under California's Fair Maps Act to select an electoral map for the city based upon the 2020 Census that will be in use in the upcoming 2022 election

and thereafter in 2024, 2026, 2028 and 2030. Scott Smith, an attorney with the law firm of Best Best & Krieger, has advised the city with regard to setting its district boundaries as it considered a total of 18 potential maps, including ones drawn up by his law firm with the help of demographers as well as alternatives submitted by city residents. On February 7, the Big Bear Lake City Council had reduced those competing 18 maps to two, one designated Map 1 and another with the nomenclature Map 5B. Map 1 retained the core of the existing districts drawn up in 2018 and disrupts the established voting sequence of the fewest number of voters, while yet creating more linear borders and forming district configurations that are more compact than the radically asymmetrical districts in the city's existing electoral map, eliminating most nooks and crannies and radical peninsulas and jetties. Nevertheless, Map 1 keeps all of the city's council members in their currently numbered separate districts so that none need run against any of the others. Map 5B favored compactness over continuity, entailing a simpler set of less obviously gerrymandered districts that are relatively distinguishable as running east to west with what are north to south district lines. Map 5B generally does not retain the core of existing Districts 1, 2 and 3. In it, a large number of residents in the center of the city area who under the current map would vote this year are deferred to 2024 in next voting, as they move from District 2 and District 3 to District 1. The vote scheduling of the other residents in those districts is either accelerated by two years or not impacted. Map 5B put council members Lee and Putz within District 3, such that Putz would be obliged to run in this year's election to remain in office, just as his current term is to end. Lee, whose cur-

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**Walter Bratton -
The Pride Of Ontario** *from front page*

more lucrative contracts, including major construction site clean ups such as the construction then ongoing at UC Irvine. The father and son also moonlighted as sky caps at the Ontario Airport Terminal. With the money he earned, Walter long before reaching the age of majority purchased his first motorcycle, car and drum set.

Walter had begun high school in 1966, attending 9th grade at Chaffey High School while the building of Ontario High School was completed. In September 1967, Walter was one of

the campus for which was on Francis Street, much closer to the Bratton home than Chaffey. At Ontario High, he played varsity football as a running back with the Jaguars under Coach Doug Brooks, and varsity baseball for Tom McFadden. After his sophomore year in 1967-68, his junior year in 1968-69, he graduated with the Class of 1970.

Walter attended Chaffey College where he continued to play football, and earned his associate of arts degree. He thereafter resolved to become a licensed commercial pilot, and was taking flight lessons at Cable Airport in Upland and aviation classes at Chino Airport. When he

in electronics at DeVry, simultaneously working

acronym GOLD, initiated through the Ontario

Ontario.

Walter's greatest ge-

Walter donated and volunteered his many talents, skills, and finances for the benefit of Mt. Zion Church of Ontario, and its extended community. Walter had accepted Jesus Christ as his personal lord and savior at a young age and was baptized by Pastor Robert Young. His Christian faith was core to his identity and his active membership in the Mt. Zion Congregation was a visible manifestation of that. Walter was introduced to the Bill Gothard Institute in Basic Life Principles Seminar through the Ontario Fire Department in 1977. Over the next 21 years, he repeatedly coordinated large group attendance to the seminar for his Mt. Zion Church family. He became a team teacher in the Evangelism Movement, endeavoring to win as many souls to Christ as possible before his time on earth ran out. He



A role model to his three sisters at his June 1970 High School Graduation

with United Parcel Service. It was at UPS that he met his future wife, Marilyn Chase.

In 1974, Walter returned to Ontario. His father had striven to cultivate a position of standing within the Ontario community by enlisting JL Bratton & Company in the Ontario Chamber of Commerce, becoming a member of the United Way board of directors and involving himself in supporting the city council candidacy of Paul Treadway and the mayoral candidacy of Paul Snider. Tuned in to what was happening at the civic level, James Bratton heard that the Ontario Fire Department was hiring a new firefighter, and he insisted that Walter go to Ontario City Hall and fill out an application for the position. Walter was accepted as a candidate in training, and on February 2, 1975, after graduating from the city's fire academy, became the first black firefighter hired by the Ontario Fire Department. Later that same year, his girlfriend Marilyn moved from Phoenix to Ontario.

Walter and Marilyn married in 1979. They had six children: Marlon, Marcus, Walter, Aaron, Marlindy & Ashley.

In 1986, Walter was the second Bratton selected to serve on the Greater Ontario Leadership Development Program, known by its

Chamber of Commerce. Later, Walter served with his sister on the steering committee for the GOLD Program.

Walter was prompted to learn to ski by several

nius may have been his ability to balance his work life with his family obligations. Walter and Marilyn would take their brood on family vacations meant to create elaborate learning



As a running back with the Ontario High Jaguars

the roughly 650-member maiden student body, consisting of freshman, sophomores and juniors but no seniors, to attend Ontario High School,

was accepted at DeVry University in Phoenix, Arizona, he left California to attend classes there. He worked toward and received his degree



No one was more enthusiastic or proud about rendering service than Walter.

of his firefighting colleagues. He became an avid skier and imparted the skill to his children, and then later, snowboarding as well. In turn, his sons taught him how to play golf.

Like his father, Walter was both versatile and energetic in his business endeavors. He managed residential property that his parents owned around Ontario for over 40 years. In other business ventures, he was a "silent partner" in his sisters' janitorial company, his sisters' hair replacement salon in Hollywood and his wife's wig & hair extension business in

environments and lasting memories. Major holidays in the Bratton household were all about his family and his blessings. Throughout the years, his kids' admiration for him made Father's Day another Christmas and his birthday practically a National Holiday.

On August 14, 1988 Walter was promoted, becoming the first African-American fire captain for the City of Ontario. A few years later, he passed the test for promotion to battalion chief, but a battalion chief vacancy never came open before his exam results expired.

played the drums for the Mt. Zion senior choir under Pastor Alvin J. Carter. With Marilyn, he started the first video ministry at Mt. Zion under Dr. Brian Kennedy. Walter taught Sunday School, served on the trustee board, and had the honor of being the longest serving deacon at Mt. Zion Church of Ontario.

On December 23, 2006, 41 days shy of 32 years with the Ontario Fire Department, Captain Walter G. Bratton retired, taking his "last ride" with full salute and honor from his Fire Station Six engine crew.

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Big Bear Lake City Manager Is Bailing Out, City's Councilors And Lawyer Say, To Flee Lee's Torment *from page 5*

rent term does not end until 2024, would be required, if Map 5B were adopted, to run in this year's election if he is to remain on the council after December 2024. The council Monday night voted 4-to-1 with Councilwoman Bynette Mote dissenting to adopt Map 1, essentially leaving all of its members in separate districts where none will displace the others and they are all likely to have an advantage over opponents in future foreseeable elections.

Thus, it would seem, the actual situation with regard to the personal political ambition and the dedication of the individual elected officeholders to their constituents vis-à-vis the balancing of altruistic and selfish interests is one more complex than fits the narrative provided by any of the actual participants at Big Bear Lake City Hall.

Some city residents are in general agreement with the city council and say that Lee has a chip on his shoulder that is inappropriate and completely uncalled for, and that he is a disruptive and divisive force with either questionable or malignant motives. Others maintain the city council is either too thin-skinned and/or intolerant of spirited discussion and debate, or inclined toward questionable or ill-advised policies that Lee is unwilling to ignore. Politics is by its very nature contentious, and some consider it both immature and unrealistic for the council majority to object to Lee engaging in a political dialectic.

Early on Monday Night, March 7, the city council met in closed session, during which discussion of the status of City Manager Frank Rush was discussed under the agenda heading

Public Employee Performance Evaluation, which was widely understood to have grown out of Rush's expressed desire to exit the city, based upon his inability to work amicably or productively with Lee.

After emerging from the closed session, the council took up a matter again listed on the agenda as "Employment Status of City Manager," with the encapsulated explanation, "City council will formally consider a separation agreement with City Manager Frank A. Rush, Jr. that will terminate his employment with the City of Big Bear Lake. The city council may also consider and take other actions pertaining to the employment status of the city manager."

Mayor Rick Herrick invited City Attorney Deitsch to orient the public as to the pertinent issues. In turn, Deitsch called upon his colleague with the law firm of Best Best & Krieger, Joseph Sanchez, to address the matter. Sanchez confirmed that Rush was leaving the city.

"I was asked to review an agreement that came at the end of last week regarding the city manager," Sanchez said, "The nature of the agreement was a proposed separation or mutual separation and release agreement. The basis of that was regarding some allegations that had been brought to the attention [of the city council] ...regarding the city manager, that he has unfairly endured abusive treatment from a member of the city council over the past 15 months and that has impeded his ability to work effectively as city manager. In light of that, the discussion centered around an agreement that would separate his employment pursuant to the terms of his employment agreement, essentially which gives the city council the ability to separate his employment at any time subject to the parameters of that agreement which includes a six month's severance payment. Essentially, what this agreement would

do is create a separation date of March 15, 2022, that the city manager would be placed on paid administrative leave until that date but would be available to deal with any transitional issues as they may arise."

The deal will provide Rush with additional health payments, vacation and other types of leave, Sanchez indicated.

As of this week, Rush is being paid \$248,444.74 in salary, \$12,000 in other forms of remuneration, another \$20,000 in bonuses and \$82,244 for a total annual compensation of \$362,688.74.

In return for accepting the separation agreement, Rush is, Sanchez said, to "release of all claims" against the city going forward. The covenant not to sue the city for employment related claims, Sanchez said, contains "a section for non-disparagement in which the council will ... refrain from making any disparaging statement about the city manager."

Councilman Lee inquired about how binding the non-disparagement claim was.

"There's a provision in there that speaks to council members speaking on behalf of the city," Lee said. "Can you talk about the difference between speaking on behalf of the city and the council members speaking on behalf of themselves and the constituency that elected him?"

Lee made it sound as if he was yet contemplating speaking out with regard to whether the city had been too generous in remunerating Rush.

"The city manager has received three evaluations that were reported back out in open session as great evaluations," Lee said. "He received a \$20,000 bonus a couple of months ago on a 4-to-1 vote for doing a great job and being a great steward. Today we're going to give him \$130,000 thereabout plus some other benefits because – and that's what I'm trying to figure out: the because. I'm concerned that this can be construed as a gift of public

funds."

The vast majority of a crowd of more than 80 people gathered at City Hall that night were favorably disposed toward Rush. Lee's reference to the severance pay Rush is being provided as a gift of public funds provoked shouts and laughter.

Lee gamely continued, angling toward a suggestion of some untoward act on Rush's part. Mayor Herrick, however prevented him from exploring that issue.

"Lastly, I'm concerned that the city manager, who rented a home from a vacation rental operator who just sold the home..."

Herrick interposed, saying, "Councilman Lee, if you could just stick to the agenda."

"It just doesn't seem..." Lee persisted.

Once more, Herrick overrode him

"That's not part of the agreement that's in front of us now," Herrick said. "If you could just narrow your question down to what the agenda item is."

Herrick's reference seemed to indicate that he knew what Lee was referring to, but for the uninitiated, it was difficult to ascertain whether the ground Lee was attempting to cover was or was not applicable to the rationale for conferring the settlement payment upon Rush. It seemed that Lee was seeking to determine whether the home Rush was renting had been sold out from underneath him and if that had any bearing on his decision to leave the city, perhaps obviating the necessity for Rush to be provided with a severance package. The mayor's intervention, however, left what Lee was seeking to determine murky.

Lee tried to continue, saying, "It seems at the time it was suspect..." Lee was voiced over by Herrick, and thereafter dropped the matter.

Sanchez took the opportunity to begin answering the questions Lee had managed to pose. He sought to satisfy Lee on why the

council was providing Rush with the severance buyout.

"The city council can say if there's a concern for whatever reason – not an unlawful one which I don't believe is what we have here – but make the decision that for some reason the city manager isn't able to effectively carry out his duties, that a decision can be made to separate his employment," Sanchez said, using somewhat uneven syntax. "What is before the city council is to make the determination that in this instance the city manager, due to the circumstances as alleged, is unable to effectively carry out his duties as city manager, and in order to deal with that situation what's before the city council tonight is are we going to move forward with separating that."

Sanchez then said, "In regards to the discussion of the non-disparaging language, there was a question kind of to distinguish between what's essentially attributed to the city. I think what we're dealing with here is this agreement is taking on statements which are made on behalf of the city that would disparage the city manager or, if this is approved, the former city manager. I think there's a distinction, there is a distinction, between a statement on that front and statements that may be made from an individual, an elected official which would be attributed to them in their personal and individual capacity. I don't think something like that would necessarily implicate the non-disparagement portion of this clause."

Sanchez seemed to indicate that Lee was free to make critical comments about Rush if he made clear he was speaking as an individual rather than as a representative of the city.

Councilwoman Mote noted that Rush alleged he "had endured especially abusive and hostile treatment from one member of the city council for the past 15 months, that this behav-

ior has disrupted and impeded Mr. Rush's work as city manager and significantly impacted the emotional, mental and physical health of Mr. Rush beyond the normal reasonable experience of any employee in any organization, and that this council member has and continues to work to directly undermine the significant work effort of Mr. Rush, often in conflict with the policy decisions approved by the majority of the city council. I can no longer employ Mr. Rush as an employee because he cannot handle his job because of one council member, so I am in full support of this very sad agreement."

Councilman Randall Putz said, "My experience has been that Mr. Rush has been an exceptional city manager, that we've been very fortunate to have him. When it comes to the actual separation agreement, from my perspective, I think we got off rather cheaply, inexpensively. It's common for any CEO-type person – you can view any of the contracts from our superintendent to our fire chief, wherever – to have severance payments. We do gain with this agreement some additional protections that do protect the city. I'm frankly surprised that Mr. Rush has hung in there as long as he has been able to and I personally morally am not comfortable making him suffer any longer. I know critics will point at the cost. I won't get into the minutiae, but it's a deal, frankly. They'll talk about his behavior, perhaps try to malign him as they have in the past. From my perspective, that's just an effort to deflect from taking responsibility for where we find ourselves right now. Aside from the great loss that we're going to suffer and the disruption that we'll continue to suffer through, I think that under the circumstances, which in my opinion are horrific, this is a good value for the city and it's fair and humane to Mr. Rush, so it's an easy

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After Judge Swift Recused Himself When Investigators Arrived In His Courtroom For A Search Warrant For His Own House, Prosecutors Thought They Had The Grounds To Remove Him From The Bench *from page 4*

came across to them.

He just wasn't all that bright, they concluded. Within the district attorney's office he was given the nickname 'Notso,' as in "not so swift."

There arose a movement within the prosecutor's office to do something about the problem Swift represented. In California, judges must stand for election or reelection every six years. The district attorney's office's deputy prosecutors resolved that come 1994, they would run a judicial candidate more philosophically and temperamentally suited to them. Some lined up as part of an effort to see Crouter returned to the bench. Others thought that Deputy District Attorney Gordon Isen, who worked out of the Joshua Tree branch of the district attorney's office and had substantial experience appearing before Judge Swift, would make a stronger candidate.

In 1993, an opportunity presented itself for the district attorney's office to use the same underhanded approach it sometimes used in getting convictions against criminal defendants against Swift along with the other judge then working out of the Joshua Tree Courthouse, James McGuire.

At that point, the Municipal Court and the Superior Court had not yet been merged in San Bernardino County. Judge Swift was the Municipal Court judge in Morongo Valley and Judge McGuire was the Superior Court judge in the same jurisdiction. McGuire was almost, though not quite, as unpopular with the legal and law enforcement establishment as Swift. Judge McGuire was a poorly closeted homosexual who previously had a private practice in Fontana. He had sought to mask his homosexuality by means of an elaborate but ineffectual shroud of deception

which involved hiring a female acquaintance to accompany him to public events to serve as his "drape," posing as his "significant other" while he was in actuality living with the man who would eventually become his husband in Palm Springs. McGuire early in his legal career had embraced liberalism and was widely seen as a "bleeding heart" type. Later, however, in seeking to advance himself within the confines of San Bernardino County's legal community, he adopted an outward show of conservative leanings, having registered as a Republican and going out of his way to make a display of supporting the GOP position on high profile issues or in selected cases vociferously advocating for so-called right-wing causes. McGuire's ruse had convinced Governor George Deukmejian, a die-hard pro-law enforcement chief executive and death penalty supporter, to appoint him to the Superior Court in 1989. Locally, nonetheless, those who knew Judge McGuire saw through him, and many establishment figures in San Bernardino County, including some in the district attorney's office, resented him for his success in landing a position on the bench by subterfuge and despised him for his sexual orientation and his feeble effort to disguise it.

In February 1993, Swift married Diane Fox, who had four children by a previous marriage. They maintained two homes, the home Swift had previously lived in and one owned by Fox on Quail Springs Road in Joshua Tree. They divided their time between the two homes.

In 1993, the National Park Service, led by Ranger Todd Swain and Ranger Marion Damiano-Nittoli, was conducting an investigation into the theft and trafficking

of

Native American artifacts from the Joshua Tree National Monument. Removal of such artifacts from public lands is illegal under federal law. A principal focus in the investigation was Warren Churchwell of Desert Hot Springs. While Swain was acting in an undercover capacity and tracing those who had contact with Churchwell in the possible trafficking of artifacts, he came into contact, in the fall of 1993, with Tony Soares, a craftsman experienced in creating reproductions of Native American artifacts. Soares, then 23, was the son of Diane Fox Swift and stepson of Bert Swift, who regularly stayed at the Quail Springs Road home in Joshua Tree on the two to three days per week he was not residing at his home in Palm Springs. Soares, who welcomed Swain into the Quail Springs Road home, showed him an olla, a ceramic pot fashioned by Native American tribesman presumably a century or more previously, which he acknowledged purchasing from Churchwell. Without being aware that Swain was a federal agent, Soares said he suspected it had been illegally taken from the Joshua Tree National Monument and he intended to return it to federal authorities overseeing the monument after restoring it. Soares also showed Swain two manos, ancient Native American grinding stones, and a metate, an ancient Native American mortar, he said he had found in the desert by Kelso, a town near but not within the federal jurisdiction of the East Mohave National Scenic Area.

In furtherance of their investigation, Swain and Damiano-Nittoli intended to carry out a series of searches under the authority of the federal court. Over a period of more than two months, however, the United States Attorney was unable to devote the time necessary to complete affidavits for federal

warrants and so Swain and Damiano-Nittoli obtained warrants from a Riverside County court to search Churchwell's home and a gallery in Palms Springs where Native American artifacts were displayed. They then went, on December 16, 1993, to the Joshua Tree Courthouse complex, where they met with Deputy District Attorney Ray Pyle, the supervising deputy district attorney in the Morongo Valley Office of the San Bernardino County District Attorney. Pyle read the warrant application for Soares's residence, specifying the objects to be seized as the manos, the metate, the olla and items showing the ownership of the premises, and approved it. Pyle escorted the rangers to Swift's courtroom and told the judge the rangers had a search warrant they wanted signed. Upon Pyle leaving, Judge Swift went into his chambers with the rangers and, after inquiring why they were seeking the warrant through the state court system rather than in a federal court and satisfying himself that he had jurisdiction on the matter under state law, began to read the affidavit for the warrant. Upon encountering Soares's name and the address of the premises to be searched in the second paragraph of the affidavit, he read no further. He told Swain and Damiano-Nittoli that Soares was his stepson and that the property to be searched was his own residence. The rangers inquired as to Soares's whereabouts. Judge Swift indicated he did not know and then, in the rangers' presence, telephoned Dianne Fox Swift at her place of employment, asking where her children were. She responded as to where she believed Soares was. He relayed what he had learned to the rangers and then took them to Judge McGuire's chambers. Judge Swift handed the warrant application to Judge McGuire and told him that he could not review it nor issue the warrant because it in-

involved one of his homes and his stepson. Judge Swift remained present during the rangers' interaction with Judge McGuire. He later maintained he had done so to allay any concerns that he would inform Soares about the impending search and avoid the appearance of impropriety if the search were to be conducted and concluded without the artifacts being recovered. Upon Judge McGuire finishing his reading of the warrant affidavit a discussion of the situation with the rangers ensued in which Judge McGuire referenced the urgency of conducting the search because the proposed search of Soares's residence had been disclosed to Soares's stepfather. When Judge McGuire inquired whether they could serve the Quail Springs Road residence search warrant that evening, the rangers said they could not because they did not have the manpower. Judge McGuire asked if they would be amenable to a consent search and asked the rangers if they wanted to have the district attorney's office advise them. They responded positively to that suggestion and Judge McGuire dispatched his bailiff to summon Pyle.

Pyle had left for the day and Deputy District Attorney Linda Root instead responded to McGuire's chambers. When she arrived, Judge McGuire, with input from Swain, explained the situation. Judge Swift indicated that he would cooperate in a consent search, and represented that his wife and stepson would also consent at his behest. Root at that point said she was on Richard Crouter's campaign committee for the upcoming June election effort against Judge Swift for his position on the municipal court bench. She offered an assurance to Judge Swift that despite her advocacy of Crouter's candidacy, she would maintain confidentiality concerning the matter. Judge McGuire inquired at least twice in Root's presence if the

rangers wanted to confer privately with Root. They declined. Swain asked about the legality of a consent search. Root explained the scope of parental capacity to consent, noting that an issue of voluntariness could arise concerning a consent by Fox or Soares. Judge McGuire inquired about the location of the manos, metate and olla, upon which it was determined the items were in common use areas or in plain view from common use areas of the dwelling. From these considerations Root concluded that there was no issue of voluntariness as to Fox and Soares because Judge Swift's consent would suffice. She advised the rangers that in those circumstances a consent search would sustain any evidence admissibility challenges.

To Judge McGuire's question as to whether they wanted to proceed with the consent search or instead carry out a warrant search, as he found the affidavit sufficient upon which to issue a warrant, Swain and Damiano-Nittoli elected to proceed with a consent search that evening. Swain obtained a consent to search form from his vehicle, which Judge Swift signed. Before the rangers and Judge Swift left his chambers, Judge McGuire gave the rangers a card with his home telephone number and assured them that he would be available to issue the warrant over the telephone if they developed any misgivings about the consent to search or any problems manifested during the consent search.

Judge Swift then drove from the courthouse parking lot, with Swain and Damiano-Nittoli following behind him, to the Quail Springs Road residence, some 10 minutes from the courthouse. Judge Swift led them into the house. Neither Soares nor Fox were home. Based upon two earlier visits to the home while he was working in an undercover capacity, Swain knew where the items sought were

Continued on Page 14

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ed 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/ ALAREN N WATSON, OWNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 15, 2022 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

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County Sentinel 03/11/2022, 03/18/2022, 03/25/2022, 04/01/2022 CNBB102022051R
FBN 20220001804
The following person is doing business as: MARQUEZ JANITORIAL SERVICES. 655 AWAAL ST SAN JACINTO, CA 92582 PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO JOSE J MARQUEZ VERA 655 AWAAL ST SAN JACINTO, CA 92582. 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/ JOSE J MARQUEZ VERA, OWNER Statement filed with the County Clerk of San Bernardino on: MARCH 01, 2022 I hereby certify that this copy is a correct copy of the original state-

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ment 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 03/11/2022, 03/18/2022, 03/25/2022, 04/01/2022 CNBB10202204MT

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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/ LINDA M PARRA-ROSALES, GENERAL PARTNER Statement filed with the County Clerk of San Bernardino on: MARCH 01, 2022 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 03/11/2022, 03/18/2022, 03/25/2022, 04/01/2022 CNBB10202203MT

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The following person is doing business as: FAITH TOOLS & COFFEES. 2120 AUTUMN MIST DRIVE RIALTO, CA 92377 PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO GREGORY L BROOKS 2120 AUTUMN MIST DRIVE RIALTO, CA 92377; TERRI M BOOKS 2120 AUTUMN MIST DRIVE RIALTO, CA 92377. The business is conducted by: A GENERAL PARTNERSHIP. The registrant commenced to transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/ GREGORY L BROOKS, GENERAL PARTNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 15, 2022 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bern-

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ardino 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 03/11/2022, 03/18/2022, 03/25/2022, 04/01/2022 CNBB10202202MT

FBN 20220001706
The following person is doing business as: 7 BROTHERS GENERAL CLEANING. 1081 E GRAND AVE #3 POMONA, CA 91766 PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO JESUS M AVILES OCAMPO 1081 E GARND AVE #3 POMONA, CA 91766. 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

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By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/ JESUS M AVILES OCAMPO, OWNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 25, 2022 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 03/11/2022, 03/18/2022, 03/25/2022, 04/01/2022 CNBB10202201MT

Handed The Tough Break Of ALS Near The End, Bratton Remained Thankful For All Of His Gifts from page 6

After retirement, Walter voluntarily served another 15 years as a chaplain for the Ontario Fire Department.

During "retirement" Walter earned his commercial driver's license in order to work for his son Marcus's trucking company driving diesel trucks.

Walter loved to play the game of dominoes and engage in the interests of others. Walter especially adored all conversations around current events and debat-

ing politics. After their kids were grown, Walter and Marilyn became inveterate cruise line travelers.

Walter was diagnosed with amyotrophic lateral sclerosis (ALS) in 2018. It is believed, though not empirically established, that his ALS had resulted from toxic exposure he experienced while serving as a firefighter with the City of Ontario. Five other Ontario firemen who were on the department during the era he was there have passed away while suffering with ALS.

The amyotrophic lateral sclerosis took his voice and limited his mobility, but not his will or sense of humor or ability to communicate

in writing. He strove to remain active. His children arranged last year for a family cruise to Ensenada in Baja California for his 70th and last earthly birthday. Walter expressed his joy and thankfulness for the quality time with his family by writing a note which read: "This was my best birthday ever."

Before his passing, Walter's children established the Captain Walter G. Bratton Foundation. As a spiritual leader, visionary, and emergency first responder with a heart of gold, Walter himself picked his foundation's logo and mission of giving back to local families and youth in need in the Ontario community he served.



Walter and Marilyn

Floyd Clark, Ontario's first African-American fire chief and now retired, told the *Sentinel*, "I first met Walter in July of 1986. On that day, Walter was wearing

his work uniform, which consisted of a powder blue shirt. What stood out to me was that Walter wore a little cross on the upper right hand side of his uniform. I had just

gotten out of the military, and only chaplains were allowed to wear the cross on their work uniforms. So, I asked Walter if he was one of the chaplains for the department. Walter told me he was not a chaplain for the department, but he simply loved Jesus and that this was his way of letting anyone he came in contact with know that he was a man of faith. With my military background, I thought it was great that the department would allow him to wear the cross on his uniform in order to express his faith. Later, I came to learn that the department hadn't really allowed personnel to wear the cross on their work uniform, but it was more about the *Continued on Page 15*

Citing His "Hostility," Lee's Big Bear Lake Council Colleagues Issued Him An Official Reprimand from page 7

thing for me."

Councilwoman Perri Melnick said, "I think we're getting off pretty reasonably here. The fact of the matter is the employment agreement doesn't even require us or require Mr. Rush to sign the settlement agreement, but it does require us, if we terminate his employment, which I think we have no choice but to do because the fact of the matter is it is our job to make sure we have a city manager who can effectively do his job, and he can't effectively do his job in this environment.

We are getting something in return, which is a settlement and release for the city. I am immensely saddened by this. I think that Frank has worked tirelessly through some very challenging times for our community."

The council voted 4-to-1 to ratify the severance agreement, with Lee in opposition.

Later in the meeting, the council took up the resolution of reprimand, which stated, "Council Member Alan Lee has demonstrated open hostility, yelling, bullying, disrespect, and confrontational behavior in and following council meetings that has resulted in disrupting the peace and deliberative function of the council, has disrupted the conduct of city staff by causing

extraordinary and often unnecessary extra work assignments to accommodate his asserted but unsupported needs, has delayed and unnecessarily extended city council meetings by repetitive statements and referring to matters which could instead easily have been addressed to or with city staff in advance of council meetings, and has made unsupported or deceptive personal attacks on and misrepresentations about the mayor, fellow council members, and the city manager in communications at council meetings."

Furthermore, according to the resolution, "Council Member Alan Lee has excessively and impermissibly directed the city manager and city staff to initiate projects

and reports, significant in scope and nature, and to gather information without approval of the city council, including requests for information unrelated to the business at-hand. His requests have had a significant impact on the workload of the city manager and city staff, at significant cost to the city. Council Member Alan Lee has inappropriately blocked and deleted features on his social media platforms and posted commentary in a manner that may cause harm to the city's interests and expose the city to legal liability. Council Member Alan Lee has failed to reasonably use his city email account for his city-related business, resulting in a significant inability for city staff to

access all his city-related emails for purposes of responding to Public Records Act requests. This has exposed the city to claims and potential litigation alleging that the city has not produced all responsive documents, including his emails, pursuant to a Public Records Act request. Council Member Alan Lee's newsletters have incorrectly or misleadingly labeled themselves as reports from City Hall, using stock photography of City Hall with the city's seal or logo. Council Member Lee has also not included the standard disclaimer for his individually hosted events and meetings that would clearly indicate that these are not official city meetings or events. Stories in such newslet-

ters have been demonstrably misleading, creating false impressions, reciting only partial facts or making incorrect factual statements. The city council finds that in engaging in such improper, unprofessional and unacceptable conduct, Council Member Alan Lee was acting solely on his own and without any authorization or ratification by the city council, all contrary to the Council Rules of Order and general norms of conduct, and contrary to the legitimate and best interests of the city."

Lee's comportment, according to the resolution, has lacked transparency.

The resolution of reprimand passed 4-to-1, with Lee dissenting. -Mark Gutglueck

In Their Effort To Convince The California Commission On Judicial Performance To Remove Swift As A Judge, Prosecutors Loaded The Dice & Then Got Caught *from page 8*

located. All the artifacts were where Swain had said they were during the chambers discussion, clearly visible from the living room. The door was open from the living room to Soares's bedroom, where the olla was located on the top of a dresser. The items were seized.

The next day, December 17, 1993, searches of the Churchwell residence and the gallery were conducted. Churchwell was arrested. Swain filed reports with the Riverside County District Attorney, requesting the filing of criminal charges against Churchwell. Such a complaint was issued in January 1994 and in June 1994 Churchwell pleaded guilty to felony counts leveled against him. On the day following the Riverside search, December 18, 1993, Soares in response to a telephone request appeared voluntarily at the Palm Springs Police Department to be interviewed by Swain. Swain determined that a case for prosecution could not be made with respect to the grinding stones and mortar. His superiors were disinclined to prosecute Soares with respect to possession of the olla. Three months passed without a report pertaining to the search of the Quail Springs Road residence being submitted to the Riverside County District Attorney's Office.

Sergeant Gregory Bengé, a narcotics officer with the San Bernardino County Sheriff's office and an active supporter of the candidacy of Deputy District Attorney Gordon Isen for election to the municipal court post held by Judge Swift, made an inquiry with the Riverside County District Attorney's Office into the matter, at which point the Riverside County District Attorney's Office issued a report dated March 27, 1994 in which a criminal filing against Tony

Soares was declined. Following the solicitation by Bengé, the rangers, in response to a request by Pyle, submitted a report on the events in chambers and the search that took place on December 16, 1993 to Pyle. Following receipt of that report, which was essentially a dry recitation of facts, Pyle specifically requested a "subjective" report on the chambers conference, stating that such a narrative was "necessary for a proper evaluation of the case against Tony Soares." In response, Damiano-Nittoli filed a second report. On April 28, 1994, with the judicial election fast approaching, Pyle sent the reports to San Bernardino County District Attorney Dennis Kottmeier. Accompanying the reports was a note. It stated, "Please call when you've finished your review. Naturally, Gordon Isen would like to use this somehow in his campaign. Should we release info? If not, can it be leaked?" Pyle provided copies of the ranger's reports to Crouter, as well. Pyle with glee told Crouter that revelation of their version of the incident would in all likelihood lead to Judge Swift losing the election.

On May 3, 1994, Pyle issued a rejection letter concerning the filing of charges against Soares. In the letter he asserted that the primary reason for rejecting the case was that the search was improper because Judge Swift could not consent to a search of the Quail Springs Road residence.

Pyle had creatively opened a pathway by which both Isen and Crouter had a basis in insinuation if not in fact to assert that Swift had used his position as a judge to derail a criminal prosecution, which was used in the election campaign against Swift. Despite the attack, Swift was reelected to the bench in the 1994 election.

The matter would not end there, however. The 1994 electoral cycle would result in two changes at the top of San Bernardino County law enforcement. Gary Penrod, who was the heir to the Bland political machine that had been in place since Bland was first elected in 1954 and which was instrumental in each of his successive reelections in 1958, 1962, 1966, 1970, 1974, 1978 and which was handed off to Bland's endorsed successor Floyd Tidwell in 1982 and then by Tidwell to Richard Williams in 1990, was elected sheriff in the 1994 June Primary. Williams' made a decision to take a comfortable retirement that year, and he endorsed Penrod, who cruised to an easy victory. In the district attorney's office that year, Dennis Stout, the mayor of Rancho Cucamonga who had been a deputy prosecutor with San Bernardino County since 1977, had moved to challenge then-District Attorney Dennis Kottmeier, who had been the county's top prosecutor since 1982. Kottmeier opted out of seeking reelection, and Stout defeated then-San Bernardino City Attorney James Penman in that year's race. Both Penrod and Stout were intent, like all of those who had preceded them, to make a show of how tough on crime they could be. For Penrod, who was the product of a political and law enforcement dynasty that had been around for two generations, doing so was not as challenging as it was for Stout, who had bucked the status quo by wresting the title of district attorney from his incumbent boss, albeit without an actual fight. Still, Stout felt the need to show just how hard-nosed of a crimefighter he was, and ready-made for him was the contretemps surrounding Swift. Swift might have been able to fool the county's voters into reelecting him, but he was still soft on crime, Stout and his second in command, Assistant District Attorney Dan Lough, figured, and

they would achieve instant credibility with all of the county's upstanding and right-thinking citizens, not to mention all of the district attorney's office's deputy prosecutors and the legions of police officers and sheriff's deputies employed locally, if they could blow the lenient judge out of office. They signaled their willingness to support a move to go around the voters by having the California Commission on Judicial Performance look into what took place in Swift's chambers and then made its way into Judge McGuire's chambers on December 16, 1993. With a little luck, they figured, they could get Swift off the bench and maybe even send the limp-wristed McGuire packing as well.

Methodically, a group of individuals from the district attorney's office, among whom Pyle, Root and Isen were a part, came together to compile separate complaints revolving around essentially the same set of facts. The purveyors of that complaint provided the basis for two "examiners" employed by the Commission on Judicial Performance, Dennis F. Coupe and Jack Coyle of the Commission's Office of Trial Counsel, to make a case against Swift and McGuire.

Under examination was the judges' comportment. The commission, based upon that complaint, agreed to direct the matter for official examination, issuing a notice of formal proceedings on February 6, 1996. The complainants, concerned that the commission might make an early conclusion that McGuire's action had not reached in any way a level of impropriety worth consideration and on that basis might reject the entire complaint against Swift and McGuire, chose to file the complaints separately. It was, after all, Swift more than McGuire who was out of step with the county's law enforcement establishment.

The commission in determining the matter was worth consid-

ering consolidated the complaints, turning the matter over to a panel of three "special masters," chosen on May 7, 1996 from a list of legal experts submitted to the commission by the California Supreme Court. The three special masters selected were Justice Coleman A. Blease, Judge James H. Chang and Judge Irma J. Brown. Blease, Chang and Brown took evidence in the matter and formulated a report to the commission, which consisted of William A. Masterson, Lois Haight, and Vincent McGraw, who were judges; Patrick M. Kelly and Robert C. Bonner, who were attorneys; and citizen members Christopher J. Felix, Ophelia Basgal, Eleanor Johns, David Malcolm, Harriet C. Salarno and Pearl West.

The gist of the complaint against Swift was that he engaged in willful misconduct in office, conduct prejudicial to the administration of justice that brought the judicial office into disrepute, improper action, and dereliction of duty within the meaning of Article VI, Section 18 of the California Constitution providing for the removal, censure, or public or private admonishment of a judge by violating the California Code of Judicial Ethics Canon 2A when he called his wife to determine the whereabouts of his stepson and that he had engaged in misconduct by remaining in Judge McGuire's chambers after he brought Swain and Damiano-Nittoli there. The complaint targeting Swift further held that while he was in McGuire's chambers he had engaged in additional misconduct by advocating a consent search of the Quail Springs Road premises. According to the complaint against Judge McGuire, he had shed discredit upon himself and the judicial office of which he was a member by improperly failing to sign a warrant authorizing a search of the Quail Springs Road property while the rangers were present in his chambers.

Judge Swift was represented in the formal proceedings by Thomas C. Brayton and Jones Mahoney, Brayton & Soll of Claremont. Judge McGuire was represented by Thomas R. Hudson of Ontario.

The process of examination ultimately did far more damage to the accusers than to the accused. In particular, when the administration of the district attorney's office, by that time consisting of Lough and Stout, was called upon to produce the communications that had taken place between the prosecutors at the Joshua Tree office and the administration under Kottmeier in the 1993 and 1994 timeframe, it did not withhold materials that demonstrated the baldly political motivation of several of the prosecutors. At the forefront among the prosecutors based in Joshua Tree pushing for action against Swift primarily but also with regard to McGuire was Pyle, the head of the Joshua Tree prosecution office. Pyle, it appears, assumed that the senior administration of the district attorney's office in San Bernardino would expurgate and selectively produce the documents relating to communications back and forth within the district attorney's office that extended to Swift and the contemplated prosecution of Soares before it provided those communications to the Commission on Judicial Performance. As some of that communication reflected poorly on Kottmeier, Stout and Lowe, who had a political antipathy toward Kottmeier, made a calculated decision to pass it along to the Commission on Judicial Performance. Meanwhile, Pyle, believing the district attorney's office's administration would not provide as evidence anything that might make the prosecutor's office look bad, figured he could make certain assertions, ones that were not factually correct, confident that documentation to disprove

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Walter Bratton Was Distinguished By His Faith, Attitude & Courage, Former Fire Chief Floyd Clark Says *from page 13*

Walter interpreted his freedom, even while in uniform. I thought I loved this country and had demonstrated that by serving eight years in the United States Air Force as a firefighter. I would learn that no one on the Ontario Fire Department loved this country more than Walter Bratton. There is no doubt in my mind that out of love for country and staunch respect for the Constitution, it is safe to say that

Walter was a man of law and a respecter of persons. As a firefighter, Walter was given the opportunity to do what he loved most, and that was the service of others. When one thinks of humility, dedication and service we could look at Walter to see how that is done.”

Clark said that Bratton had invited him to attend Mt Zion Baptist Church in Ontario.

“I, too, became a

member and remain until this day,” said Clark. “He had a way of making you feel comfortable and welcome not because of who you were but because of who he was. As a humble servant of his Lord and Savior Jesus Christ, I can hear him encouraging someone today to accept Jesus as their Lord and Savior. Sometime during my first year on the department Walter introduced me to another group called Firefighters for Christ. This is a group that take service to the next level. While having this unique opportunity to serve, it’s more than

just having a job. We learned that we needed to do all that we can to help others. Being given the chance to respond to people when they dialed 911 because something has gone wrong in their lives sometimes opens a door to show real care and concern for our fellow man.”

Clark said, “Speaking of doors, I would be remiss if I didn’t thank Walter Bratton for the doors that he opened for me as a firefighter. His laughter, keen sense of humor and overall ability to change the tone of the environment made

him a person that made people feel comfortable when around him. As an environment changer, he helped those 24-hour shift days pass by. He’d look up, smile, and say, ‘Didn’t we have fun at work today?’”

Clark said, “I know that it was a joy and honor for Walter to serve the citizens of the City of Ontario. He would always show reverence and respect to any and everyone he would come in contact with. He wore his uniform proudly and when he was promoted to captain everyone knew that it was a glo-

rious time for the Bratton name. Walter was respected in this community. It wasn’t just about him but the legacy that he was creating. His time in history will be treasured by firefighters because he embodied the true meaning of service. His time and service has given us as a community a standard to strive for. As a brother in Christ, one who had clearly decided to enter the narrow gate and walked along the narrow path that is not popular today, he carried on by attempt-

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How Long Ballantyne Can Last In Fontana Will Depend On What Length He Can Personally Go To Ignore, Withstand And Live With The Pay-To-Play Environment Mayor Warren Has Created Which Felled Four Previous City Managers *from page 2*

city management game was the way in which he had enabled Acquanetta Warren, the city’s mayor since 2010, to carry out her depredations. Warren has thrived in the pay-to-play ethos of Fontana politics, in which developers, just as in the Ratelle era, have traded political donations to the city’s elected leadership along with under-the-table or otherwise hidden payments to city officials for project approval and occasional waivers of expectations or requirements that they bear the cost of the infrastructure accompanying their subdivisions, shopping centers, complexes or buildings.

It is reported that in the late spring of 2019, Hunt told Warren he would no longer abide or ignore the bribetaking he had come to recognize she was engaged in. Warren just prior to that ultimatum had roundly and widely praised the management job Hunt was doing and, after having secured his services the previous year with a three-year contract, was angling to lock Hunt in as city manager through 2026 by inducing him into signing an even more lucrative 5-year contract in 2021. Upon

Hunt confronting Warren over the payoffs she was accepting for approving projects and city contracts, however, Warren made a 180-degree U-turn, and quickly arranged for Hunt’s departure as city manager. In doing so, she conferred upon him a \$1,127,378.45 severance package that paid him \$978,000 in 2020 to keep him on the city payroll, despite the consideration that he was doing no work and was actually banned from City Hall. Warren carried this off while maintaining that Hunt was leaving of his own volition. Under Hunt’s contract, he was not due any severance if he was fired with cause or if he quit. A provision of the severance package was a confidentiality clause. In this way Warren purchased, using taxpayer money, Hunt’s silence with regard to the bribes she had been receiving.

The originators of money Hunt characterized as bribes paid to the mayor included Intex Properties, David Wiener and Brad Chapman, the *Sentinel* has been informed.

In the immediate aftermath of Hunt’s leaving, Warren brought Michael Milhiser, who had

previously served as the city manager in Montclair, Ontario, Upland, and Adelanto, in as interim city manager. Thereafter, Warren and the city council in February 2020 hired Dana Point City Manager Mark Denny to begin as Fontana city manager in April 2020. Denny, a sophisticated political operator who in 1996, while working for then-California Assembly Speaker Curt Pringle, was charged by the Orange County District Attorney and subsequently convicted of engaging in election fraud, hit the ground running in Fontana. He lasted 18 months, living in an atmosphere rife with political skulduggery and quid pro quos. In September 2021, however, something so unnerved him that he abruptly resigned to take a position in the private sector in Orange County. Shannon Yauchzee, a civil engineer who formerly was the city manager of Baldwin Park and who had been with Willdan Engineering and was the public works director with the City of West Covina from 1996 to 2014, came in to replace Denny on an interim basis. At this point, Yauchzee’s course with Fontana has run.

Ballantyne comes into Fontana with open eyes, knowing he will have to co-exist with a mayor who is on the take. Prior to going to work in Chino, he was the city manager of San Marino from 2006 to 2012. A

UCLA graduate, Ballantyne is sophisticated enough to know what is expected of him in Fontana, where the city council is dominated by Warren. Warren’s ruling coalition consists of Councilman John Robert, Councilman Pete Garcia and Councilman Phil Cothran Jr. The dissident on the council is Jesse Sandoval, who does not have sufficient political muscle to counteract the direction Warren has set for the city. Both Garcia and Roberts are dependent upon Warren, who has \$170,127.05 in her political war chest at present after handing around \$56,412.87 to her various allies from her campaign fund last year. Phil Cothran Jr, the scion of Phil Cothran Sr, a wealthy insurance dealer, landowner and current chairman of the San Bernardino County Republican Central Committee, is closely aligned with Warren through his father. Young Cothran was groomed by Warren as a successful city council candidate in 2018.

Warren is confident that she has nothing to fear from San Bernardino County District Attorney Jason Anderson, who is knowledgeable about her bribetaking but disinclined to prosecute her on those grounds because of mutual political affiliations and shared campaign donors.

Warren is not insulated, however, from prosecution by the California Attorney General’s Of-

fice. Last year, California Attorney General Rob Bonta filed a civil action against the City of Fontana over its approval of a warehouse in Southern Fontana. Bonta took issue with the lax environmental safeguards the city adhered to in giving Duke Realty go-ahead to build the warehouse at the confluence of Slover and Oleander avenues. The city allowed the planning commission to utilize one of the least exacting forms of environmental certification there is, a mitigated negative declaration, in granting the project approval. In the lawsuit, Bonta argued that the city’s limited environmental review of the project and its failure to appropriately analyze, disclose, and mitigate the project’s environmental impacts violates the California Environmental Quality Act. Bonta’s investigators have yet to make a close examination of the influence political donations made to Warren have purchased in Fontana. Nor have they yet focused on reports of money other than political donations that have been funneled to Warren, who has been consistently able to get warehouse projects approved, to the point that she has become known, both derisively by her political opponents and admirably by her supporters, as “Warehouse Warren.” If Bonta’s scrutiny of Fontana’s penchant for warehouse de-

velopment moves from civil complaints to a concern about criminal influence, Ballantyne may come to regret his decision to leave Chino for Fontana, particularly if he abets Warren in her efforts to facilitate the wholesale conversion of properties to warehousing, while the landowners and developers profiting from those conversions continue their pattern of conveying tens of thousands of dollars to Warren. If even one of those donations can be demonstrated to have been made conditional upon Warren voting to approve a donor’s project, the crucial element to establish in a court of law that bribery took place will exist. Being the city manager to a mayor convicted of bribery would not represent the most impressive credential on Ballantyne’s resumé.

Nevertheless, looking at the numbers involved, it is understandable why Ballantyne agreed to leave Chino for Fontana. In Chino, he was making \$294,879.73 in salary, \$48,759 in other pay and \$68,160 in benefits yearly, for a total annual compensation of \$411,798.73.

In Fontana he is to receive a salary of \$315,000, benefits of \$91,254 and other pay and bonuses of \$110,000, giving him an annual compensation of \$516,254.

-Mark Gutglueck

Domestic Enemies Who Would Erode Or Deny Constitutional Rights To Their Fellow Citizens Are No Less A Threat Than The Ones We War Against Abroad, Said Judge Swift *from page 14*

what he was saying was not in the possession of the Commission on Judicial Performance.

In his communication with Kottmeier in 1994, Pyle openly stated that Isen wanted to utilize information contained in Swain's and Damiano-Nittoli's reports in the judicial campaign. In his communications with Swain and Damiano-Nittoli, he asked them to produce a "subjective" report, meaning one that used starker language suggesting that Soares had broken the law and which left out nuances that suggested he perhaps did not have criminal intent and was going to return the olla to the federal government upon completing its restoration. Pyle was also hoping Swain and Damiano-Nittoli would make a stronger case that Swift had sought to shield Soares from prosecution. In his statements to the Commission on Judicial Performance, Pyle outright denied requesting such a "subjective" report. The commission, however, had copies of the request to contradict that. Moreover, during hearings the special masters conducted, Pyle maintained he had not provided to the Isen and Crouter campaign teams the materials relating to the Churchwell case and by extension the information relating to Soares, including the rangers' interaction with Swift in his chambers and in McGuire's chambers. There was testimony and evidence that controverted that. When questioned under oath, Crouter said that Pyle had provided him with the reports generated by the rangers.

The report on the special masters' examination of and findings regarding the complaints against Swift and McGuire generated by the Commission on Judicial Performance dated Feb-

ruary 11, 1997 and titled *Inquiry Concerning Judges Swift & McGuire* states "Pyle provided copies of the ranger's reports to Crouter, another candidate in the election. Pyle enthusiastically told Crouter that revelation of their version of the incident would probably defeat Judge Swift. The commission notes that this finding directly contradicts Pyle's testimony that he did not provide the materials to anyone. The commission does not find Pyle to be credible."

The *Inquiry Concerning Judges Swift & McGuire* document states, "The examiners contend that the telephone call by Judge Swift to his wife violated canon 2A of the California Code of Judicial Ethics which adjures the avoidance of the appearance of impropriety. They argue the telephone call created the appearance that Judge Swift had a conflicting personal interest in the case. As a causal matter, the telephone call did not create the appearance that Judge Swift had a conflicting personal interest in the case. He already had disclosed and declared an actual personal interest conflict and announced that he could not act as the magistrate because of the conflict."

The *Inquiry Concerning Judges Swift & McGuire* document states, "The examiners contend that remaining in Judge McGuire's chambers created an appearance of impropriety prohibited by canon 2A and that he was using his 'influence' as a judge to obtain 'confidential' information about his stepson's case, conduct prohibited by canon 2B.6. Canon 2B provides in pertinent part: '(1) A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment [¶] (2)

A judge shall not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others' Judge Swift had a sound reason for remaining in Judge McGuire's chambers that arguably advanced an important public interest, viz., promoting confidence in the integrity of the judiciary. Through no fault of his own, Judge Swift was placed in a dilemma because a potential charge of appearance of impropriety attended either alternative course of action available. Judge Swift cannot be charged with impropriety because he chose between them, absent a showing that the course of action he selected is clearly less preferable, i.e., more likely to undermine public confidence in the judiciary."

The *Inquiry Concerning Judges Swift & McGuire* document states, "The examiners also contend that Judge Swift committed misconduct in Judge McGuire's chambers by advocating a consent search, notwithstanding his 'conflict of interest.' The examiners argue that this created an appearance of impropriety. The special masters found, and the commission concurs, that Judge Swift did not engage in such advocacy. The examiners argue that advocating a consent search is improper because it is a use of nonpublic information for a purpose unrelated to his judicial duties in violation of canon 3B(11). However, the use, if any, of nonpublic information here is related to Judge Swift's judicial duties, i.e., to the prevention of the potential discredit to the judiciary if the planned searches were conducted fruitlessly after he had the opportunity to alert his stepson or other family members about the impending search. Canon 3B(11) is as follows: 'A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity.' The examiners argue that advocating a

consent search was improper because it created 'admissibility issues' as to the evidence obtained. The rangers were represented by an experienced prosecutor who advised them concerning such issues. The examiners contend that by remaining in Judge McGuire's chambers Judge Swift violated Code of Civil Procedure section 170.3, subdivision (a)(1) which provides: 'Whenever a judge determines himself or herself to be disqualified, the judge . . . shall not further participate in the proceeding' In their view, the word 'participation' should be construed broadly. The prohibition on participation, however, pertains to participation as a judge, i.e., as a judicial decision maker. If a judge discerns a personal interest in a controversy and determines he is disqualified, he could nonetheless 'participate' in some other capacity in appropriate circumstances, e.g., intervene in the proceeding as a litigant or testify as a witness. The evidence was clear and convincing that Judge McGuire had assumed the role of decision maker, and that any participation by Judge Swift thereafter was nonjudicial."

According to the commission, Judge Swift "did not commit misconduct in the Superior Court judge's chambers by advocating a consent search of the property

or by remaining in the Superior Court judge's chambers." The commission further found that "even if Judge McGuire should have signed the search warrant while the rangers were present, we are unable to conclude, in light of the unusual facts confronting Judge McGuire, that his failure to do so constitutes misconduct. His mistake, if any, was at most legal error. The commission accepts the special masters' conclusion that these proceedings should be dismissed."

The effort to discredit Judge Swift and wound Judge McGuire failed. Moreover, the episode brought out the lengths the prosecutor's office was willing to go to, including making outright false claims and then backing those claims with the perjured testimony of a supervising deputy prosecutor, in the effort to remove Swift from the bench. Rather than bringing the judges and the bench into disrepute, the matter shed discredit on the prosecutor's office, turning a spotlight on the degree to which the district attorney's office had come to expect that its prosecutors' assertions were to be credited by the courts as fact. To not only Judge Swift and Judge McGuire but to all of the county's other judges, the case proved a meaningful and resounding lesson in the principle of judicial independence.

Judge Swift was once asked how it was that he had the strength and will to stand up to the long arm of the law and resist the tendency of police and prosecutors to trample on the rights of the citizens they arrest and prosecute. Swift said that as a Navy Seal, he had involved himself in surreptitious missions affixing trackers on Soviet naval vessels and the ships of other potentially hostile powers as their crews unsuspectingly pulled into some port of call and that he had just as intrepidly placed listening devices on undersea communication lines used by the United States' Cold War foes. That involved a certain degree of risk, he said, and if he had been caught, he knew that things would not have gone well for him. He said he figured that if he was willing to stand up to the enemies of America's values abroad as a young man, it would be no more difficult as an older man to stand up to those who were acting against what America is all about at home, and he would have had a hard time forgiving himself if he did not.

Judge Swift is survived by his wife, Diane Swift, daughters Lynn Swift and Tanya Fox, sons Tony Soares, Brad Soares, Ash Fox, and Jason Sexton. Judge Swift had 11 grandchildren and six great-grandchildren.

Walter Bratton *from page 15*

ing to walk through the doors that he has opened along the path of service. Thanks to Walter, the door is open and the path is clear. With this history in mind how will we answer the 911 call?"

Captain Walter Green Bratton passed away in Ontario on February 13, 2022. He was preceded in death by his infant son Tyrone, parents James Lawrence and Elvenia Bratton, his in-laws Albert (A.C.) and Laverne Livingston Chase, grandparents, and a host of aunts and uncles.

Walter is survived

by his wife of 42 years, Marilyn Bratton; and his four sons: Marlon Bratton and his wife Dolly of Eastvale; Marcus Bratton and his wife Catherine of Ontario; Walter Albert Bratton and his wife Eva of Eastvale; Aaron Bratton, Esquire, of Ontario; and his two daughters: Marlindy Douglas and her husband Rama of Pasadena; Ashley Jerry and her husband Justin of Rialto; his niece/quasi-daughter, Dr. Cherina Betters of Highland; sisters: Geraldine Watson, Barbara Bratton, and Brenda Orea and her husband Charlie of Rancho Cucamonga; grandchildren: Marcus

Bratton Jr. and his wife Julia, Elijah Bratton, Jasmine Jackson, Joseph Bratton, Caleigh Bratton, Kaleb Bratton, Kaden Bratton, Ezra Douglas, Isaiah Douglas, Aria Jerry, Alana Jerry, and Amara Douglas and aunts Mamie Bratton of New York, Mary Bratton of, Bloomington, California and Tewanee Bratton of Georgia. Special acknowledgment is given to those who had the honor to call him Dad: Andy Perez; and Granddad: Jordan Jerry. and a host of special cousins, in-laws, nieces, nephews, church family and friends.

-Mark Gutglueck