Court: Inbounds avalanches an inherent risk of skiing

By Karen E. Crummy, Denver Post

Avalanches within the boundaries of open runs at Colorado ski resorts are an inherent danger, and operators do not have to warn skiers or close runs, even when risk is high, the Colorado Court of Appeals ruled Thursday.

The 2-1 decision, which immunizes resorts from claims after avalanche-related deaths or injuries, is the first of its kind in the country, said Jim Chalat, a Colorado ski attorney. He said the decision is likely to influence courts in other states with similar ski-safety laws.

“There hasn’t been a prior case where an avalanche (on an open run) is considered a statutory inherent risk of skiing,” said Chalat, who has practiced ski law for more than three decades.

Read the whole story

Navy SEAL imposter wanted in Nev. arrested in Ark.

By Paige Preusse, 40/29-TV

GARFIELD, Ark. – A former Lake Tahoe bartender who has been impersonating a Navy SEAL was arrested Friday in Arkansas on charges stemming from firearm violations.



A.J. Dicken

A.J. Dicken was wanted in Nevada for possession of a firearm by a person convicted of a felony.

Dicken boasted about being the most decorated former Navy SEAL claiming he served in combat missions all over the world including Vietnam and Afghanistan. According to information form the U.S. Marshals service, he often wore Navy SEAL trident insignia and showed off his numerous awards including two Congressional Medal of Honor awards. It was later confirmed that he never served in the military.

The charges stemmed from when Dicken operated a military style self-defense school in Carson City.. The training he provided included firearms and self-defense tactics. He was exposed after he was profiled on both ABC’s 20/20 and Inside Edition as the result of alleged criminal acts. More allegations include embezzlement and fraud where Dicken bilked investors, including two Lake Tahoe doctors, out of more than $850,000 for a proposed new international security firm.

Read the whole story

U.S. doctors switching to

salaried jobs

By Elisabeth Rosenthal, New York Times

American physicians, worried about changes in the health care market, are streaming into salaried jobs with hospitals. Though the shift from private practice has been most pronounced in primary care, specialists are following.

Last year, 64 percent of job offers filled through Merritt Hawkins, one of the nation's leading physician placement firms, involved hospital employment, compared with only 11 percent in 2004. The firm anticipates a rise to 75 percent in the next two years.

Today, about 60 percent of family doctors and pediatricians, 50 percent of surgeons and 25 percent of surgical subspecialists – such as ophthalmologists and ear, nose and throat surgeons – are employees rather than independent, according to the American Medical Association. "We're seeing it changing fast," said Mark E. Smith, president of Merritt Hawkins.

Health economists are nearly unanimous that the United States should move away from fee-for-service payments to doctors, the traditional system where private physicians are paid for each procedure and test, because it drives up the nation's $2.7 trillion health care bill by rewarding overuse. But experts caution that the change from private practice to salaried jobs may not yield better or cheaper care for patients.

Read the whole story

3 defendants sentenced in Mo's Place beating

By Kathryn Reed

PLACERVILLE – One life ended while countless others were shattered all because a South Lake Tahoe bar fight culminated in a homicide. The three men charged with crimes related to the death of Derek "Zippy" Penaranda were sentenced Friday.

Penaranda, who was from Ripon, was in South Lake Tahoe in May 2012 to celebrate his 30th birthday. He never recovered from the injuries he sustained from a fight at Mo's Place. He died in October 2012.

His father, Wayne, told the court through a cracked voice how devastating the loss of his middle son has been. He spoke of the pain that lingers from having watched his son wither away.



Derek "Zippy" Penaranda and Katie Musselwhite had hoped to one day marry. Photo/Provided

"I will close with a vision that did not have to be witnessed; that no one should ever see. A vision of my beautiful son, Zippy, battered, broke, wasting away having lost 100 pounds, in constant excruciating pain, his muscles hard as stone,

contorted and gnarled, retreating into whatever place he had taken refuge," Penaranda said.

As he stood before the judge reading his statement the defendants had no expression. Rodolfo Hernandez looked at Penaranda, while Sean Canilao and Ruben Lizzaragga had their heads down, looking at the defense table

A plea deal was reached last week, with formal sentencing on Feb. 14 for the one-time bouncers of the bar on Lake Tahoe Boulevard. El Dorado County Superior Court Judge James Wagoner did not change the sentence from what had been agreed to by all parties.

Hernandez, 44, pleaded no contest to involuntary manslaughter. He was sentenced to 364 in jail with credit for time served. He has been in custody since he turned himself in after being indicted. He will also be on four years formal probation.

Hernandez will be turned over to federal custody and deported because he is in the United States illegally. His parents brought him to the United States. The 364-day sentence allows him to seek re-entry. If the sentence had been a day longer, that would not have been possible. The maximum penalty was four years in county jail.

He sat with the public defender and a court appointed interpreter in the area normally reserved for the jury. Hernandez chose not to address the court.

Canilao, 49, and Lizzaragga, 41, pleaded no contest to assault with force that is likely to cause great bodily injury. Both have been out on their own recognizance since being indicted. They faced a maximum four-year prison sentence.

Canilao was sentenced to 60 days in custody starting Feb. 24, to be followed by 120 days house arrest. He will only have to be behind bars 30 days. He will be on probation for four years. He will not be allowed to own firearms or ammunition

for the rest of his life.

“I feel very regretful and sorry,” Canilao told the court.

Lizzaragga was sentenced to 240 days in jail. However, the time will be split with 60 days behind bars starting Feb. 28 and 180 days of an alternative sentence that has yet to be determined. He is also on probation for four years and will never be allowed to legally own a gun or ammunition.

Lizzaragga did not have anything to say to the court.

Penaranda, the victim’s father, had plenty to say. He had been at every court hearing for the past year and a half. On Friday he read a letter from his wife, Debbie, and one he wrote. He spoke of how his wife has been unable to work, and finally he couldn’t either and was let go. They are cashing out 401(k) accounts to live on. Penaranda has suffered a series of mini strokes he says is from the stress. The entire family has nightmares to this day. One of Zippy’s brothers was at the bar that night. He was beaten up, too.

After the sentencing hearing, Penaranda sat down with *Lake Tahoe News*.

“It was pretty light,” Penaranda said of the sentences. “Somebody’s life was taken. That to me should mandate the most serious charge.”

While the criminal case is now history, and the sentences much more lenient than Penaranda and his family had hoped for, the next thing to be resolved is the civil case.

“We went after whatever their maximum insurance was,” Penaranda told *Lake Tahoe News*. He’s expecting a decision to come by the end of the month.

He is finding some solace in writing a short story about the ordeal. Penaranda said he might try to publish it with other short stories he’s written.

What he'd really like to see changed is how the health care and health insurance systems work.

"From Day 1 they should start a comatose patient on physical therapy to prevent them from atrophying," Penaranda said. "It was disturbing watching him waste away." Penaranda said it was all about giving his son drugs. They didn't care for the whole body.

Zippy went from Renown Medical Center in Reno to a specialized rehab place in Marin County to a long-term care facility in Walnut Creek.

"If the insurance company sees a patient is not responding, they stop paying," Penaranda said. That, too, he sees as inhumane.

Penaranda is exhausted. He tries to console his wife, but she is having a hard time moving on. And while he said it's been devastating for the entire family, Penaranda is confident they will eventually find a way to move forward without Zippy.

Mancuso 8th in super G

The U.S. has collected one medal after five alpine events.

Julia Mancuso of Squaw Valley was unable on Saturday to add to the bronze she won in the super combined. At one point Mancuso was in second in the super G. She finished in eighth with a time of 1:27.04.

On the podium were Anna Fenninger of Austria taking gold (1:25.52), Maria Hofl-Riesch of Germany silver (1:26.07), and Nicole Hosp of Austria winning bronze (1:26.18).

Stacey Cook of Mammoth was one of many skiers who did not finish the course.

– Lake Tahoe News staff report

Letter: Heavenly crew volunteers at Bread & Broth

To the community,

Members of Heavenly Mountain Resort's skier services joined Bread & Broth volunteers to serve the Feb. 10 Adopt A Day evening meal. Normally, Heavenly's volunteer crew for the evening spends their days making sure that the guests at Heavenly Mountain Resort are enjoying all the amenities offered at our local ski resort. As sponsor volunteers for the Adopt A Day dinner, they showed the same spirit of working to make the evening meal an enjoyable experience for the diners.

Besides helping with bagging the "give aways", Mike Allen, director of skier services; Leslie Amato, day care manager; and James Kayser, adult ski school manager, served the dinner guests on the main food line. Manning the dessert and drink table was Tom Sbertoli, children's manager. Ryan Werick, photo manager, bagged and handed out "give away" bags.

This energetic group ended their evening by cleaning and stacking tables and chairs.

"We love volunteering and appreciate being able to give back to the community," said Amato. "Great experience!" Bread & Broth is very fortunate to not only have Heavenly employees enthusiastically donate their personal time to serve the

community but are very thankful for Heavenly's financial support of B&B's cause of feeding the less fortunate of our South Shore community.

For more information about B&B, go online or find us on Facebook.

Carol Gerard, Bread & Broth

Placerville mine to temporarily open to public

By Tom DuHain, KCRA-TV

PLACERVILLE – A 49ers-era gold mine, usually closed to the public, will open this weekend for guided tours in Placerville.

The Priest Mine is one of the few surviving "hard rock" mines.

Started in 1850, it was completely dug by hand picks. No dynamite was used in the small mine.

"The rock was a little too soft for that. If they blew, it could cave in," tour guide Charlie Basham said. "So they actually dug an arched cavern, which is stronger, much like the Roman arches."

The mine is fairly shallow but historic because of its age and because every cut in the rock was made by a miner's pick.

Read the whole story

Phyllis Ann Clifton – 1940-2014



Phyllis Ann Clifton

Longtime South Lake Tahoe resident Phyllis Ann Clifton passed from this life on Feb. 9. She was 73.

Phyllis was born on Sept. 16, 1940, in Modesto to Annabelle and Ernest Farrell.

When she was 8-years-old, Phyllis moved from Hickman to Portola Valley. As a teenager she attended Menlo-Atherton High School; and later studied to become a dental hygienist at the College of San Mateo, where she received an associate of arts degree.

Phyllis wed Lester Clifton in 1960. In 1967, and with two young sons, the family moved from Palo Alto to South Lake Tahoe. For more than three decades Phyllis worked as a certified medical assistant, and was a respected and well-known member of the local healthcare community.

In 1983, Phyllis was elected for the first of two terms as state president of the Nevada Association of Medical Assistants. For years she had been an active member at the

local and state levels of the organization, serving in all offices at the local level, and trustee, secretary, vice president and president-elect at the state level.

In addition to an accomplished professional career, Phyllis made time to support her family, including volunteering for several Little League seasons to keep score at games and operate the popular snack shack. For many years she was also active in Beta Sigma Phi, an international women's social, cultural and service organization.

In 2007, Phyllis joined Soroptimist International of Sierra Tahoe, and was particularly supportive of the organization's programs that helped children in need.

Phyllis loved to travel, enjoying trips to Mexico and Tahiti with Les, and camping

and road trips exploring America's many wonders with her family. She and George enjoyed European river cruises and annual excursions to Hawaii. An active, outdoor enthusiast, Phyllis enjoyed hiking, bicycling, and playing golf; and she was also an avid reader. She was quite proud of each of her grandchildren, and loved to attend their school plays and programs.

A fun-loving woman with a great sense of humor, and flair for retelling stories, Phyllis was ever the social butterfly and enjoyed attending parties and celebrating milestones with her friends and family. She was also a gracious and easy-going hostess, and kept an open door for the many friends and family that visited her home.

Phyllis is survived by a loving family: son Chris and daughter-in-law Leigh Ann, grandchildren James, Daniel and Sienna; son Brent and grandchildren Monique, Brittany and Neil; loving companion George Perusits; brothers Ron Farrell and his wife Xylina, Patrick Farrell and his wife Betty, John Farrell and his wife Ila; and many nieces, nephews and

cousins.

She was predeceased by loving husband of 39 years, Lester, in 1999.

In lieu of flowers, the family requests donations in honor of Phyllis Clifton to the Student Scholarship Fund of Soroptimist International of Tahoe Sierra. For more info, email sitahoesierra@gmail.com.

A celebration of life is planned for Feb. 22 at 2pm at Lake Tahoe Community Presbyterian Church, 2733 Lake Tahoe Blvd., South Lake Tahoe.

Author Chris Millis to give talk in Incline

Prize-winning, bestselling writer, producer, and cartoonist Chris Millis will be at Sierra Nevada College on Feb. 21.

He adapted his first novel “Small Apartments” into a feature film that stars Matt Lucas, Billy Crystal, Johnny Knoxville, and James Caan.

The 7-9pm reading is free at the college’s Tahoe Center for Environmental Sciences, Room 139-141.

Millis will also conduct a writing workshop (free to SNC students; $50 for community members) from 9am-noon on Feb. 22. Click here to register for the workshop.

Cowboy Mardis Gras benefits Austin’s House

The sixth annual Cowboy Mardi Gras fundraiser to benefit Austin’s House is Feb. 28 at the Carson Valley Inn from 6-10pm.

The party atmosphere of Bourbon Street in New Orleans on Fat Tuesday features food, music, dancing, games, raffle prizes, and a silent auction.

The Cowboy Mardi Gras starts at 6pm with a cocktail hour. Dinner is a western BBQ buffet featuring tri-tip beef, pulled pork and mesquite rubbed chicken with all the trimmings. Beer, wine and cocktails are also available. After dinner is music, dancing and games.

Tickets are $50; (775) 267.6711.