Board of Supervisors Settles Suit for Alleged Improper Use of Funds

By Ladan Mohsenzadegh

The Santa Barbara Board of Supervisors paid $15,000 to the SB County Libertarian Party (SBLP) in mid-January, out-of-court settlement, ending the party’s lawsuit against SB County Sheriff Jim Thomas for allegedly mis-using taxpayer funds and inappropriately campaigning.

Thomas’ support of Measure U — a proposal that failed on last year’s ballot to raise county sales taxes to fund county jail improvements and expansions — was criticized by the SBLP because of the county jail system.

Larry Bishop conducted the haz­ardous materials investigation that uncovered a number of criminal viola­tions by KAMAP Property Management — later tested asbestos due to its pre-1970s hous­ing — and the remaining toxic dust was dry-scraped by the APCD to be put in KAMAP dumpsters all over Isla Vista.

We would’ve expected some­one who’s been in the business for so long and dealing with the indus­try for so long would know about this kind of stuff,” he said.

Further details of the APCD report state the painter, Oldfield, and Mike Trotter, KAMAP contractor Mike Trotter and a driver com­prised the crew of the five-day project. During the first two days, the toxic insu­lation — later tested by the APCD to be 15 times over the legal limit for proper asbestos disposal — was dry-scraped from pipes and walls, falling onto cars and filling the garage with carcinogenic dust.

The APCD report states that approximately 100 plastic trash bags of asbestos were thrown into KAMAP dumpsters all over Isla Vista, and the remaining toxic dust in the parking garage was swept into its storm drains.

"It’s like Pandora’s Box," Kabakov said. "To get something positive, you have to go through all the garbage."  

His work now features large collections of objects, which viewers can walk through or around. The style of art, called installation, is something positive, you have to go through all the garbage.

Kabakov, whose words were translated by his wife Emilia, built his reputation in the 1960s in the Soviet Union by collecting throwaway items from different aspects of Soviet culture and mixing them into three-dimensional pieces of art.

One project, a box surrounded by garbage, was labeled with offensive words.

For a crowd of 500 people in Isla Vista Theater on Tuesday evening as a UC Regents’ lec­ture, Ukrainian artist Ilya Kabakov, one of the top 10 living artists according to Art Nexus magazine, talked trash.

Kabakov and his wife Emilia Kabakov presented the new work of Ilya and Emilia Kabakov on Tuesday afternoon.

"It’s different from other forms of art," Kabakov said. "Total installation has the ability to use people resources, to get people engaged."  

Kabakov will display his work at UCSB in the installation "The Empty Bottle: Mother and Son," which he and his wife have worked on with willing to raise county sales taxes to fund county jail improvements and expansions — was criticized by the SBLP because of the county jail system.

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JERUSALEM (AP) — Ariel Sharon, the tough-talking former general dubbed “The Bulldozer,” took up his nickname Tuesday with a landslide victory over Ehud Barak, the prime minister whose peace hopes were dashed by most of the bloodiest Israeli-Palestinian bloodletting in decades.

“The State of Israel has entered a new path... the path of security and true victory over Ehud Barak,” Sharon said in his campaign headquarters. “The road we chose is the one and only true path.”

Rival Barak said Sharon had “created” the conflict and that he should not rule out being part of a unity government, “if it is not possible, the Labor Party will be a fighting opposition, and will fight for what it believes.”

We should not rule out being part of a unity government... if it is not possible, the Labor Party will be a fighting opposition, and will fight for what it believes.

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Yasser Arafat’s Palestinian Authority says it will work with any Israeli prime minister. But some of his top associates expressed delay before the Palestinian negotiator Saeb Erekat would endorse Sharon’s hand-picked program for peace talks was a “recipe for war.”

Barak, 58, was forced into early retirement after 19 turbulent months at the helm of an ever-fraying governance coalition.
In essence, the sheriff stole taxpayer money, defended himself with taxpayer money, and the fine was paid with taxpayer money.

— Robert Bakhaus
SB County Libertarian Party's lead litigator

THOMAS
Continued from p.1
because the lawsuit brought the issue to the attention of the Santa Barbara County, the county would be consulted before public monies are used for campaign endeavors in the future.

"Now there is a checks and balances system implemented. If the sheriff were to consider making another 'educational video' or any other type of vehicle for communication of a campaign matter, prior to engaging, he must run it by the county, where there can be open public debate on the matter," he said.

"We really set precedent here, and we are very proud of that."

Thomas said he gave the SBLP an opportunity to take part in the production of the video, but they declined.

"They claimed that they didn't have an opportunity to voice their opinions regarding the spending, but when we asked them if they wanted to take part in the public access program, they declined. That was probably our strongest defense that led to the eventual settlement," Thomas said.

According to criminal law, if the SBLP had wanted Thomas to pay the fine, it would have to prove criminal culpability in court. Bakhaus said a court hearing would have been difficult and time consuming, so the SBLP decided to settle out of the courtroom.

"We would have had to prove that he knew he was violating the law — that would have taken years and would have been almost impossible to prove," he said. "Instead, the litigation insurance of the government pays the fine. But that is still taxpayer money."

Thomas said the settlement was a collaborative effort to end the litigation process. "If this had gone through court, there is no doubt in my mind that we would have prevailed," he said. "Settlement of a case doesn't assign blame. It is an agreement between sides not to go any further. They made their concerns known, and we responded."

Bakhaus said the settlement was a costly victory for taxpayers. "In essence, the sheriff stole taxpayer money, defended himself with taxpayer money, and the fine was paid with taxpayer money," he said. "We are really proud of the settlement, given our small size and the fact that we have no taxpayer money. We still fought Goliath."
When Deputy District Attorney Allan Kaplan settled with KAMAP for $60,000 in fines last November, Dave Oldfield, the painter who tipped off the Air Pollution Control District after being exposed, said he felt robbed and cheated of justice.

Oldfield said a more thorough investigation by Kaplan might have yielded more evidence to back up his initial claim—KAMAP's owner and employees knew what they were doing when they exposed him to asbestos.

"I see kids out here getting cited for open containers, pot charges, noise violations and they all appear in front of a judge. How can this guy get away with something this big?" Oldfield said. "I don't see that this district attorney has done his job properly. This whole thing was squashed."

 Forty-year-old Oldfield came to Isla Vista in 1998 after spending four months in the county jail on a phone-tampering charge. Fresh out of jail with a phone-tampering charge. Fresh out of jail with a phone-tampering charge.

"I still don’t get what’s going on. I can’t believe I went through this," Oldfield said. "I don’t feel like I got justice."

"If you turn me in, I'll file extortion charges on you with the FBI. That’s what we did," Trotter said.

KAPAM reported that Pinter knew asbestos was in the Aladdin's parking garage.

"There were a lot of things that needed to be cleared up," Kaplan said. "They did a follow-up investigation. Every case that anyone does, investi­
gate a report and they give you the information, and they ask you what about this, what about that, what about the next thing?"

Although Kaplan claims he instructed the APCD to do more investigating, APCD Director Mike Broughton called that claim "interesting."
It was a life-saving necessity to create some way to show this work in the proper context.

— Ilya Kabakov
Ukrainian artist

ART
Continued from p.1
several UCSB students on the Lagoon lawn. Kabakov conceived of the project as something extra to emphasize his regents’ lecture while he is in Santa Barbara for the week.

Chancellor Henry Yang spoke at a small reception for the artist on Tuesday afternoon in front of the piece while Kabakov stood by and nodded.

“The idea behind this installation project was to present a work in progress, to give our campus community the opportunity to experience a work of art in the making,” Yang said. “By creating this installation here on our campus lawn, the Kabakovs and our students have changed this space.”

Art Studio Dept. Chair Kim Yasuda, whose speech followed Yang’s at the reception, praised Kabakov for spending his extra time in Santa Barbara working with students on the installation.

“His generosity to us, as a university, in the context of this event, has been phenomenal,” Yasuda said. Kabakov was born in Soviet Dnepropetrovsk, Ukraine, in 1933 and lived in the Soviet Union until 1988. He built his reputation with installations critical of Soviet life, but since moving to the United States in 1988 he has focused on themes such as the disenfranchised and the mentally disabled.

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Minimum Requirements
• must be an enrolled UCSB student for the entire academic year (fall-spring) 2001-2002.
• must live in Isla Vista for the entire academic year (fall-spring) 2001-2002
• must be in good academic standing.
• must enroll in and attend Soe 91F during the spring 2001 quarter (MW 3:45pm)

Training and initial duties will begin spring quarter, 2001. Final training and full job duties will begin at the start of the 2001-2002 academic year.

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Secretary of Transportation
Most likely to be opposed to the surge in gas prices.

Secretary of Commerce Don Evans
Most likely to have done a dog stand with Bush.

Secretary of Housing and Urban Development Mel Martinez
Most likely to be offered a bribe.

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Secretary of Treasury Paul O'Neill
Most likely to be the Alan Greenspan's bitch.

Secretary of Veterans Affairs
Most likely to actually do his job.

Secretary of Commerce
Most likely to lose sight of the forest for the trees.

Secretary of the Treasury
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Secretary of Labor Elaine Chao
Most likely to organize the cabinet photo.

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The other night, a group of guys showed up at the door of my oceanside Del Playa apartment. They had just signed the lease with Ronald L. Wolfe & Associates to move in next year and wanted to have a look around.

"Not! I wanted to shout, "Save your- self! Turn around! Go back to Sueño and don't even look back!"

Instead, I let them in, and when they saw the view from the back balcony they were so excited I didn't have the heart to tell them they would be charged $800 a month more than we were currently paying for it. The lady in the rental office went along with it. This year, Wolfe raised rent by another $600 for continuing tenants ($100 for new tenants). This means that in the period of exactly one year's time, my roommate's and my monthly rent raised by $1,200. In the real world, people might be tempted to call this criminal. Our property manager, Chris, prefers to call this "fair assessment of the property's market value." I prefer to call Chris in "asshole."

Looking back on the last two years, I can't think of a single thing Wolfe has done to my apartment that might justify raising rent by $1,000. In fact, the only reason anyone from the rental agency ever comes by is to slap unjustified eviction notices on my door. Wolfe's policy on late rent — theoretically, at least — is that any tenant that has not paid in full by the third of the month is issued a three-day notice; pay up in three days or we'll kick you to the curb. In the course of a year and a half, my apartment has been served four unjustified three-day notices, all of which were due to clerical errors at the office.

Once, my roommate and I went into their office to dispute an eviction notice stating we were $300 short for rent. This notice was the third unjustified notice in as many months. The lady at the front desk listened to us, and then disappeared back into the check to her computer. When she returned, she informed us that their records showed we were actually $800 short. She then demanded we pay the $800 deficit. My roommate and I burst into laughter. She looked confused (not uncommon in that environment), and agreed to check again. This time it turned out that whoever had authorized the three-day notice had made a slight miscalculation; our rent was fully accounted for.

"Sorry," she said.

"See you next month," I said."

A Wolf in Wolfe's Clothing — Living Under a Stumlord

NATHAN BAYS

The Low Down

America Revisits the Cold War

Missile Defense Is the Lost Cause of Old Guard Isolationists

DAVID DOWN


General: "All these screens show the launch status of Russia, Mr. President. If Communists try to shoot us, we're dead."

Mr. President: "Tell him, Wolf."

"What happens next?"

Nore could I tell them what they had to look forward to — a rental agency run by nonentities, at least — is that any tenant who has ever had his stove stolen and thrown into a dumpster.

The heater in our apartment does not work. The agency attempted to charge us for parking spots months before lines had been drawn. They also wanted — and exercised — the right to tow cars that were parked in these nonexistent spots. They dryer actually burned and rips any clothes you put in it. Our ceiling leaks. Because there is no lock on the door to our laundry room, it is a popular spot for people to stop by and pee.

Last weekend, someone shot in our washing machine. And our rent is going up $600.

Unfortunately, Wolfe's assessment of the real-estate market does not take into consideration the amount of student wages, which show no sign of being able to keep pace with such exorbitant rent.

Nor does it take into consideration the fact that a housing inspector was to come to look at all the property Wolfe under Wolfe's jurisdiction, there would be no so many violations that Wolfe's agents would not be able to count them on their fingers, which a landlord in general would have had no difficulty in finding within the office.

For almost two years now, Ronald L. Wolfe & Associates has demonstrated a thoroughly transparent disregard for both my rights and interests as a tenant. They are completely out of touch with the student population and contribute nothing that benefits our community in Isla Vista.

If I were to move out after this year and never plan to do business with "R-Dubya" again, after all, it doesn't take a housing inspector to realize that something about this rental agency stinks, and for once I don't think it's my washing machine.

Nathan Bays is a Nexus staff writer and senior English and computer science major.

The Better to Rip You Off with Your Door

and since then no action has been taken. I assume this is because they have been so busy pursuing our market value."

For a community in which probably about 75 percent of the members own bikes, it is surprising that there is not something nothing outside of our apartment to which one may securely lock a bike. As a result, my roommate has had several bikes stolen, and my own bike was thrown over the cliff. I got it back, though, and locked it to the stairway, the one thing around. When Chris came by, he found it to be unsightly (Chris drives a brand-new Jeep Grand Cherokee — he has an impeccable sense of the aesthetic), so he cut my lock and put my bike in the dumpster of the house next door. I can honestly say that no other landlord I have seen the view from the back balcony they were so excited I didn't have the heart to tell them they would be charged $800 a month more than we were currently paying for it. The lady in the rental office went along with it. This year, Wolfe raised rent by another $600 for continuing tenants ($100 for new tenants). This means that in the period of exactly one year's time, my roommate's and my monthly rent raised by $1,200. In the real world, people might be tempted to call this criminal. Our property manager, Chris, prefers to call this "fair assessment of the property's market value." I prefer to call Chris in "asshole."

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Alan J. Wyner, Dean of Undergraduate Studies, are pleased to announce that the
following undergraduates received Dean's Honors for their outstanding academic performance in fall 2000.

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KAMAP

Continued from p.4

The Settlement

Civil charges were filed against KAMAP, Warkentin and Pinter on Nov. 13, 2000, and a settlement was reached two weeks later. No judge saw the case. Kaplan charged KAMAP with "negligent violations of Hazardous Waste Control Act" and "unfair competition in violation of Business and Professions Code."

Warkentin was fined approximately $60,000 for his negligence and ordered to pay $40,000 for the proper cleanup of remaining asbestos. Pinter was ordered to attend asbestos training, and KAMAP was ordered to post asbestos information ads in local newspapers, although the Daily Nexus was not one of them.

Steve VonDohlen, Environmental and Consumer Protection Crimes prosecutor for San Luis Obispo County, said there is a spectrum of responsibility in these types of cases that starts with straight liability, then moves to negligence, then willful misconduct. Being found guilty of "willful misconduct," as opposed to "negligence," carries much higher fines, VonDohlen said.

"If he intentionally told his workers, we're supposed to bag that asbestos up, and we're supposed to handle it in the proper way, but I don't want you to, I want you to do it this other way instead," if someone was that irresponsible that could be a willful violation," VonDohlen said.

"It's kind of like the difference between first-degree murder, second-degree murder, and manslaughter," VonDohlen said. "The question is what makes the difference between first degree, second degree and manslaughter? Well, it depends on the kind of mental state or intent and the viciousness used by the person who did the killing."

VonDohlen said Kaplan's lack of evidence might have factored into charging KAMAP with negligence instead of seeking harsher, more punitive charges of willful misconduct. "Ultimately making the decision between, 'Do we go after him to prove willful misconduct, or do we go after him to prove negligent misconduct,' is a case-by-case decision depending on how solid your proof is," VonDohlen said.

According to APCD, "It's kind of like the "Do we go after him to prove willful misconduct, or do we go after him to prove negligent misconduct," is a case-by-case decision depending on how solid your proof is," VonDohlen said.

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KAMAP

Continued from p.11

documents, the cost of the original asbestos cleanup, if done properly, would have been around $120,000. Kaplan fined KAMAP $40,000, plus $4,000 to cover proper re-cleanup costs. If KAMAP had been found guilty of willful misconduct instead of negligence, the fines would have been in excess of $25,000 per day per violation — totaling over $250,000 and possibly calling for the arrest of Pinter.

Richards said Warkentin's original reason for removing the insulation was to locate and stop a water leak and prevent car antennas from scraping the low-hanging ceiling. "It was done in an effort to make the building safer," and so he wouldn't have to worry about students slipping and falling and, of course, landlords worrying about students suing," Richards said.

"There was virtually no one in the building over Spring Break," Richards said. "Not only were there no students there, but after that we had certain sample units tested microscopically for any problems with asbestos at all and, so there's no evidence to suggest that any of the residents of that building were ever exposed to any harmful level of asbestos."

Senior sociology major and Aladdin tenant Lindsey Biren said that water still flows the underground garage and many tenants of the Aladdin got sick during the removal. "I got really sick at that time," she said. "Almost everyone on the floor I lived on had some type of respiratory complaint. They didn't seem to care about the safety of the people in the entire area. There were crazy-looking tubes spraying things onto campus. I tried to stay away from here at that time."

Oldfield hasn't found a doctor to verify his medical complaints, and Richards said he questions the credibility of both Oldfield and Trotter due to their backgrounds. "You what you need to understand about those two guys is you should check first of all about their criminal record. Trotter claims to be CIA and just really, really stiff," he said.

Richards maintains that Warkentin's original intent was good, and tenants are better off for it. "The place is cleaner and safer today because of what John's done. There's no water down there, no leaking," he said. "My client wants you to understand it's really important that it was done in order to make it cleaner and safer, and it's cleaner and safer now. It should've been checked, it was, and he had to pay the cleanup costs."
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UCSB basketball as both the undefeated on their road swings. The men's team swept the Long Beach State-Pacific road trip for the first time in history. The Gauchos also took home men's and women's team honors. Mike Vukovich and Kayte Christensen were named Big West Player of the Week. The Gauchos extended their conference sweep, UCSB ran its conference winning streak to 13-6, 7-0 in the Big West on the season.

UCSB Attempts to Build on Last Season's Success

By MATT HEITNER
Reporter

It was a banner weekend for UCSB basketball as both the men's and women's teams went undefeated on their road swings. The men's team swept the Long Beach State-Pacific road trip for the first time in history. The Gauchos also took home two other accolades, with junior forwards Mike Vukovich and Kayte Christensen clearing Big West Player of the Week honors.

Mike Vukovich scored 14 points and grabbed five rebounds in the win over Long Beach, but "Vuk" was just getting his weekend started. Vukovich shot a perfect 12-12 from the field Saturday against UOP, for 37 points.

"I think it's a great honor," Vukovich said. "It just seemed like everything I shot all weekend went in." Along with the rest of the team, redshirting senior center Adama Ndiaye was ecstatic with the performance. "I was really glad because he's capable of shooting like that," Ndiaye said. "The guy has worked really hard, and he can play. All the big guys in this league now have their eyes open and will be looking for him."

With the victories, the Gauchos extended their conference-winning streak to three games and catapulted themselves into the thick of the Big West's title hunt, grabbing a tie for third place. The Gauchos were after thoughts following their home loss to Irvine (and fourth consecutive conference defeat). Santa Barbara has regained some momentum heading into this week's contests.

"We're just going to take it one week at a time," Vukovich said. "We're going to try and put ourselves in the best position possible going into the Big West Tournament."

The women's team's standout performance came from its leading scorer and rebounder Christensen. Santa Barbara needed all of Christensen's 16 points and 11 rebounds to fend off Pacific, twice rallying from an eight-point second-half deficit to take the win.

Sunday afternoon at Long Beach State, Christensen outplayed one outstanding opponent, finishing with 21 points and stealing down 13 boards on her way to the victory. With the win, UCSB ran its conference-winning streak to 13-6, 7-0 in the Big West on the season.

Kayte Christensen

Junior forward Mike Vukovich leaps for a hook shot. Vukovich and junior forward Kayte Christensen were named Big West Players of the Week.

NHL: What the USA Loathes

Matt Heitner

It happens every year around this time: sports fans are left all alone searching for a sport worth following. The Super Bowl marked the end of the NFL's season, and spring training is not around the corner. Some fans turn to college basketball. The majority of the rest flock to the NBA, while some face-palting fansatics tune in to the outlandish XFL.

"But what the National Hockey League?" a few misguided souls may ask, to which I guffaw, "Who cares about the NHL?"

Now for some of you a game featuring the Vancouver Canucks and the Ottawa Senators may float your boat, but that compelling matchup just doesn't do it for me. The NHL has come to be known for only two things in recent years: low scoring games and fighting. The first is one of the many downsides of hockey, but how could a real sports fan dislike fighting? Well I can't, but the last time I checked there was a sport that already specialized in fighting. What's it called again? Oh yeah, boxing.

For one reason or another, hockey hasn't caught on in the United States. Perhaps it has to do with the strange names or the fact that the game is utterly unwatchable on television. The NHL recently celebrated its All-Star weekend. Did you watch it? Neither did I.

Left bemused by this season's sport, I, in my infinite wisdom, propose a radical new plan that will save the NHL, both in America and around the world. It is time for the NHL to bite the bullet and move all of their teams out of the United States. With almost all of their players coming from Canada or Europe, I recommend moving all of the teams in the U.S. to either our neighbors toward the north or overseas. If a few states in the north are opposed to this plan, I say just make those states a part of Canada. Problem solved.

The teams will be distributed all over the two continents, forming two conferences. During the regular season and playoffs the teams will only face other teams from their conference, avoiding the rigors of travel. To top it off, the champion from each conference will meet in a final three-game series for the Stanley Cup.

Can't you see it? Clash of the Continents, the Canadians vs. the Euros. Media coverage would be out of control. Interest in hockey would never be greater, and ratings never higher. The NHL would be at its zenith, and with no other sport being able to top this brilliant format, hockey would be saved.

Now, I know a few of you may find this plan far-fetched, but ask yourself, "Wouldn't I want to watch?" You might.