

The San Bernardino County

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State Withholds Millions Over Failure To Commit To Gold Line Extension

By Mark Gutglueck

The vacillation by San Bernardino County transit officials with regard to funding the eastern leg of the light rail system linking downtown Los Angeles and Redlands has resulted in Sacramento electing to withhold scores of millions of dollars in state grants that would have paid for a substantial percentage of the cost of completing of two tracks linking

Pomona at the easternmost end of Los Angeles County with Montclair at the westernmost end of San Benradino County.

Running from Union Station in Los Angles up to the San Gabriel Foothill communities and then eastward beyond Azusa nearly to Glendora is the L-Line tracks. The L-Line is also known as the Gold Line.

The Los Angeles

County-based Gold Line Construction Authority right now is engaged with a nine-mile, \$806 million extension of the light rail line from Azusa to northern Pomona, such that at present work on the leg between Azusa and Glendora is ongoing. The track will reach Pomona by late 2025. Thereafter, the line was previously slated to be extended another 3.3 miles from Pomona

through Claremont to Montclair at that city's existing Montclair Transit Center. From there, the intention had been to extend it from Montclair to Ontario Airport. According to the Gold Line Construction Authority, the extension of the line from north Pomona to Claremont will entail a cost of \$450 million.

Previously, the Gold Line Construction Authority in conjunction

with the San Bernardino County Transportation Agency, when it was previously known as San Bernardino Associated Governments (SAN-BAG), intended to continue the line from Claremont to Montclair, and then from Montclair to Ontario Airport. SAN-BAG had accordingly dedicated \$39 million in available transportation money toward the Gold Line project, See P 2

**John Magness,
Prime Mover In
San Bernardino
International
Airport Project,
Loses Life Near
The Peak Of
The Americas'
Tallest Mountain**



John Magness

John Magness, who played a key role in the civilian use conversion of Norton Air Force Base into San Bernardino International Airport has died on February 4 at the age of 57.

As the senior vice president and West Coast director of Hillwood Enterprises, LP, the real estate and development arm of Dallas, Texas-based Perot Companies which he had joined in 1997, Magness came to Southern California in 2002 and transformed the floundering efforts of two governmental joint powers authorities to use the shuttered air base for beneficial economic effect into success through a public-private partnership involving his company.

Magness, who was a prime mover in Hillwood's activity at San Bernardino International Airport as well as with the company's activities in five other locations in Southern California, lost his life in a bold misadventure in Argentina, as he was taking part in a three-man team effort involving former U.S. military personal attempting to scale the See P 2

Montclair's Mission Drive-In Theater's Demise Knells End Of Postwar Boom Era

Very early on the morning Monday January 23, the very last customers of Montclair's historic Mission Drive-in drove out of the landmark after the screens' last showings.

27.74 acres located at the northwest corner of Mission Boulevard and Ramona Avenue, consisting of San Bernardino County assessor parcel numbers 1012-151-20,

1012-151-27, 1012-151-28, 1012-151-29, 1012-161-01, 1012-161-02, 1012-161-03, 1012-161-04, and 1012-161-05, include the nearly 27 acres of the drive-in.

On May 28, 1956, just 33 days after the City of Montclair, then known as Monte Vista, incorporated on April 25, 1956, impresarios/movie distributors William Oldknow and Jack

Anderson opened their Mission Drive-In on the northwest corner of Ramona and Mission. About 750 cars were in the venue's 1,350-stall auto gallery that first night to catch the main feature showing "Picnic" accompanied by "Star in the Dust."

Over the years, it would showcase literally thousands of movies, including Bus Stop,

the Conqueror, East of Eden, Invasion of the Body Snatchers, The Ten Commandments, 3:10 to Yuma, The Sweet Smell of Success, Cat on a Hot Tin Roof, Gigi, Touch of Evil, The Wreck of the Mary Deare, Solomon and Sheba, The Blob, The Day of the Outlaw, Peyton Place, Butterfield 8, Comanche Station, Please Don't Eat The Daisies, The Time

Machine, Psycho, Swiss Family Robinson, One-Eyed Jacks, Gidget Goes Hawaiian, Lawrence of Arabia, 101 Dalmatians, To Kill A Mockingbird, Cape Fear, Hatari!, Whatever Happened to Baby Jane? Zott, From Russia With Love, The Ugly American, Jason and the Argonauts, Bedtime Story, Dr. Strange-love, Failsafe, Mary Poppins, Dr. See P 2

Unable To Keep Superintendents In Place For Long, SBCUSD Moves To Lure Arellano From Redlands

Current Redlands Unified School District Superintendent Mauricio Arellano in April will become San Bernardino City Unified School District's third fully-installed superintendent in three years and the eighth person to function in the superintendent capacity within the same time period.

The San Bernardino

City Unified School District's unfortunate history with regard to holding onto a superintendent has been an issue complicating the district's ability to deliver quality education to the students entrusted to it for more than a decade. While some are holding out hope that Arellano, who is himself a product of the school district and as

such one who was able to achieve scholastically, will provide salvation for the troubled system in one of the State of California's most troubled social and economic climates, there have already registered problematic indicators with regard to the relationship now being formed between the district and Arellano for at least some See P 6

Tot's House Fire Death Has Trona Mother Up On Murder Charge

On January 16, a fire of unknown origin broke out at a home in 13400 block of Athol Street in Trona.

Responding firefighters pulled two very young children from the burning home, later identified as 2-year-old Catalena Fusaro and her 11-month-old brother. Neither child was breathing.

Life saving measures were performed on the children.

A short time later, Catalena was pronounced dead. The 11-month-old male was transported to a trauma center where he was initially listed as being in critical condition.

Investigators from the sheriff's department's specialized in- See P 4

In Its Quasi-Legislative Capacity, Chino City Council Calls For Judge's Ouster

In a rare display of judgmental concern over the independent function of the judiciary, the Chino City Council this week actively sought to second guess the decisions of a San Bernardino County Superior Court judge.

The council's pointed criticism of Judge Cara Hutson, whose rulings they blamed for allowing the murderer of Riv-

erside County Sheriff's Deputy Isaiah Cordero to remain at liberty during his lethal rampage, extended to asking San Bernardino Superior Court Presiding Judge Glenn R. Yabuno to force her resignation and, if he is unable to achieve that end, bar her from hearing criminal cases.

A letter dated February 7 signed by Mayor Eunice Ulloa and all five

council members which does not mention Corde-ro's killer, William Shae McKay, by name takes Hutson to task for not keeping McKay in custody while his sentencing was pending.

"On December 29, 2022, Riverside County Sheriff's Deputy Isiah Cordero was brutally murdered by a career criminal who was unleashed upon him by the

reckless ruling of San Bernardino County Superior Court Judge Cara Huston, the letter states. "As elected officials, the safety and security of our community members and first responders has always been one of our priorities. We are compelled to write you this letter because Judge Hutson has demonstrated through her reckless judicious rulings that she

is a threat to the safety of our community."

The letter goes on to say, "we were outraged to learn that a judge who presides over residents in our city and county could have granted bail to this violent criminal she just convicted of his third strike for imprisoning and torturing someone. Judge Hutsom was aware that this career criminal had See P 3

With San Bernardino County's Local Political Leadership Unwilling To Stand By Two-Track Light Rail Project, Sacramento Is Unwilling To Commit Money To Spur It On *from front page*

and did a joint application with the Los Angeles Metro Transit Agency for a State of California Transit and Intercity Rail

Mission Drive-In Now History *from front page*

Zhivago, Seven Days In May, The Bedford Incident, The Cincinnati Kid, The Good The Bad And The Ugly, Arabesque, Hawaii, Nevada Smith, What Did You Do in the War, Daddy, The San Pebbles, Who's Afraid of Virginia Wolff, Cool Hand Luke, Bonnie & Clyde, The Graduate, The Valley of the Dolls, The Jungle Book, Once Upon a Time in the West, Planet of The Apes, 2001: A Space Odyssey, Ice Station Zebra, Rosemary's Baby, The Boston Strangler, Bullitt, The Night of the Living Dead, Easy Rider, Butch Cassidy and the Sundance Kid, Topaz, True Grit, A Man Called Horse, Little Big Man, Five Easy Pieces, Zabriskie Point, The Strawberry Statement, The Godfather, The French Connection, Everything You Wanted To Know About Sex, Gimme Shelter, Hooper, The Seven-Ups, Superfly, High Plains Drifter, Live and Let Die, The Parallax View, Chinatown, The Day of the Locust, The Man Who Would Be King, Marathon Man, Futureworld,

Capital Program grant. That application was successful and it brought in \$250 million on the Los Angeles County

The Hills Have Eyes, Annie Hall, Star Wars, Looking for Mr. Goodbar, The Deer Hunter, Animal House, An Enemy of The People, The Midnight Express, The Shining, Apocalypse Now! Ordinary People, Raging Bull, Body Heat, Reds, Raiders of the Lost Ark, Ghost Busters, Rain Man, Full Metal Jacket, Batman, Goodfellas, Schindler's List,

Forrest Gump, Pulp Fiction, Fargo, The English Patient, LA Confidential, Swingblade, Saving Private Ryan, the Big Lebowski, Titanic, The Lord of The Rings, The Departed, The Hurt Locker, The Artist, Life of Pi, Argo, Zero Dark Thirty, 12 Years a Slave, The Grand Budapest Hotel, The Unexpected Virtue of Ignorance, The Revenant, Ex Machina, Spotlight, Manchester by the Sea, The Shape of Water, Roma, Green Book, Once Upon a Time in Hollywood, Parasite, Nomadland and Coda.

By the mid-1960s, the Mission Theater grounds were doubling, from early morning until 3 p.m. on Saturday and Sunday mornings and afternoons, as a swap meet venue.

In 1975, just as outdoor theaters were losing their cachet and many throughout Southern

side, which made a significant but not complete inroad on the \$850 funding deficit that jurisdiction had, and provided another \$41 million of the then-projected \$80 million cost for the San Bernardino County portion of the projected expense on the eastern

California were starting to close, the Mission theater's ownership went in the other direction, investing in an expansion to four screens, one at the northwest corner of the property, the northeast corner, the southeast corner and the southwest corner. That proved to be a wise investment, as the indoor Montclair Theater on Holt Avenue and its cinemas at the Montclair Plaza all went under over the next quarter century.

Ten year's after converting to four screens, the theater dispensed with most of its sound system stands with their speakers, instead broadcasting at the low end of the AM band so that those in the vehicles could listen to the audio portion of the movie on their car radios.

With the turn of the millennium, the Mission was going strong, having a niche as one of the region's last remaining drive-in theaters, drawing customers from all over.

In 2006, the theater rebranded itself as the Mission Tiki Theater, using a Tahitian theme, just as it reached being a half century old. That included improved screens and setting up an FM radio sound system, an improvement over the AM reception.

In 2013, the theater

side of the Los Angeles County/San Bernardino County border to get the line to Montclair. Subsequently, however, when the project went out to bid, it turned out the cost of building the line from Claremont to Montclair would not

Continued on Page 4

was yet thriving, which justified another investment, this time a conversion to a crystal clear digital projection system.

Despite the site's long-running use remaining economically viable, the value of selling the property to Oakmont Industrial Group for a one-time \$34.4 million killing became irresistible.

According to Montclair Community Development Director Michael Diaz, there has been a filing of a notice of determination in with regard to a development proposal filed by Mission Boulevard Industrial Owner, L.P., which acquired the property from the company, De Anza Land and Leisure, which was operating the theater.

That development proposal, according to Diaz, is to transform the Mission Tiki Theater into the Mission Boulevard and Ramona Avenue Business Park.

In making a project description, Diaz told the Montclair City Council in a report, that the "Precise plan of design [is] to approve the development of 513,295 square feet of flexible industrial space; [approve a] tract map to consolidate the nine existing parcels on the project site into eight parcels; [approve a] gen-

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pact report was prepared for this project pursuant to the provisions of the California Environmental Quality Act. 3) Mitigation measures were made a condition of approval of the project. 4) A mitigation reporting or monitoring plan was adopted for this project. 5) A statement of overriding considerations was adopted for this project. 6) Findings were made pursuant to the provisions of the California Environmental Quality Act."

According to Diaz, "on December 19, 2022 the City of Montclair, acting as lead agency, certified the project's environmental impact report and made certain California Environmental Quality Act findings, approved Tentative Tract Map No. 20381 and a precise plan of design, approved the general plan amendment, introduced for first reading Ordinance No. 23-1003 approving the zone change... and made the following findings: 1) The project will have a significant effect on the environment. 2) An environmental im-

Diaz told the council he was certifying that "the final environmental impact report with comments, and responses, any necessary errata, and the record of project approval is available to the general public at 5111 Benito Street, Montclair, California 91763."

The project was

brought before the city

council, which signed

off on allowing Mission

Boulevard Industrial

Owner, L.P. to proceed

with the project, on Jan-

uary 17, 2023.

-Mark Gutglueck

Magness Had A Storied Military Career *from front page*

tallest mountain in the Western Hemisphere, 22,838-foot elevation Mount Aconcagua in Argentina.

The Inland Valley Development Agency, founded in 1990 when the Department of Defense announced it would close Norton Air Force Base four years later, was and remains

a joint powers authority involving the County of San Bernardino and the cities of San Bernardino, Loma Linda and Colton, and as its charter overseeing the development of the property immediately around the airport, generally in a manner that is consistent with the aviation and transportation-related facilities at the airport.

The San Bernardino International Airport Authority is a joint pow-

ers effort involving the County of San Bernardino and the cities of San Bernardino, Highland, Loma Linda and Colton aimed at the redevelopment of the base property. Th

ough both joint powers authorities were created with the identical stated goal of ensuring "the reuse of Norton Air Force Base for the economic benefit of the East Valley," the fits and starts in that effort

led to very little practical progress and the loss – or what some characterized as the squandering – of approaching or exceeding \$100 million in taxpayer money while under the direction of the governmental collective.

It was not until several years after Hillwood – owned by Ross Perot Jr. – entered into a public-private partnership with the San Bernardino International Airport Authority and

the Inland Valley Development Authority and was able to effectuate its strategy with regard to the airport and the surrounding property and was given clearance to actively seek national and international companies willing to locate their warehousing, transportation and logistics facilities there that the goal of generating economic growth for the region reached fruition.

John Michael Mag-

ness was key to that success.

Born in Texas in 1964, he was nominated by his Congressman to the United States Military Academy at West Point in 1982, where he earned a bachelor's degree in mechanical engineering, graduating with the Class of 1986.

He remained on active duty with the Army for nine years, becom-

Continued on Page 7

Joshua Trees Remain Temporarily Protected As Bill Moves To The Legislature

By Mark Gutglueck

The California Fish and Game Commission on February 8 voted unanimously today to postpone the decision on whether to protect the western Joshua tree under the California Endangered Species Act.

The commission decided to wait and see whether a new legislative bill, the Western Joshua Tree Conservation Act, becomes law.

The California Fish and Game Commission took up the issue after the federal government declined to list the western Joshua tree as a protected species and the Center for Biological Diversity in October 2019 petitioned the California Department of Fish & Wildlife to list the Western Joshua tree as a threatened species under the California Endangered Species Act.

Wednesday's deferral represents at least the third time the commission has balked over the question of whether to give the tree official protected status, as environmentalists consider the plant that once proliferated in the California, Arizona and Nevada deserts to be a bellweth-

er of the survivability of a host of indigenous plants and animals in the desert region. Conversely, those involved in the real estate, development, investment and financial industries assert that the level of protection being sought for the trees will cripple any further conversion of the desert landscape to residential, commercial or industrial use.

This tugging of the commission along one tangent coupled with the pulling in the exact opposite direction has resulted in a paralysis both sides have expressed dismay over.

It was thought that a determination on the issue might be forthcoming in June 2022, but at that time the commission postponed until October making a decision on whether to list the western Joshua tree as a threatened or endangered species under the California Endangered Species Act. In October, the commission once again delayed settling the question. Since 2019, the commission's staff has been reviewing the scientific record relating to the degree to which develop-

ment and climate change are impinging on the environment of the Joshua Tree.

In October 2020, the species became a candidate for listing under the California Endangered Species Act. That decision will be made by California Fish and Game Commission.

In preparation of the anticipated July 2022 decision, the commission heard testimony from 222 people, including some politicians who advocated against providing the tree with the protection that environmentalists, botanists and other members of the scientific community say the species will need to survive. In April 2022, the California Department of Fish & Wildlife released a peer-reviewed report and recommendation assembled by Dr. Cameron Barrows of the University of California Riverside, Dr. Erica Fleishman of the Oregon Climate Change Research Institute, Dr. Timothy Krantz with the University of Redlands, Dr. Lynn Sweet with the University of California, Riverside and Dr. Jeremy B. Yoder

from California State University Northridge. According to Barrows, Fleishman, Krantz, Sweet and Yoder, the outlook for the plant, known by its scientific name *Yucca brevifolia* Engelm, is grim. "The population size and area occupied by [the] western Joshua tree have declined since European settlement largely due to habitat modification and destruction, a trend that has continued to the present," the report states. "Primary threats to the species are climate change, development and other human activities, and wildfire. Available species distribution models suggest that areas predicted to be suitable for [the] western Joshua tree based on 20th Century climate data will decline substantially through the end of the 21st Century as a result of climate change, especially in the southern and lower elevational portions of its range." Nevertheless, the scientists said, "the department does not currently have information demonstrating that loss of areas with 20th Century suitable climate conditions will result in impacts

on existing populations that are severe enough to threaten to eliminate the species from a significant portion of its range by the end of the 21st Century. The effects of development and other human activities will cause western Joshua tree habitat and populations to be lost, particularly in the southern part of the species' range, but many populations within the range of the species are protected from development, suggesting that a significant portion of the species' range will not be lost by development alone. Wildfire can also kill over half of western Joshua trees in areas that burn, and wildfire impacted approximately 2.5% of the species' range in each of the last two decades, but wildfire does not appear to result in loss of range, only lowering of abundance within the species' range." Barrows, Fleishman, Krantz, Sweet and Yoder stated that "the evidence presented in favor of the petitioned action, the scientific evidence that is currently possessed by the department does not demonstrate that populations of the spe-

cies are negatively trending in a way that would lead the department to believe that the species is likely to be in serious danger of becoming extinct throughout all or a significant portion of its range in the foreseeable future. The department recommends that the commission find that the recommended action to list [the] western Joshua tree as a threatened species is not warranted." During the two-day public hearing the Fish and Game Commission held on the matter in June 2022 at which it failed to come to consensus on extending the requested protection to the tree, then-Assemblyman Thurston Smith and Third District Supervisor Dawn Rowe, sought to capitalize on Barrows', Fleishman's, Krantz's, Sweet's and Yoder's prediction that the Joshua Tree will survive into the 22nd Century by piling on with requests that the commission not grant the protective status. "Listing the western Joshua tree as threatened would have permanent economic impacts on my constituents," Smith said.

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Chino City Council Calling For Judge's Removal from front page

two previous strikes; one for being an armed felon who fled from police the other for a brutal home invasion where he mercilessly beat his victims. Judge Hutson knew that this criminal would be facing a sentence of twenty-five years to life for his third strike, giving him no reason to return to court for sentencing and every incentive to resist arrest. Her decision to grant him bail instead of immediately remanding him to custody is the definition of recklessness."

Furthermore, according to the letter, "Judge

Hutson was an experienced [deputy] district attorney and is a tenured judge. She knew, or should have known, that it was highly probable that her decision to release a violent criminal with a history of resisting arrest and convicted of his third strike would cause harm to any police officer who stopped him or tried to take him into custody. Judge Hutson knowingly disregarded this clearly foreseeable risk, and Deputy Cordero paid for it with his life. Her decision to grant bail was not only reckless, but arguably illegal. California Penal Code Section 1166 was written to ensure violent career criminals were remanded into custody after a guilty verdict, not granted bail and provided yet another opportunity to terrorize innocent

victims."

The letter then states, "We implore you as the presiding judge, to ask for the resignation of Judge Hutson, and if you are unable to secure her resignation, immediately re-assign her from criminal court responsibilities."

Without explaining how it is known that outrage over Hutson's ruling is widespread, the letter states, "We are not the only city council, or community, who has lost confidence in Judge Hutson's discernment and commitment to protecting the innocent. The stakes are too high to allow her to rule on another case involving a violent repeat offender."

In the model of U.S. Governance under the U.S. Constitution and the constitutions of virtually every state, there

are divisions between the executive, legislative and judicial branches of those governments. While there is overlap between those separate branches and none of them are entirely free to function without some degree of accountability or being answerable to the expectations of the other two branches, each is supposed to function within its jurisdictional boundaries without being impacted by the separate authorities of its differing governmental counterparts.

In this way, the Chino City Council's criticism of Hutson and her rulings is remarkable.

Two of the council's members, Councilwoman Karen Comstock and Councilman Marc Lucio are, or were, law enforcement officers. Comstock was until her

retirement employed by the Chino Police Department, most recently as police chief. Lucio is currently a captain with the Los Angeles County Sheriff's Department. to send a letter to Judge R. Glenn Yabuno, presiding judge of the Superior Court, stating that the stakes were too high to allow her to rule on another case involving a violent repeat offender.

Cordero's December 29 death in Jurupa Valley came after McKay, a San Bernardino County resident convicted in November 2021 for false imprisonment, receiving stolen property, evading a police officer and making criminal threats, was released on \$500,000 bail, which had been reduced from \$950,000 by Judge Hutson. Prosecutors had sought a no-bail hold on McKay.

The city council also consented to sending letters to State Senator Susan Rubio and Assemblyman Freddie Rodriguez, both of whom represent Chino in the California Legislature, asking them to consider the impacts recently passed laws have had on law enforcement and communities, as well as making a proclamation in support of law enforcement and sympathy for the Riverside County Sheriff's Department in the aftermath of the on-duty deaths of Cordero and Darnell Calhoun.

Mayor Ulloa defended the council's intrusion into a province thought reserved for the judiciary branch of governments, saying, "I think it's very important we start taking a stand on these issues," she said.

-Mark Gutglueck

Local Political Luminaries Put the Kibosh On Extending The Gold Line To Ontario from front page

contain itself to an earlier \$73 million projection or the later \$80 million estimate, but had escalated to \$96 million. In reaction to that projected cost overrun, San Bernardino County Transportation Authority Executive Director Ray Wolfe convinced a majority of the San Bernardino County Transportation Agency board in the fall of 2019 to pull the plug on San Bernardino County's portion of the Gold Line funding. On October 10, 2019 the San Bernardino County Transportation Agency's transit subcommittee, composed of representatives from the cities of Big Bear Lake, Chino Hills, Colton, Fontana, Highland, Montclair, Ontario, Rancho Cucamonga, Rialto, Yucaipa and the county's Third Supervisorial District, by a vote of 8-to-3 endorsed Wolfe's proposal to dispense with constructing the new Gold Line track into San Bernardino County altogether and to instead have Gold Line passengers heading eastward from Los Angeles or the San Gabriel Valley load onto another train at the Claremont Station which will run on the existing Metrolink track.

San Bernardino County transportation officials declared their intention to return the \$41 million State of California Transit and Intercity Rail Capital Program grant that had been freed up to allow the county to overcome the gap between the \$39 million in available revenue from the half-cent sales tax collected throughout San Bernardino County for transportation improvements for completing the Gold Line extension from Claremont to Montclair and the earlier projected cost of the 1.2-mile extension.

At least some of the voting members of the The San Bernardino

County Transportation Agency have begun to rethink that position.

As early as February 2020, Assemblymember Chris Holden (D-41st District) and State Senator Anthony Portantino (D-25th District) discussed and subsequently introduced legislation to create the West San Bernardino County Rail Construction Authority, an entity to be dedicated to designing and building the six-mile span of track linking Montclair to Ontario.

In response, SBCTA's transit committee recommended that the San Bernardino County Transportation Authority commit \$3 million to undertake a formal and comprehensive study of transit alternatives to and from Ontario International Airport. Nevertheless, no real concerted commitment toward the Gold Line light rail project has manifested in San Bernardino County.

One factor is the less than impressive performance of the commuter rail system that has existed in San Bernardino County – Metrolink – since 1992.

The track for the diesel-powered Metrolink, is shared with cargo trains, and it does not have frequent departures or arrivals, with the shortest time between departures from San Bernardino into Los Angeles running 20 minutes at certain times of the day and as much as two hours at other times. Consequently, Metrolink is not heavily used and it does little or nothing to alleviate heavy traffic on the freeways into and out of Los Angeles on a daily basis.

The Gold Line, which runs on a separate track dedicated to passenger transport alone from Downtown Los Angeles to Azusa, uses lighter cars and more fuel-efficient engines, with staggered departures and arrivals of as little as every eight minutes. The Gold Line is thus heavily used, and its cars, prior to the COVID-19 pandemic, neared capacity on virtually every run. With the ending of social contact

restrictions, the L-Line is nearing pre-pandemic ridership levels.

While positive sentiment toward the Gold Line among public officials on the east side of the San Bernardino County/Los Angeles County divide is nowhere near as strong as it is Los Angeles County, Gold Line proponents have sought to convince legislators in Sacramento that augmenting the program with state funding is worthwhile. Unfortunately, for some time now, the majority of the California State Senate and the California Assembly have proven reluctant of put up state money or to pass through federal money given to the state for transportation-related programs if San Bernardino County officials are not themselves willing to sponsor improvements to their own commuting systems and infrastructure.

In September 2021 the state legislature's budget committees ended discussions with Governor Gavin Newsom's representatives without any commitment toward providing funds for the extension of the Gold Line into San Bernardino County over the remainder of the 2021-22 fiscal year, which ran from July 1, 2021 until June 30, 2022.

On January 31, 2023, based on the availability of funds from the 2021-22 budget surplus, the California State Transportation Agency awarded more than \$2.5 billion to 16 transit projects throughout the state. Conspicuously missing from the list to be benefited by that windfall was the L-Line.

Estimates on what the cost at this time would be to extend the Gold Line to Montclair, including running it from Glendora to Pomona and then from Pomona to Montclair vary, but the most reliable figure at this point is at Least \$660 million. Others have said the realistic cost in 2023 dollars is \$758 million. In Los Angeles County there is the will and money already earmarked to get the line

to Pomona.

Virtually all Los Angeles County officials and as many as a third of San Bernardino County transportation officials were hoping that the California State Transportation Agency would see its way clear to peel off at least \$50 million and as much as \$100 million in leftover 2021-22 funding to cover a portion of the L Line extension another 3.2 miles from Pomona to Montclair.

Some of those hopeful officials and many more San Bernardino County commuters expressed a combination of surprise, dismay and disappointment at what was characterized as Sacramento's stinginess. Others, however, who were either less ignorant of the San Bernardino County Transportation Agency's historic stance with regard to and inconsistent support of the Gold Line or those who otherwise had longer memories with regard to that history were not baffled at all as to why the funds were not forthcoming last year, were not provided this year and very likely won't come from the state next year.

The inconsistent support for the Gold Line among those politicians who directly represent the intended users of that system has convinced both legislators and bureaucrats in the state's transportation divisions that such investments represent a poor bet, since local transportation officials cannot be counted upon to follow through with the other necessary funding for all stages of the light rail initiative.

In San Bernardino County, what was formerly known as the San Bernardino Association of Governments or its acronym SANBAG served as the county's joint powers authority devoted to interests in common relating to the county government itself and the county's 22 cities and two incorporated towns, the most notable of which was transportation issues. In 2017, SANBAG changed its branding to the San

Bernardino County Transportation Authority or SBCTA. SANBAG originally and SBCTA at present functions as the steward of Measure I funds. Measure I was a San Bernardino County funding initiative that imposed a half-cent sales tax collected throughout San Bernardino County for transportation improvements. Measure I was first approved by San Bernardino County voters in 1989 and was extended by a second vote in 2004 to remain in place through 2040. The San Bernardino County Transportation Authority has a governing board consisting of a council member or mayor from each of the county's 24 incorporated cities as well as all five of the members of the county board of supervisors.

While from 2016 until 2019, SANBAG/SBCTA had collectively been in favor of the extension of the Gold Line to Montclair and eventually to Ontario Airport and ultimately to Redlands and potentially beyond that to Yucaipa, the escalation in the projected \$73 million cost of extending the Gold Line from Pomona to Montclair to \$80 million, followed by a jump to \$96 million, soured San Bernardino County Transportation Authority Executive Director Ray Wolfe on the project.

Toward the close of the September 4, 2019 meeting of the authority's board, Wolfe said, "I'm going to come back to you through committee next month and hopefully to the board in November with a recommendation that we throw in the towel" on the Gold Line undertaking. Wolfe made good on that at the October meeting of the authority's October 2019 transit committee meeting. The transit committee is composed of representatives from the cities of Big Bear Lake, Chino Hills, Colton, Fontana, Highland, Montclair, Ontario, Rancho Cucamonga, Rialto, Yucaipa and the Third Supervisorial District.

Wolfe's proposal called

for dispensing with constructing the new Gold Line Track into San Bernardino County altogether and to instead have Gold Line passengers heading eastward from Los Angeles or the San Gabriel Valley load onto another train at the Claremont Station which will run on the existing MetroLink track. That system will use so-called diesel multiple unit trains in a what he said was a "hybrid" plan which he dubbed the "Gold Link."

At the October 10, 2019 transit committee meeting, Wolfe laid out his game plan to put the kibosh on the Gold Line coming into Montclair. Ultimately, eight of the transit committee's 12 members – Third District Supervisor Dawn Rowe and Rancho Cucamonga Mayor Lloyd Dennis Michael, then-Big Bear Councilman Bill Jahn, then-Yucaipa Councilman David Avila, Highland Councilman Larry McCallon, Fontana Mayor Acquafonna Warren, Colton Mayor Frank Navarro, and Rialto Mayor Deborah Robertson – voted to back Wolfe. Only Montclair Mayor John Dutrey, Ontario City Councilman Alan Wapner and Chino Hills Mayor Ray Marquez opposed his plan to scrub the county's support of the Gold Line.

That vote set the tone for the State Legislature's readiness to fund the Gold Line extension into San Bernardino

Murder Charge Over Fire Death from front page

vestigations division, homicide detail were summoned. In short order they learned the children were home alone when the fire broke out. The children's mother, Nikia Magby, 26, was arrested and booked at the High Desert Detention Center on charges for murder and child abuse causing great bodily injury,

The investigation, which is being handled by Detective Michael Roth and Sergeant Justin Giles, is continuing.

After Others Entrusted With Oversight Over Shuttered Norton Air Force Base Failed To Trigger Vigorous Development Or Otherwise Squandered The Funds Entrusted To Them For That Purpose, Magness Obtained Results

from page 2

ing a helicopter pilot. He fought in the Persian Gulf during Operation Desert Storm, the U.S. effort to get Iraq to disengage from its occupation of Kuwait, which had been initiated the previous year. In that conflict, Magness commanded a fleet of attack helicopters attached to the 7th Corps.

In addition, while he was with the Army, Magness was an operations officer and pilot for the Task Force 160 Nightstalkers, an elite special operations aviation unit that, as its name implies, engaged in nighttime/under the cover of darkness operations. In

experience, combined with his observations about how the skills a pilot acquires are applicable in the world of industry and commerce.

"A former U.S. military pilot describes the characteristics that make a good pilot and shows how people in business can use the same ideas and approaches to become leaders," according to the book's synopsis.

In 2001, eyeing the potential that existed in San Bernardino while local officials were spinning their wheels in trying to come up with a realistic use of the Norton Air Force Base property

timodal industrial park featuring Kohl's, Mattel, Stater Bros., Pactiv, Pep Boys and Amazon warehouses. In carrying that off, AllianceCalifornia abated or demolished many, indeed most, of the 1940s era building surrounding the former Norton Air Force Base. Between 2002 and 2018, more than 4.2 million square feet of buildings were razed for reuse. Between 2002 and 2023, 16.1 million square feet of new development was completed.

In the meantime, some degree of progress was being made with regard to the other key component of the overarching airport/logistics/warehousing development formula that had been formulated by San Bernardino County, the cities of San Bernardino, Colton, Loma Linda and Highland through the Inland Valley Development Agency and the San Bernardino International Airport Authority. Nevertheless, there were substantial inefficiencies and missteps taken with regard to that effort on the San Bernardino International Airport side of the ledger, with which Hillside had no direct involvement.

SBIAA at one time employed former Loma Linda Mayor/Councilman T. Milford Harrison and Don Rogers as the executive directors of the airport. Both Harrison and Rogers had a hand in hiring Scot Spencer to serve as the airport's contract developer. SBIAA's general counsel Timothy Sabo signed off on Spencer's hiring.

Spencer had extensive contacts throughout the aircraft industry, some of which were highly questionable. His hiring as contract developer, in which he was entrusted with converting the facility into a true international airport, was done in 2007 under a no-bid arrangement, disregarded his track record with Braniff. In 1991, Spencer and financier Jeffrey Chodorow sought to utilize the remaining assets from Braniff International Airways to create Dallas-based Braniff

International Airlines, Inc. Braniff Airways, which had been in operation since 1928, had faltered under its corporate successor, Braniff, Inc., which was created after the former company's 1982 bankruptcy. Spencer's effort was unsuccessful and Spencer and Chodorow were both convicted of fraud for absconding with \$14 million of the company's funds. Spencer served a four-year prison term from 1995 until 1999 as a result of that conviction.

After paying his debt to society, Spencer took up where he had left off, becoming involved in the aircraft industry largely on the strength of his contacts with manufacturers, airlines, mechanics and maintenance companies. He leased from the San Bernardino International Airport Authority the lion's share of property at the airport, where several companies he was an owner or investor in set up shop, and in 2007, Spencer entered into the agreement with SBIAA to direct what was supposed to be a

\$38 million renovation of the airport's passenger terminal and a \$7 million development of its concourse. Spencer undertook that assignment amid confident predictions that upon completion of those projects, the airport would attract as many as a half dozen airlines. The cost of the passenger terminal and the concourse escalated to \$142 million and the airport was unable to host any commercial airlines for over a decade, with the lone semi-exception of the Million Air corporate aviation facility, which serviced corporate jets and other private pilots, and for which Spencer was the franchisee, from 2010 to 2012. It was later discovered that Harrison was given several lucrative positions with companies involved at the airport which Spencer owned or controlled. With Spencer, Harrison was a manager of KCP Leasing and Services.

Harrison and Spencer were also listed as of-

ficers with Million Air Development Company, LLC, as well as Million Air San Bernardino LLC. Harrison also had a never fully-specified relationship with SBD Aircraft Services, which Spencer owned. The cost overruns for the terminal project, the failure of San Bernardino Airport to attract commercial airlines and Spencer's relationship with former San Bernardino International Airport Authority and Inland Valley Development Authority executive directors Don Rogers and T. Milford Harrison as well as Timothy Sabo, the legal counsel for the authorities

In March 2013, Spencer along with an alleged co-conspirator, Felice G. Luciano, was arrested and charged by the San Bernardino County District Attorney's Office with five felony conspiracy, embezzlement and conspiracy counts relating to using the struggling airport's account as a personal cash fund, taking \$1 million for themselves.

The progress that Hillwood and AllianceCalifornia made at the airport favorably compared with the activity by Spencer and his confederates.

The development facilitated by Hillwood and AllianceCalifornia resulted in a number of businesses establishing a significant presence in San Bernardino, including the attracting of Fortune 100 and 500 companies that have made \$939 million in investments in locating to and continuing business operations locally. According to Hillwood, development at and around the airport has resulted in the creation or replacement of over 10,780 jobs, exceeding those lost because of the Air Force base closure. The development that occurred and accompanying business activity, Hillwood claims, has boosted the local tax base by \$850 million increase to the local tax base.

Magness as a member of the West Point Class of '86, along with

Donald Fallin and James Brennan, both members of the West Point Class of '88, formed what they dubbed "Team Johnny Mac," which was intended to raise awareness and funds for the nonprofit Johnny Mac Soldiers Fund. The fund was created to memorialize Colonel John "Johnny Mac" McHugh '86 who was killed in action while serving in Afghanistan on May 18, 2010. The Johnny Mac Association takes as its charter providing financial assistance to veterans and their families for education expenses. Magness was, since 2017, a board member of the Johnny Mac Association.

A fundraising strategy the trio employed was to challenge other Army veterans and members of the public to pledge money, augmented by "Go Fund Me" and crowdfunding requests, if the trio lived up to self-imposed challenges they placed on themselves relating to their summiting selected peaks around the globe. Such was the case two years ago when the three made it to the top of Mount Kilimanjaro on January 15, 2021.

Last month, Team Johnny Mac submitted a challenge relating to its determination to make it to the top of Mount Aconcagua.

Using social networking, the team, this time consisting of Magness, Donald Fallin and Keith J. Brown, kept the outside world abreast of its progress up the mountain, which indeed presents a formidable challenge. They had allotted themselves 18 days to make it the peak and back, starting on January 22 and returning on February 9, reaching the summit on the 12th or 13th day – February 4th or 5th – and descending in five or six days. Their intent was to make a moderate speed climb for hikers of their skill and better-than-average speed for climbers of their age – 44 through 58. They were to be assisted by the company Expediciones Grajales – *Continued on Page 12*



this capacity, he participated in the Battle of the Black Sea in Mogadishu, Somalia and in the conflict in Haiti. While he was yet in the Army, he completed a postgraduate degree in Business at Boston University.

A major factor in Magness's decision to leave the Army was his marriage to his wife and his determination to provide his children with stable residency.

For a time Magness served as a consultant to the United Arab Emirates government on aviation procurement.

He went to work for Perot Companies in 1997, where he specialized in real estate development, particularly with regard to civilianized former military properties.

In 1999, he published "Pilot Vision," in part a memoir of his military

San Bernardino City Unified School District Was Unable, For Different Reasons, To Hang On To Its Last Three Superintendents *from front page*

longtime observers of the district and the mistakes it has made in the past.

The litany of superintendents in the district going back to 2013 makes clear that the challenge of supervising the district is a demanding task, one made all the more difficult by the sometimes wicked political crosscurrents on the district's school board. Thus, Arellano, in addition to addressing lower-than-average academic achievement of the students attending San Bernardino Schools, will need to contend with demands from at least some of the school district trustees to meet their priorities in terms of hiring their friends, family members and supporters into district positions and simultaneously making sure that family members and political donors to some of those school board members get contracts to supply the school district with supplies and services. There is concern that in this overpoliticized atmosphere, precious district funding and resources will be squandered and unqualified hires will compromise the district's already lagging educational mission.

It is not entirely clear whether Arellano fully appreciates the environment he will be stepping into from his present position in Redlands two months hence.

For a dozen years now, San Bernardino City Unified School District has been plagued by one superintendent after another either leaving the district in the lurch or being disengaged by his political masters on the school board and not being able to effectuate the creation of the learning environment considered to be a requisite for across-the-board student success.

In 2011, Superintendent Arturo Delgado, who was well-respected

perhaps for the entirety of his career as an educator.

At the seeming drop of a hat, however, Marsden had abandoned the Victor Elementary School District to take on the superintendent's role at San Bernardino City Unified, representing for him a professional step – or maybe two or three steps – up, given that San Bernardino City Unified is the ninth largest of the Golden State's 944 school districts.

Not quite eight years later, for a reason that is not altogether clear, Marsden bolted from San Bernardino Unified, announcing in December 2019 that he would leave the district in March 2020. Marsden is now the chief executive officer and self-proclaimed "chief visionary" of Tomorrow's Talent, LLC, which he founded in July 2020 for the purpose of engaging in "educational engagement and workforce development," which is marketed to school districts, community colleges and trade and technical schools.

Marsden's departure came at what turned out to be the worst possible time, as just as he was leaving, the COVID-19 pandemic hit, resulting in the wholesale closure of schools throughout the state and a changeover to remote learning in which classes were taught via the internet. The district, rudderless, was required to not only deal with the crisis on the fly, but do so without an individual accustomed to the district administering the continuing programs.

Deputy Superintendent Harold Vollkommer was promoted to serve as the district's interim superintendent.

In March 2021, a full year after Marsden's exit, the district announced it had convinced Harry "Doc" Ervin, then the superintendent of the Bakersfield City School District, to begin with the 2021-22 school year/fiscal year beginning July 1, 2021 as San Bernardino City Unified's superintendent.

Ervin came in a month early and went to work

at once in an effort to get the district prepared to return to in-class instruction after the district had functioned on a remote learning model the entirety of the 2020-21 school year.

Ervin, who was not aware nor deferential too nor hamstrung by the board members' various political connections or commitments to the board members electioneering fund donors, forthrightly set about rededicating the district to its educational priorities, which he perceived as having been compromised by the district's accumulation of less-than fully productive or efficient contracts for services and programs. Many of those programs and services were pet programs of some of the district's board members, ones which generated money for their family members, friends, associates, supporters or political patrons. Ervin, in the view of some too aggressively, undertook a thorough examination of the efficiency of the programs and contracts the district had involved itself in with regard to how those contracts met the district's educational mission and fulfilled identifiable goals. As he was not previously familiar with the lay of the land politically in San Bernardino, Ervin did not fully appreciate that many of those with school district contracts had connections with the district's board members, either familial, associational or in terms of providing political donations and support for certain board members electoral efforts.

When Ervin either recommended to the board that it not renew some of those contracts or used his own authority as superintendent to suspend or discontinue the contracts, Board Member Danny Tillman and then-Board Member Barbara Flores by September 2021 – barely three months after his arrival – became upset over their family members, friends, associates or political supporters losing the revenue those

contracts represented. By October 2021, Tillman and Flores had recruited Board Member Abigail Rosales-Medina to join with them in firing a shot across Ervin's bow by engaging with the consultants and service vendors who were seeing their contracts canceled, those contractors' employees, family members and associated to have them turn out at a school board meeting during which an evaluation of Ervin's performance as superintendent was to take place and his future employment prospect with the district – including possible termination – was on the table.

In the face of the criticism Ervin was being subjected to, board members Margaret Hill, Gwen Rogers, Scott Wyatt and Mayra Ceballos stood by Ervin, such that Tillman, Flores and Rosales-Medina were one vote short of being able to fire him.

Confident he had backing for the reforms he was undertaking in concert with an initiative he had dubbed the "Framework for Excellence," which was intended to enhance student performance and achievement through an emphasis on reading, mathematics and language development, Ervin pressed on, continuing to antagonize, most notably, Tillman and Flores.

In December 2021, Board Member Hill died, at which point Ervin's margin of survivability as superintendent eroded. Tillman, Flores and Rosales-Medina found themselves in a 3-to-3 deadlock with Rogers, Wyatt and Ceballos over Ervin's continuing tenure with the district. Tillman, Flores and Rosales-Medina did not have sufficient political muscle on the board to fire Ervin, yet needing a fourth vote to cashier him. In January and February of 2022, the district made an effort to find a replacement for Hill through soliciting applicants to fill out her term.

Toward that end, the board interviewed Josh-

ua Augustus, Roland Horsh, Robert Nowosielski, Robert Silva, Alex Avila, Travon Martin, Tawnya Rhoades-Hensley, Elsa Valdez, Tressy Capps, Guillermina Mirelez, Viviana Romero, Francesca Villarreal, Leticia Garcia, Pamela Montana, Michael Santos, Teran Zappia, Rachel Garvin, Henry Nickel, Tracie Scherzer and Leticia Garcia, all of whom applied for the appointment. The board gave serious consideration to Martin, Valdez, Avila, Montana and Garcia, but none was able to obtain a crucial fourth vote for the appointment because, ultimately, either Tillman, Rosales-Medina and Flores were not convinced the addition would agree to terminate Ervin or the other three board members – Wyatt, Ceballos and Dowdy-Rodgers – were unconvinced that the person to be appointed would be willing to keep Ervin in place. At the May 3 board meeting, Ervin announced he was departing from the district as of July 1, 2022.

In the November 2022 election, Tillman, Flores and Rosales-Medina were up for reelection. In addition, the district had the San Bernardino County Registrar of Voters put on the ballot a special election, one that would allow the district's voters to choose someone to fill out the final two years of the term on the board that Hill had been elected to in 2020. After all of the tallying was completed, according to the San Bernardino County Registrar of Voters, Medina, with 11,278 or 14.92 percent of the 75,607 votes cast in the 11-person race, captured first place, extending her tenure by another four years. Tillman, with 11,186 or 14.79 percent, claimed second place and a continuing berth on the board. Flores, however, with 8,994 or 11.9 percent, came up short, finishing in fourth place behind Mary Ellen Abilez Grande, who polled 9,628 votes or 12.73 percent for third

Continued on Page 10

Public Notices

FBN 20230000267

The following entity is doing business primarily in San Bernardino County as RANCHO CUCAMONGA DEVELOPMENT COMPANY 10050 WILSON AVENUE ALTA LOMA, CA 91737; ALAN R TIBBETTS 10050 WILSON AVENUE ALTA LOMA, CA 91737 [and] PHILO BIANE 6 GOOSENECK ROAD ALTA LOMA, CA 91737

Mailing Address: 492 W FOOTHILL BLVD CLAREMONT, CA 91711

The business is conducted by: A GENERAL PARTNERSHIP.

The registrant commenced to transact business under the fictitious business name or names listed above on: SEPTEMBER 25, 1979.

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/ ALAN R TIBBETTS, General Partner

Statement filed with the County Clerk of San Bernardino on: 1/1/2023

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 J3108

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 on January 20 & 27 & February 3 & 10, 2023.

FBN 20230000342

The following entity is doing business primarily in San Bernardino County as VENDIES VENDING 8320 VICARA DRIVE RANCHO CUCAMONGA 91701; VENDIES OFFICIAL LLC 8320 VICARA DRIVE RANCHO CUCAMONGA 91701

The business is conducted by: A LIMITED LIABILITY COMPANY registered with the State of California under the number 202253219069

The registrant commenced to transact business under the fictitious business name or names listed above on: NOVEMBER 11, 2022.

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/ JACQUELINE CHENG, Managing Member.

Statement filed with the County Clerk of San Bernardino on: 1/13/2023

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 J3108

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 on January 20 & 27 & February 3 & 10, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: GARY LEE LINTOTT
CASE NO. PROSB2300074

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of GARY LEE LINTOTT has been filed by CHAD KYLE LINTOTT in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that CHAD KYLE LINTOTT be appointed as personal representative to administer the estate of the decedent.

Public Notices

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

Hearing on the petition will be held MARCH 2, 2023 at 9:00 A.M. in Dept. No. S36 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

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

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

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

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

Attorney for Chad Kyle Lintott:

Neil Hettke, Esquire SBN 273319

820 North Mountain Avenue

Upland, CA 91786

(909) 579 2233 Fax (909)

618 1622 hettke@gmail.com

Published in the San Bernardino County Sentinel on January 27 and February 3 & 10, 2023.

FBN 20230000138

The following entity is doing business primarily in San Bernardino County as W.M.S BODY CONTOURING & HOLISTIC THERAPY 15555 MAIN ST UNIT D7 HESPERIA, CA 9234; WENDY MUÑOZ SANTIESTEBAN 18390 BIRCH ST HESPERIA, CA 92345

The business is conducted by: AN INDIVIDUAL

The registrant commenced to transact business under the fictitious business name or names listed above on: NOVEMBER 26, 2022.

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/ WENDY MUÑOZ SANTIESTEBAN, Owner Partner

Statement filed with the County Clerk of San Bernardino on: 1/6/2023

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 C6677

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk.

Public Notices

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 on January 27 and February 3, 10 & 17, 2023.

FBN 20230000670

The following entity is doing business primarily in San Bernardino County as FRAPPE & BOBA 4545 MISSION BLVD E MONTCLAIR, CA 91763; LAKE R ROJANAMONTIEN 12790 WILD HORSE WAY RANCHO CUCAMONGA, CA 91739

Mailing Address: 12790 WILD HORSE WAY RANCHO CUCAMONGA, CA 91739

The business is conducted by: AN INDIVIDUAL

The registrant commenced to transact business under the fictitious business name or names listed above on: JANUARY 23, 2023.

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/ LAKE R ROJANAMONTIEN, Owner

Statement filed with the County Clerk of San Bernardino on: 1/25/2023

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 I9576

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).

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FBN 20230000342

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

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

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

Attorney for Chad Kyle Lintott:

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Published in the San Bernardino County Sentinel on January 27 and February 3, 10 & 17, 2023.

The registrant commenced to transact business under the fictitious business name or names listed above on: NOVEMBER 26, 2022.

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/ WENDY MUÑOZ SANTIESTEBAN, Owner Partner

Statement filed with the County Clerk of San Bernardino on: 1/6/2023

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s/ JACQUELINE CHENG, Managing Member

Statement filed with the County Clerk of San Bernardino on: 1/6/2023

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Public Notices

2/3/2023, 2/10/2023, 2/17/23

FBN 20230000824

The following entity is doing business primarily in San Bernardino County as ZYNTEC 2314 CALLE BIENVENIDA CHINO HILLS, CA 91701; MEI DU 2314 CALLE BIENVENIDA CHINO HILLS, CA 91701

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: JANUARY 11, 2023.

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/ MEI DU

Statement filed with the County Clerk of San Bernardino on: 1/30/2023

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 J3108

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 on February 3, 10, 17 & 24, 2023.

FBN 20230000778

The following entity is doing business primarily in San Bernardino County as MASi TECHNIKS 243 W. VERNON DR APT B UPLAND, CA 91786;

JAIME MORA 243 W. VERNON DR APT B UPLAND, CA 91786

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/ JAIME MORA

Statement filed with the County Clerk of San Bernardino on: 1/27/2023

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 J3108

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 on February 3, 10, 17 & 24, 2023.

FBN 20230000215

The following entity is doing business primarily in San Bernardino County as H & E HOIST AND EQUIPMENT SERVICES 12720 AMBER LANE RANCHO CUCAMONGA, CA 91739; EDER ESQUIVEL MAJESTY RANCHO CUCAMONGA, CA 91739

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: January 1, 2023.

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/ EDER ESQUIVEL, Owner

Statement filed with the County Clerk of San Bernardino on: 1/09/2023

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 J3108

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious

Public Notices

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 on February 3, 10, 17 and 24, 2023.

FBN 202200009648

The following entity is doing business as C&M PAINTING 9250 LOCUST AVE FONTANA, CA 92335 principally in SAN BERNARDINO COUNTY: CESAR MARTINEZ 9250 LOCUST AVE FONTANA, CA 92335

Mailing Address: 1440 S E ST #E SAN BERNARDINO, CA 92408

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/ CESAR MARTINEZ, Owner

Statement filed with the County Clerk of San Bernardino on: 10/19/2022

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 18090

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 on February 3, 10, 17 & 24, 2023.

FBN 20230000778

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JAIME MORA 243 W. VERNON DR APT B UPLAND, CA 91786

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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s/ JAIME MORA

Statement filed with the County Clerk of San Bernardino on: 1/27/2023

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 J3108

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Published in the San Bernardino County Sentinel on February 3, 10, 17 & 24, 2023.

Public Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF ARLENE MCCALL

Case No. PROSB2300099

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

A PETITION FOR PROBATE has been filed by Maurice McCall, Sr. in the Superior Court of California, County of SAN BERNARDINO.

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

A PETITION FOR PROBATE has been filed by Maurice McCall, Sr. in the Superior Court of California, County of SAN BERNARDINO.

Mailing Address: 1440 S E ST #E SAN BERNARDINO, CA 92408

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: JANUARY 11, 2023.

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.

FBN 202200009648

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The business is conducted by: AN INDIVIDUAL.

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Public Notices

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/ JESSICA S WILKERSON, OWNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 01, 2023 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 itself authorize the use in this state of a fictitious business name in

Public Notices

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 02/10/2023, 02/17/2023, 02/24/2023, 03/03/2023 CNBBT202304MT

FBN 20230000963 The following person is doing business as: MR BILL'S ON WHEELS MOBILE BAR-BER SERVICES. 1032 N LILAC AVE #28 RIALTO, CA 92376 COUNTY OF SAN BERNARDINO BILLY R BAYSINGER IR 1032 N LILAC AVE #28 RIALTO, CA 92376. 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

Public Notices

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/ BILLY R BAYSINGER JR, OWNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 01, 2023 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 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).

Public Notices

Published in the San Bernardino County Sentinel 02/10/2023, 02/17/2023, 02/24/2023, 03/03/2023 CNBBT202303MT

FBN 20230001086 The following person is doing business as: ACE TAPING AND DRYWALL. 9064 ISLAY AVE FONTANA, CA 92335 COUNTY OF SAN BERNARDINO JOSE T TRONCOSO 9064 ISLAY AVE FONTANA, CA 92335; TRINIDAD TRONCOSO 9064 ISLAY AVE FONTANA, CA 92335. 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

Public Notices

information on this statement becomes Public Record upon filing.

s/ JOSE T TRONCOSO, GENERAL PARTNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 03, 2023 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 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).

Public Notices

Published in the San Bernardino County Sentinel 02/10/2023, 02/17/2023, 02/24/2023, 03/03/2023 CNBBT202302MT

FBN 20230001124 The following person is doing business as: GOOD DEAL DEALER. 1680 S E ST STE B-207 SAN BERNARDINO, CA 92408 COUNTY OF SAN BERNARDINO WITAO CHEN 1680 S E ST STE B-207 SAN BERNARDINO, CA 92408. 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/ WITAO CHEN, OWNER Statement filed with the County Clerk of San Bernardino on: FEBRUARY 06, 2023

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 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 02/10/2023, 02/17/2023, 02/24/2023, 03/03/2023 CNBBT202301MT

School Board Is Gambling \$459,000 Per Year On Arellano In The Hope He Will Prove A Long-Term Fix To The District's Leadership Shortcomings *from page 2*

place. The other seven candidates – Patricia Dezan, Alex Avila, Francisco Ramirez, Tressy Capps, Veronica Saiz, Sonia Fernandez, and Rose Ward – collected 45.66 percent of the vote among them. Meanwhile, in the contest to replace Hill over the next two years, five candidates competed: Francesca Villarreal, Mikki Cichocki, Esmeralda Negrete, Michael Santos and Travon Martin. As it turned out, Cichocki, a former teacher and activist with the California Teachers Association, prevailed with 9,483 votes or 32.74 percent.

Despite what would have otherwise have represented the district board being out to its standard seven members, the board yet remained one member short. In the same November 8, 2022 election, Rodgers vied for a position on the San Bernardino County Board of Education in Area D. Competing against two others, Rogers captured 33,244 or 60.71 percent of the 54,760 votes cast, easily outdistancing former board member Gil Navarro, who had 18,343 votes or 33.5 percent, and Oscar Hinojosa, who garnered 3,173 or 5.79 percent. In assuming the county board of education position, Rogers resigned as a board member with the school district.

The school board on January 24 got around to redressing that gap,

voting to appoint Felicia Alexander replace Rodgers.

With Alexander in place after her swearing in on Tuesday February 7, the board made an official vote to hire Arellano.

For Arellano, whose parents emigrated from Mexico and raised him in San Bernardino where he graduated from San Bernardino High School before attending and obtaining degrees from the University of California at Riverside, taking on the superintendent assignment is something of a second homecoming. He began his teaching career with the San Bernardino City Unified School District as a bilingual elementary school teacher. After teaching for a nearly a decade, he transitioned into educational administration, becoming the Palm Springs Unified School District's assistant superintendent of human resources in 2003. In September 2017, Redlands Unified hired him as superintendent.

As is likely to be the case in San Bernardino, Arellano's experience in Redlands was fraught with non-academic challenges, most prominently a string of what turned into criminal cases against teachers within the district who were charged with sexual improprieties involving students.

The cases of Sean Ramiro Lopez, Laura Elizabeth Whitehurst and Kevin Patrick Kirk-

land, who were accused and ultimately convicted of having sexual relations with teen age students, predicated Arellano's arrival in Redlands. Those matters, however, featured patterns of the district minimizing or seeking to hide those transgressions, a practice that appeared to continue under Arellano's watch. Information relating to teachers Joseph Nardella and Brian Townsley and Daniel Bachman, who worked in Redlands High Schools theater department having relations with students was kept under wraps by the district under Arellano's watch until events beyond the control of the district overtook those situations.

In time, however, after Arellano became settled into the position of superintendent and the district was buffeted by lawsuits brought on behalf of victims and extensive adverse publicity, he undertook efforts to prevent further

recurrences of such scandals, under the aegis of an initiative titled Actions Create Trust Now, which explicitly prohibited teachers from touching, or having physical contact with, students; telling jokes of a sexual nature; engaging in any sort of sexual repartee with students; interacting with students on social media or by telephone or texting; being alone with a student out of the view or presence of others; devoting any attention to a single student; calling a student by a pet name or any term of endearment; exchanging personal gifts, cards or communications with a student; traveling in a personal vehicle with a student in anything other than an emergency situation; and engaging in any flirtation with students.

In a letter to the Redlands community and district parents dated February 8, Arellano wrote, "Last night I was offered and accepted the position of superinten-

dent for the San Bernardino Unified School District. As many of you may not know, I was raised in and started my career in San Bernardino. Serving as the superintendent of Redlands Unified School District has been the highlight of my career and I am grateful for all of the friendships that we have built during my tenure in Redlands. Accepting this position was not an easy decision for me and my family but the allure for me to return back [sic] to San Bernardino and support the 47,000 students whose life experiences and stories are similar to mine proved to be a determining factor."

While some considered the emotional attraction that San Bernardino represented to Arellano to be an indicator that Arellano has a serious commitment to the San Bernardino City Unified School District and will provide it with the continuity of leadership it has lacked now

over the tours of several superintendents, others saw his willingness to leave Redlands Unified in the midst of an ongoing school year to be a troubling reminder of the readiness of Delgado and Marsden to depart from their ongoing assignments when another opportunity presented itself.

Given Ervin's recent experience, questions yet remain as to whether Arellano is ready to accept the mandates of his political masters on the school board if he perceives those marching orders as clashing with the best interests of the district's students and, if so, the degree to which he will be willing to compromise the district's educational mission to hang on to his job, which is providing him with \$301,851.43 in salary, \$77,081 in perquisites and add-ons and \$80,112 for a total annual compensation of \$459,044.43.

-Mark Gutglueck

Scientists Agree The Joshua Tree Population Is Dropping But Disagree As To Whether The Number Drop Will Lead To Eventual Extinction the Transplanting & Removal Fees Are Relatively Expensive *from page 2*

The commission should stand down and let politicians enact protection for the tree, Rowe suggested.

Both Smith, who was voted out of office in November, and Rowe were driven in their advocacy against granting the tree protection by their close affiliation with and support by the real estate, investment, development and financial communities. If the tree-huggers have

their way and the western Joshua tree is designated as a threatened or endangered species, those restrictions would place trees on a higher plane of importance than humans, many desert landowners maintain. They say there are plenty of Joshua Trees, and they resent already existing restrictions on making improvements to land if that development will require removing Joshua trees. People have to go

through all sorts of red tape and paperwork just to chop one down, desert property owners say. It was pointed out that there are up to 9.8 million Joshua trees in California, and they cover some 5,500 square miles.

At present, the State of California imposes a permit fee of \$175 to relocate a Joshua tree 13.123 feet tall or smaller on developed property. To remove the same size tree from developed land costs \$525. To relocate a Joshua tree taller than 13.123 feet from developed property costs \$700. A Joshua tree that is less than 13.123 feet

high growing on undeveloped land can be relocated for \$625 and removed for \$1,050. Those are permit costs. In addition, the cost of actually relocating a Joshua tree in such a way that it will survive can be quite expensive, as much or more than \$1,200 for mature trees. Younger and smaller trees are less expensive to transplant. "The hell with those rules," some people who live on land they own in the desert say. Some have, successfully in certain cases and unsuccessfully in others, removed trees quietly

Continued on Page 12

Exhaustion, Cold & The Thin Air Atop Mt. Mount Aconcagua Proved Deadly To Dyanmic John Magness from page 5

the Andean equivalent of Sherpas in the Himalayas – very skilled climbers familiar with the routes, rigors and perils on the way to the top who guide climbers who less familiar with a particular mountain.

Magness, on his Twitter and social media accounts shared images and his ruminations on his way up the mountain. “The best view comes after the hardest climb” he had conveyed early in the ordeal.

On February 3, the Johnny Mac Soldiers Fund Post stated, “Team Johnny Mac is on the move again - today they climb 4-5 hours to the last camp, Cölera, from where they will attempt the summit tomorrow. Tonight they'll have dinner at 19,586' - it's higher than most places on Earth! While there, the team will have an astonishing view of Mt. Mercedario and other peaks of the Ramada massif. Tomorrow's climb to the summit will take 8-12 hours. Climb safely today, John Mangess,

Don Fallin and Keith J. Brown, and get a good night's rest before Summit day tomorrow! We wish you good health, strength and safety!

Magness tweeted, “Rested and ready for heavy boots and crampons today to the last camp.”

Crampons are plates with spikes that attach to the bottom of a climber's boots to provide surefootedness in walking upon ice.

Early on February 4 the Johnny Mac Soldiers Fund Post put this message out to the world, “Today is summit day for Team Johnny Mac! U.S. Army veterans John Magness, Don Fallin, and Keith Brown started their 18-day expedition on January 22nd, and after ten days of climbing, the team will finally reach the summit of Mount Aconcagua! They have 8-12 hours of climbing today so they'll be waking and leaving early to get the most of the long day. As a reminder or if you're new to the challenge, Mount

Aconcagua stands at 22,837'. It is the highest mountain in both the Western and Southern Hemispheres, the tallest peak on Earth outside of Asia, and the second of the Seven Summits, after Mt. Everest. This has been an incredible challenge and we're in awe of Team Johnny Mac's stamina and endurance. Be safe, Team Johnny Mac! We can't wait to see photos from the top!”

On February 4th, however, things went



bad.

Reports are contradictory as whether Magness actually made it to the summit.

According to the Johnny Mac Soldiers Fund Post, he did.

On Tuesday, February 7, the Johnny Mac Soldiers Fund Post offered, “It is with immense sadness that we report to you that our Team Johnny Mac climber John Magness passed away after summiting Mount Aconcagua in Argentina this past Saturday. He is pictured here at the 22,837' summit! John succumbed to medical complications

Don Fallin and Keith Brown, participated in the ‘Aconcagua Challenge’ expedition to raise funds and awareness for Johnny Mac Soldiers Fund. Don and Keith are now our ‘boots on the ground,’ helping to bring John home to the U.S. swiftly. John was a dedicated leader serving on our Johnny Mac Soldiers Fund board of directors. He was a fierce supporter of our organization’s mission to provide scholarships to military children of our nation’s fallen. In short, he was our classmate, teammate, and friend; he was our hero, serving others until the end.”

Magness’s daughter Chelsea said, “He loved and believed so deeply in the Johnny Mac cause and mission and we will strive to continue his legacy.”

According to the local newspaper Los Andes, Magness collapsed while trying to reach the summit and was assisted at Camp Independence, located at an elevation of about 6,300 meters or roughly 20,670 feet, where the guide who led his expedition provided him with oxygen. Those

in the hours after reaching the summit of one of the highest mountains in the world. John and two other Army veterans,

with him then managed to take him further down the mountain to the Cöndores nest camp, at an elevation of about 5,500 meters or 18,045 feet, where efforts to stabilize him were made.

It was there that Magness succumbed at some time around 2 a.m. on Sunday, February 5, according to Los Andes.

According to that report, Magness suffered cardiac arrest because of the systemic trauma of the extreme effort required to climb to that altitude over the previous week, the thinness of the oxygen at that altitude and the cold.

At the time of his death, Magness was working on a second book, one which took as its subject matter the events leading up to and surrounding the battle during the Vietnam War in which his father was killed. It is not known how close he was to completing that work. It seems, alas, that work will not be completed.

Magness is survived by his wife Angie and their children Chelsea and John Michael.

-Mark Gutglueck

Joshua Tree Transplanting & Removal Fees Are Relatively Expensive from page 11

without permits. Those who get caught can pay a hefty price. Jeffrey Walter and his wife, Jonetta Nordberg-Walter, who live in the aptly-named unincorporated San Bernardino County community of Joshua Tree, in February 2011 removed 36 Joshua trees from property Jonetta had inherited from her father during ground-clearing preparations to build a home. Despite the fact that the backhoe operator they had hired to do that clearing had buried the trees almost immediately upon knocking them down, an eagle-eyed neighbor, who had himself previously been prevented from doing extensive construction on his property because of the Joshua trees that dotted his land, saw

what was happening and called authorities. He allowed the responding Department of Fish and Wildlife agent to get close enough to the Nordberg-Walter property to monitor what had happened. The long and the short of it was that Walter and Nordberg-Walter were hauled into court and each was hit with \$9,000 fines, or \$250 apiece for each downed and destroyed tree, a total of \$18,000.

Some believe what Walter and Nordberg-Walter, who were recent newcomers to California, acted inadvertently, reflecting no ill intent or effort to evade the law.

Others believe the couple's acts of mayhem on the trees was premeditated and deliberate, as evinced by their instructions to the backhoe operator to bury the trees. Those who see it that way think Walter and Nordberg-Walter got off easy. For \$18,000 and a

minor blemish on their records, they were able to proceed with developing their property, which they legally would not have been likely to be able to do. Moreover, what amounted to a \$500 fine per tree is less than what would have been a far more extensive cost if they had applied for permits to transplant them and then executed upon actually transplanting them.

During last year's hearings, State Fish and Game staff told the commission that the trees reproduce very slowly and only under relatively precise conditions. The more than 900-page staff report the commission reviewed before the June hearing had conflicting information about the survivability of the trees. Some of the report's citations indicated the tree is in danger. While staff did recommend against listing the trees as threatened, sub-

sequent reviews of the recommendation found errors within the cited materials upon which that recommendation relied, and sixty percent of the recommendation's peer reviewers disagreed with its conclusion. According to a study published in June 2029 by the UC Riverside's Center for Conservation Biology in conjunction with other scientists, at least 80 percent of the Joshua trees in Joshua Tree National Park will be extinct by 2100. Dr. Timothy Krantz, one of the authors of the April recommendation against listing the tree as endangered indicated in June that he was not in consonance with that recommendation. “The western Joshua tree is already very much a threatened species,” Krantz told the Sentinel. It was noted that the model used in Barrows', Fleishman's, Krantz's, Sweet's and

Yoder's April recommendation was based upon 20th Century climate data, which did not reflect the acceleration in global warming. Ultimately, the commission split on a vote as to whether to give the species protected status, thereafter agreeing to revisit the issue in October. In October, the issues had yet to be cleared up. Some of the testimony given during the June hearing by those advocating against granting the protection appeared to have had an effect opposite to what was intended. Commissioner Jacque Hostler-Carmesin, who was one of the two votes against listing the species as endangered, nevertheless indicated, in consonance with her commission colleagues, that politicians could not be entrusted with determining what protections the trees should be provided. “California is facing a complex confluence of issues stemming from climate change, including the need for more renewable energy and the need for more habitat protection for imperiled species,” said Kelly Herbinson, the joint executive director of the Mojave Desert Land Trust. “Unfortunately, these two goals are sometimes at odds. The future of our species depends on both, and we are pleased to see the Gavin Newsom administration and the Fish and Game Commission working to find creative solutions to these issues. Preserving the western Joshua tree and its habitat is central to our mission at the Mojave Desert Land Trust. We will be evaluating the proposed bill and advocating for legislators to ensure the language and budget provide impactful and sustainable avenues that secure the long-term protection of the western Joshua tree.”