44-month sentence for S. Tahoe woman in hit-and-run DUI

By Kathryn Reed

"We are here today because two lives were destroyed, but only one by choice," El Dorado County Assistant District Attorney Hans Uthe told the court Wednesday.

The lives are those of Christine Whalen, who chose to drive drunk, and Adam Rose, who was was hit from behind as he rode his bike on Emerald Bay Road.

That bike, now crumpled, rested against a railing just feet from the man who was riding it before it got in that condition.

He may never ride any bike again. For now, he is using crutches to get around.

The woman whose vehicle crushed the bike and did even more damage to the rider sat with her head down throughout much of Wednesday's hourlong sentencing hearing.

Whalen was driving on Highway 89 near 12th Street in South Lake Tahoe on Aug. 21 when her vehicle struck Rose, who was on his bicycle.

Whalen, 54, of South Lake Tahoe was sentenced to three years, eight months in state prison for felony hit-and-run with injury, felony driving under the influence and causing injury, and felony failure to yield with the intent to evade. She had a blood alcohol level of 0.23 – nearly three times the legal limit.

Having spent 163 days in El Dorado County Jail and being given the same amount of days for good behavior, Whalen has served nearly one year of her term.

The probation department had sought one full year in county jail. The defense wanted her to be sentenced to the local jail, too. The assistant district attorney said based on the gravity of the situation state prison was the best answer.

“I thought it should have been more,” Rose told *Lake Tahoe News* of the sentence. “But I don’t know if she had more time, what it would do.”

Several people spoke on Whalen’s behalf, including her daughter who is eight months pregnant. They understood the need for Whalen to be behind bars, but preferred it would be a shorter sentence, and one in county jail.

A restitution hearing is scheduled for March 4. Whalen will be in the county jail until then, so it is possible her grandson will be born in that time.

Rose, 38, was forthright in his testimony to the court on Jan. 30, even saying how he has forgiven Whalen despite the fact his life is nothing like it was and never will be based on his injuries.

“Upon impact you continued down the road 100 feet with me on your hood,” Rose said to Whalen. She made a turn, he flew off the hood onto the ground, skidding for about 50 feet, as his skin was ripped off.

“You left me for dead on the side of the road. While you were running, I was dying.”

Rose went through the litany of injuries he sustained and what his life is like today.

He reiterated to *LTN* how he is keeping a positive attitude – just like he said in an article published earlier this month.

Prior to rendering the sentence, El Dorado County Superior Court Judge Suzanne Kingsbury said this was probably the worse DUI incident she had seen in her 17 years on the bench.

Kingsbury agreed to recommend alcohol treatment for Whalen, adding that based on the blood alcohol level she doubted this was the first time Whalen had drunk to such excess. However, this is Whalen's first conviction.

Full moon snowshoe at Squaw

Squaw Valley is offering a guided snowshoe under a winter full moon on Feb. 23.

This is for all ages.

The $18 fee includes snowshoe rentals, but not poles or tram ticket.

Dress appropriately and wear proper boots.

Meet at 5pm at High Camp.

For reservations, call 800.403.0206.

Dozens of California employees getting 2 state paychecks

By Sacramento Bee

California state workers in nearly a dozen departments hold both a salaried position and another hourly-wage position in-house, according to new government payroll data.

Several hundred managers, supervisors and others in non-hourly jobs also have a rank-and-file position, according to the State Controller's Office. The numbers confirm CalPERS officials' assertion that it wasn't the only department using "additional appointments."

The $265 billion fund came under criticism for the practice after a *Bee* report that 50 managers and other salaried workers with technical skills had been tapped by CalPERS to receive extra pay for handling computer system and customer service backlogs.

After lawmakers said they were concerned about CalPERS' policy, the fund suspended it, saying that sensationalized media coverage about its business decision was a distraction from its mission. CalPERS says the program was its cheapest option and had saved an estimated $1.6 million in costs since it started in June 2011.

The *Bee* has called several departments on the controller's list and the California Department of Human Resources, which acts as the state's labor relations branch. None has spoken on the record yet.

Squaw, Heavenly at opposite ends when it comes to lodging prices

By Mark Harden, Denver Business Journal

Aspen is the most expensive ski destination out of 20 major U.S. resorts, and several Colorado ski towns are in the top 10, Cheaphotels.org said Monday.

The travel website ranked 20 American ski destinations on what a typical traveler would pay for the cheapest available double room at a three-star-or-better hotel room at or near the area’s ski slopes in February and March.

Cheaphotels.org said a typical Aspen room rate would be $241 per night, slightly steeper than Olympic Valley, home of Squaw Valley ($239) and Utah’s Alta/Snowbird ($236).

All the remaining ski destinations ranked among the 10 most expensive are in Colorado:

4. Breckenridge – $223.

5. Vail – $214.

6. Snowmass – $212.

7. Telluride – $204.

8. Keystone – $203.

9. Beaver Creek – $199.

10. Copper Mountain – $192.

At the other extreme among the 20 large U.S. resorts, says Cheaphotels.org, is Heavenly at ($94 a night) and Idaho's Sun Valley ($107).

Crested Butte is the cheapest Colorado ski destination among the 20 evaluated, at $134 a night.

As for lift tickets, the *Associated Press* reported in December that the walk-up price for a single-day lift ticket at Vail and Beaver Creek had risen to an all-time record price of $129, with Aspen Mountain close behind at $117.

LTN writer wins award for travel coverage

The North American Travel Journalists Association has recognized *Lake Tahoe News* writer Susan Wood for her travel writing.

Her story on Bath, England, took second in the Historical or Hobby Travel category in the association's annual writing contest.

Susan Wood at the Thermae

Bath Spa in Bath, England.

"Susan's ability to capture the essence of a location and make others want to travel there is a gift few writers ever develop," *LTN* Publisher Kathryn Reed said.

Wood is a regular contributor to *Lake Tahoe News*, with many of her stories focusing on travel.

This is the second consecutive year Wood has been singled out by NATJA judges for her expert descriptive prose.

Wood was also a finalist in the Local Lifestyle category for her article about train travel in England.

— Lake Tahoe News staff report

Ski report: Sun, sun and more sun

The sun is out and mercury will be hitting the 40s today.

Here is the Jan. 30 ski report.

— Curtis Fong

Snippets about Lake Tahoe

• Sierra Resort will recognize guests dressed in 49er jerseys, jackets, and hoodies on Super Bowl Sunday by offering them a full-day lift ticket for $49.

• Among the 20 honorees to receive an Engineering Excellence Honor Award from the California Chapter American Council of Engineering Companies, Auerbach Engineering Corporation won for the Tahoe City Lakeside Trail.

• The UllrFest torchlight parade Diamond Peak is Feb. 8 at 5:30pm. For more information on this event and other UllrFest activities Feb. 7-10, go online.

• Sugar Pine Foundation is featured in *Style* magazine.

• The Tahoe Fat Tire Festival last fall raised nearly $2,900 each for TAMBA and Truckee Trails Foundation. Planning is under way for this year's event scheduled for Sept. 13-15 at Squaw Valley.

Which major sporting events should Lake Tahoe host?

Letter: ‘We the people’ often goes missing

To the community,

In his inaugural speech, President Obama repeatedly made reference to “we the people” which underlines the fact that the people have a social contract with the government. Thus, everything from funding phony wars to raising taxes is done in the name of the people. The government is our government. But at all levels of government the term social contract has been thrown into the wastebasket. It isn’t part of our operating political thought or practice. We the people have become an abstraction.

Bill Crawford

All people are created equal was also emphasized, underlined, by the president in his speech. The idea is as old as the hills. In about 308 BC, Zeno, the stoic taught that each person has a divine spark within their being. Thus, there is a spiritual equality. The stoics believed that slavery was a violation of that spiritual equality. So man is endowed by his creator. That’s a powerful idea that breaks the chains of bondage. Let’s not put it in history’s wastebasket.

Bill Crawford, South Lake Tahoe

Report: CalFire secretly stashed millions of dollars

By Jeff Gottlieb, Los Angeles Times

LOS ANGELES – CalFire hid $3.6 million from legal settlements rather than depositing it into the state's cash-strapped general fund as required, interviews and documents reviewed by the *Los Angeles Times* show.

For seven years, CalFire placed the money with the nonprofit California District Attorneys Association, paying the group to hold it. CalFire used the cash for equipment purchases and training purposes.

The practice ended last year amid questions about whether the fund was legal.

After questions from the *Times* last week, CalFire director Ken Pimlott notified the state Department of Natural Resources and state Department of Finance about the existence of the fund. The Department of Finance is planning an investigation.

State Sen. Ted Gaines, R-Rocklin, on Jan. 29 sent a letter to California Attorney General Kamala Harris requesting an investigation into CalFire's hidden funds.

The CalFire news follows revelations that the state Department of Parks and Recreation hid $20 million as parks were being closed because of budget cuts. In the wake of the parks department scandal, the Department of Finance looked for secret funds in other departments but did not find Cal Fire’s account with the prosecutors’ association, a spokesman said.

Auditors found more than $200 million that agencies had squirreled away as lawmakers cut the state budget.

The CalFire fund is just the latest discovery of money hidden by California agencies and raises questions about whether there are others that like this one were entirely off the state books.

Last August, Pimlott froze money moving in and out of that fund after receiving a briefing from his staff, said Janet Upton, a CalFire spokeswoman.

She said the agency was determining how to deposit the remaining $810,000 into the state general fund. Upton said this was not an admission that there was anything wrong with CalFire establishing the fund.

Documents and emails show that top CalFire officials were aware of potential problems with the fund as far back as 2008, when an internal audit was launched. In early drafts, auditors said CalFire needed Department of Finance approval for the fund, which it never asked for. The auditors said that CalFire’s chief counsel expressed concern that if the Department of Finance learned about the fund, it would demand the money be placed in the state treasury.

Another draft contains a September 2009 letter from Anthony Favro, head of CalFire’s auditors, to Del Walters, then CalFire director, saying, “Of primary concern is the propriety of the fund … and this conflict needs to be addressed by CalFire Executive Management.”

In September 2009, Favro sent another email saying: “I am concerned about the possible perception and allegation that we are using this fund to bypass State contracting, purchasing, and travel rules and guidelines."

CalFire's regulations state these types of legal settlements should go into the state general fund.

Some of the most critical comments about the fund were cut in the final audit.

Upton said Pimlott was not aware of the comments in the drafts until the *Times* asked about them. She said that spurred him to notify the other agencies.

Upton said she was told that the comments were dropped from the final report because auditors were treating the money as if it were part of the general fund. But because the district attorney's group is a nonprofit, it didn't apply.

Despite the audit, CalFire continued to send money into the fund. Pimlott had signed a new agreement with the association in 2011, about before he frozen the fund.

CalFire, with an annual budget of about $600 million, is responsible for preventing and putting out wildfires on about 31 million acres.

The Legislature last year passed a law requiring rural homeowners who rely on state firefighters to pay $150 a year for fire-prevention services, which could bring in $200 million. Gov. Jerry Brown said the state could no longer afford to pay the full cost of putting out blazes in fire-prone areas.

"How can the state get away with charging rural Californians a $150 illegal fire fee specifically to support Cal Fire operations, and at the same time Cal Fire is hiding millions in a secret fund?" Gaines said in a statement. "It's no wonder there is such a high level of distrust between the government and its citizens. We deserve to know the truth behind what took place and why."

The state Legislature established the agency’s civil cost recovery program to force those responsible for starting a fire to pay CalFire’s costs of putting out the blaze.

The program “helps offset the burden placed on the state’s budget by returning recovered dollars to the state’s General Fund,” according to a CalFire fact sheet.

CalFire established the fund with the district attorney’s association in 2005. The CDDA charged a fee to hold the money. The amount of that fee changed over the years. When it was started, the prosecutors received 3 percent of the money when it came in and another 15 percent when CalFire pulled money out for training or equipment.

Martin Vranicar, the CDAA’s assistant chief executive officer, said his understanding was that CalFire approached his group to set up the fund. “We were under the assumption that CalFire had the authority to do what they were doing,” he said. “The presumption is that government knows what they’re doing is correct and certainly proper.”

CalFire used the fund to purchase equipment, such 600 digital cameras and 26 evidence sheds for $600,000. According to the audits and emails, CalFire insisted the equipment belonged to the CDAA. That led Favro to send an email to Walters and Janet Barentson, CalFire’s current deputy chief director, asking, “Isn’t this a gift of public funds?”

Vranicar said his group definitely does not own the equipment. “I didn’t want us responsible for equipment purchased on their behalf and be accountable if it was lost or misused,” Vranicar said.

The CDAA began to have doubts about the fund when its new accounting firm asked questions and a new memoranda of understanding was being negotiated in 2011.

It recently informed CalFire the association will end its role as fund manager Feb. 10.