Most Truckee businesses found not to be selling booze to minors

On Oct. 31 and Nov. 2, Truckee police officers conducted a minor decoy program in which a minor was used to attempt to purchase alcohol from businesses licensed in Truckee as "off-sale" retailers by the California Department of Alcohol Beverage Control.

Of the 18 licensed off-sale alcohol businesses in Truckee only one store, J&L Food Mart located at 12105 Donner Pass Road, completed a sale of alcohol to the minor decoy.

The clerk was cited for a violation of selling alcohol to a minor and released with a promise to appear.

– Lake Tahoe News staff report

Voter turnout expected to be healthy in El Dorado, Placer counties

By Loretta Kalb, Sacramento Bee

The polls will open at 7am Tuesday, but this presidential election already is notable for the volume of vote-by-mail ballots flowing into county offices and for the large number

of registered voters.



With polls staying open until 8pm, election officials predict a healthy turnout in the region.

Placer County is estimating a turnout of registered voters in the 80 percent range. In El Dorado County, the hope is for close to 85 percent. In Yolo County, about 78 percent is projected.

Sacramento County as of Friday had not projected turnout. But in the last presidential election, turnout was 79 percent.

Whatever the expectation, most of those voting won't show up at polling places.

Most registered voters in the four-county area have shown they prefer voting by mail. And thousands of the ballots have already been returned to their respective counties' elections offices.

In all, more than 1.1 million people are registered to vote in Sacramento, Placer, El Dorado and Yolo counties, say election officials.

The breakdown: A record 699,000 voters are registered in Sacramento County; another 208,600 are registered in Placer County; 110,700 in El Dorado County; and 102,000 in Yolo County.

Here's how those counties stack up in the vote-by-mail category:

In Placer and El Dorado counties, approximately two-thirds of registered voters have requested vote-by-mail ballots.

In Yolo County, 55,000 vote-by-mail ballots were issued. And by midday Friday, more than 40 percent of those had been returned to the elections office, said Tom Stanionis, chief of staff for the Yolo County clerk-recorder.

In Sacramento County, elections offices have been “inundated with a wave of vote-by-mail ballots pouring in,” spokesman Brad Buyse said.

By midday Friday, more than 146,000 ballots had been returned by mail.

Officials say it’s too late to mail those ballots in if you want them to be counted. At this point, all vote-by-mail ballots must be dropped off at either your county election office or at any polling place on Election Day.

To be counted in this election, all the ballots must be received by 8pm Tuesday, Buyse said.

Sacramento County began processing vote-by-mail ballots on Oct. 26.

And while the final votes will take time to tally on election night, Buyse said the ballots that arrived in the elections office before Saturday should be largely tallied.

As a result, very preliminary vote-by-mail results ought to be available for viewing on the county’s website shortly after polls close at 8pm Tuesday.

Letter: Bread & Broth thankful for help

To the community,

Bread & Broth's Adopt A Day of Nourishment program provides individuals, clubs/organizations and businesses the opportunity to sponsor a hot, healthy meal for needy members of the South Lake Tahoe community.

On Oct. 22, the *Tahoe Daily Tribune* sponsored its first Adopt A Day dinner and sent a great volunteer sponsor crew to work side-by-side with the B&B volunteers. The *Tahoe Daily Tribune* crew helped with packing give-away food bags and doing all the necessary tasks involved in serving up to 100 meals for the evening.

The Bread & Broth AAD program encourages our donors to come and assist at their designated evening dinner so they have the opportunity to actually experience the gratitude and sense of community felt by our B&B guests and volunteers.

The members of the *Tahoe Daily Tribune* crew seemed to concur. "Enjoyed the experience and would love to do it again!" was their response to their sponsorship of an Adopt A Day.

Bread & Broth is very fortunate and grateful to have sponsors like the *Tahoe Daily Tribune* who are committed to improving the lives of the less fortunate members of our community.

If you would like to help Bread & Broth's program, contact me at (530) 542-2876 or carolsgerard@aol.com.

Carol Gerard, Bread & Broth

LTWC bobcats to continue rehabbing in Placerville

By Kaci Poor, Times-Standard

Chips, the bobcat kitten who attracted national attention after she was rescued by a Six Rivers National Forest Mad River Ranger District hand crew working the Chips Fire near Lake Almanor in July, has made a full recovery, a new friend and soon will have a new home.

Tom Millham, secretary and treasurer for the Lake Tahoe Wildlife Care, said the nearly 4-month-old bobcat has gained about six pounds and moved on from her diet of mushed mice to pork ribs, chicken thighs and baby chicks since arriving at the center in August.

”Chips is growing up to be just a normal little bobcat,” he said.

LTWC Executive Director Cheryl Millham said Chips, who survived the fire that burned tens of thousands of acres in the Plumas and Lassen national forests, got a new roommate in late September. Sierra, a male bobcat estimated to be about one week older than Chips, came to the care center after he was found orphaned in Lassen County.

With plenty of energy, Cheryl Millham said she hopes Sierra will show Chips how to be a “proper bobcat.”

Over one of the care center’s webcams, the two young bobcats can be seen pouncing and tumbling across the obstacles in the bobcat enclosure as they wrestle with each other. Chips, a female and younger, appears to hold her own as she playfully

bats at Sierra.

Cheryl Millham said the young bobcat has fully recovered from the burns to her four tiny paws and an infection in her eyes since she was rescued by Mad River Hand Crew Superintendent Tad Hair, who said he found the young kitten as he was driving through a burnt swath of land on his way back to camp an Aug. 25.

”I got out of the truck, and I couldn’t believe it,” Hair said. “It was a kitten, a bobcat kitten.”

Hair said he trailed the kitten through the dust for a few minutes before he decided to intervene. He could tell something was wrong. Alone, seemingly dazed and with second-degree burns on her paws, the kitten whimpered as Hair approached.

”I thought at first she was blind,” Hair said. “Her eyes were full of soot and puss. I knew a mama cat would never have let that happen if she was around. At that point, I decided I had to do something.”

After unsuccessfully trying to locate the kitten’s mother, Hair contacted supervisors and brought the bobcat to the incident command post where officials arranged for her to be sent to the Lake Tahoe Wildlife Care.

Hair said he is glad to hear she is doing well and hopes to take his children down to visit the cat once she is settled into her new Placerville home.

Cheryl Millham, who served as Chips’ primary caretaker when she was first brought to the Lake Tahoe center, said she and her husband will be sad to see the bobcat leave when both young bobcats are transferred to the Sierra Wildlife Rescue Center in Placerville sometime this week. With temperatures dropping in Tahoe, the two bobcats will be more comfortable in Placerville and able to continue playing outside, she said.

Barbara Barker, a volunteer coordinator at the Placerville rescue center, said her organization is excited to receive the two young bobcats.

Barker said the pair will spend the winter under the care of a volunteer who specializes in rehabilitating foxes, coyotes and bobcats. She expects both young bobcats will be ready to be released back into the wild by spring.

”We can’t wait to get them,” Barker said. “We are all trying to do as much as we can to help out. There is just such a need to help these animals.”

Nurse pleads no contest in Placerville elder abuse case

By Marjie Lundstrom, Sacramento Bee

A nurse accused of providing shoddy care to a 77-year-old woman at a Placerville nursing home pleaded no contest Thursday to felony elder abuse and agreed to help prosecutors with the criminal case against her former supervisor.

Rebecca LeAn Smith, 39, returned to El Dorado County last week from her Louisiana home and negotiated a plea with California’s attorney general over her role leading up to the 2008 death of Johnnie Esco of Cameron Park.

The elderly woman, whose devoted husband and family members visited her daily, deteriorated rapidly during her 13-day stay at the El Dorado Care Center in Placerville, court documents show.

She died on March 7, 2008, at nearby Marshall Medical Center, and her family subsequently settled a civil lawsuit with the nursing home's former owner, Horizon West Healthcare Inc. of Rocklin.

In March of this year – four years after Johnnie Esco's death – the California attorney general took the extraordinary legal step of charging Smith and the facility's then-director of nursing, Donna Darlene Palmer, 58, with felony elder abuse. Both nurses also were charged with the special allegation of inflicting "great bodily injury" which, for victims over 70, adds five years to a prison sentence.

The nurses' preliminary hearing was scheduled to begin Thursday in El Dorado Superior Court, but Palmer's attorney was granted a postponement – while Smith's attorney struck a deal.

"I have responsibility, and I have to own up to my responsibility," Smith told the *Bee* after Thursday's hearing, speaking softly and holding back tears. "There were things that were missed. Things could have been done better.

"My heart aches," said the mother of five, who will return to Louisiana until her sentencing in January.

Palmer's attorney, Patrick K. Hanly of Sacramento, said he was surprised by Smith's plea because "there was no evidence from discovery that she committed a crime."

His client is preparing to go to trial, he said.

Deputy Attorney General Steven Muni, who is prosecuting the case, called Thursday's settlement "a positive step."

Muni had worked closely for months with Johnnie Esco's husband of nearly 61 years, Don Esco, a retired Air Force veteran who anguished over his wife's death – and pressed for justice in the criminal courts.

Don Esco died Oct. 8 in Sacramento at age 82 after undergoing surgery to relieve his chronic back pain. Because of his declining health, Esco was allowed to testify before the court in August. He told the *Bee* in one of his last interviews that he was "living on borrowed time" and worried he would not see the criminal case to its conclusion.

"This (plea agreement) complies with the wishes of the late Mr. Esco, who regarded Ms. Smith as a … mother who was just working to make ends meet for her kids," said Muni, noting that Esco "felt considerable compassion" for Smith.

Don Esco was more blunt in his assessment of Donna Palmer and Horizon West management, whom he blamed for his wife's death. Esco's civil suit, which was settled in 2010 for nearly $3 million, accused the company of understaffing the facility to maximize profits.

Last year, Horizon West Healthcare Inc. sold its 27 nursing homes, including the El Dorado Care Center, to a San Marcos-based chain. The Placerville facility since has been renamed.

The state's criminal case contends that both nurses failed to perform their duties or to adequately supervise staff members caring for Esco. The woman, who suffered from dementia, had been sent to the facility in February 2008 to recuperate after being hospitalized with pneumonia.

While there, Johnnie Esco developed a severe fecal impaction. Hospital staff also documented injuries that Don Esco had found two days earlier, including bruising along his wife's chin, jaw line, chest and wrist, and a wound on her right pinkie finger. She died less than 17 hours after being transported to the hospital.

By pleading no contest to one count of felony elder abuse (treated the same as a guilty plea), Smith agreed to a county jail term of 270 days, which will be suspended. The special allegation was dismissed. Smith, who had been a licensed

vocational nurse, also agreed to “fully cooperate” in the AG’s ongoing investigation of Palmer, and to testify against her, if called, according to court documents.

The deal also calls for her to perform 200 to 300 hours of community service, and to comply with any decisions of California’s vocational nursing licensing board.

Smith told the *Bee* she has not practiced nursing since she suffered from “burnout” in mid-2010 and returned to her home to focus on raising her children.

Smith voluntarily agreed months ago to perform no official nursing duties, pending the criminal case’s outcome. Palmer got approval to continue working as a consulting nurse for a group of nursing homes but not provide “hands-on” patient care.

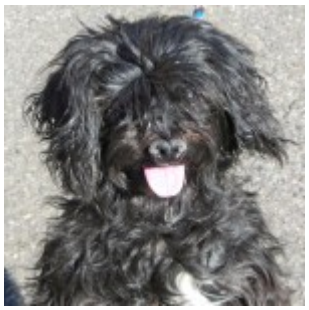
Palmer, a registered nurse, was director of nursing at the El Dorado Care Center when Johnnie Esco was there.

Smith said Thursday that while she accepts responsibility she did contend with a “high patient caseload.”

“Me and the other nurses – we felt overwhelmed,” she said, dissolving into tears.

Tahoe Tails – Adoptable Pets in South Lake Tahoe

Kaida is a 7-year-old poodle/Maltese/Lowchen mix who came to the shelter very matted. She has now had a haircut, and looks a bit like a black lion.



She is a very friendly girl who likes her walks, is house trained and has good manners. She likes other gentle dogs and didn't chase the cats she met at the shelter.

Kaida needs a quiet, adult only home as she has cataracts and although he can see light and dark, fast movements scare her.

Kaida is neutered, microchipped, and vaccinated. She is at the El Dorado County Animal Services shelter in Meyers, along with many other dogs and cats who are waiting for their new homes.

Go online to see photos and description of all pets at the shelter.

Call (530) 573.7925 for directions, hours, and other information on adopting a pet.

For spay-neuter assistance for South Tahoe residents, go online.

– Karen Kuentz

Letter: Pot isn't South Tahoe's real problem drug

To the community,

The drug problem in South Lake Tahoe is not from cannabis, it is from alcohol. The abuse of alcohol is so rampant that rape and assaults in South Lake Tahoe are twice the national average. You heard me right, twice the national average for

rapes and assaults.

Any honest cop will tell you that nobody commits rapes or assaults while using marijuana and it is alcohol that drives these violent crimes. It is time the City Council wake up and deal with real problems of alcohol and end their war on medical marijuana patients.



Steve Kubby

For the record, the only people who are protected by the South Lake Tahoe marijuana ordinances are criminal growers who can afford the time and money to jump through all the hoops created by the city.

None of the patients I know has registered with the city and all of them live in fear.

The City Council has literally thrown the sick, disabled and dying members of our community under the bus. Sadly, with respect to marijuana enforcement policies, only rapists and bad guys are benefiting from the city’s misguided efforts.

Steve Kubby, South Lake Tahoe

Snippets about Lake Tahoe



• When Aaron Rodgers was in town for the ACC celeb golf tourney in July, “60 Minutes” interviewed him. That’s South Tahoe Middle School’s field in the background in this video. The segment aired Nov. 4.

• At the Welcome Winter Fundraiser $11,000 was raised for the Squaw Valley & Alpine Meadows Teams Foundation.

• Ridge Tahoe is celebrating 30 years at the top of Kingsbury Grade.

• Here are the roadwork schedules from Caltrans this week for the Sierra and El Dorado-Tahoe.

• The Truckee Donner Chamber of Commerce launched two new websites. One is dedicated to tourism and the other to business.

South Lake Tahoe taking its message to the people

By Kathryn Reed

South Lake Tahoe is embracing that government is supposed to be of the people, by the people and for the people.

“We are increasing the information we get out to the public,” explained Tracy Franklin, public information officer for South Lake Tahoe.

Ultimately this should mean a more informed community.

The effort started in 2011 with the redesign of the city's website. The one before was not user-friendly and it was near impossible to find anything.

Now people can signup online to receive a variety of notifications. (This feature eliminates anyone from ever being able to say they didn't know about a city-sponsored meeting.)

Facebook and Twitter are other ways South Tahoe is getting out its message.

But it's not just the typical, predictable government press releases that are being sent electronically. South Lake Tahoe is beginning to tell its story, what is going on within its borders – and a bit beyond, instead of just relying on others to be the messenger.

In April, the inaugural monthly newsletter was released. For the first three months a print version was distributed, though now it's only available electronically. One day it may come out twice a month.

With people getting information in various ways, the city is doing a mix of email blasts, buying ads and sending traditional press releases. The latter is in hopes media will pick up the information as a story – so then there is no cost to the city.

"We do want to do more videos and not just as a commercial, but when we have events," Franklin said. "The idea behind the video is it reminds folks of the different activities they can participate in on the South Shore."

The city has partnered with Lake Tahoe TV, which is part of Outside TV, to create some of the videos. Various spots are being developed that then get picked up in the Bay Area, where much of the basin's drive-up market resides. Lake Tahoe TV will take footage from three cameras that will be set up (one at the airport, another at Lakeview Commons and a yet-to-be determined spot) to be able to feed to its viewers.

This is one of Lake Tahoe TV's videos:

Residents are also getting more involved – which in turn makes them more informed. The Citizens Academy started this year, and will resume in the spring. Neighborhood meetings are ongoing. A volunteer corps has been created. Information about these functions of government have been provided in the past by *Lake Tahoe News*, but are also items people would be aware of if they signed up for alerts directly from the city.

Staffing limits what the city can do in terms of events, but partnerships could make more of them a reality. The air show and lifestyle festival are examples of partnership events.

These and other events are popular with locals, but also give tourists something to do. Franklin would like to see an event every weekend on the South Shore.

With an eye on boosting the city's coffers via room taxes, one reason Live at Lakeview was on Thursdays was to try to lure out-of-towners to Tahoe for a long weekend.

"At the city, our public information officer's efforts are to promote community events that promote our community pride, character and the unique place we are lucky enough to call home," City Manager Nancy Kerry told *Lake Tahoe News*. "As we work to achieve those goals, the community will in turn be the best promoters of the community because a more informed community, a closer-connected community, and more caring community, demonstrates a welcoming spirit to tourists who travel here to visit where we live and leave with a longing to

return.”

Lawsuits stemming from inbound avalanches on the rise

By Devon O’Neil, ESPN.com

On Jan. 22, 2012, Christopher Norris, a 28-year-old father of two, went skiing with his father-in-law at Winter Park Resort in Colorado. The two separated during the day, planning to meet at the car for lunch and then resume skiing together. But Norris never showed.

After the lifts closed, Norris’ father-in-law reported him missing. Searchers working with headlamps found his body buried under two feet of avalanche debris later that night.

A subsequent investigation by the Colorado Avalanche Information Center (CAIC) confirmed the avalanche – by all accounts a fluke slide, running approximately 30 vertical feet off a small rock outcropping – was likely triggered from below while Norris was skiing in gladed terrain that was open to the public. The fact that the accident occurred during a time of high avalanche danger in the backcountry seemed innocuous, since the slide released inside the ski-area boundary.

Four months after the accident, Norris' family filed a wrongful-death lawsuit against Winter Park. Among other claims, the suit alleges his death could have been prevented if Winter Park employees had properly safeguarded the run or closed it altogether, especially given the dangerous conditions in local backcountry terrain.

"To me it's pretty simple," says Michael Burg, a Denver attorney who is representing Norris' family. "It's their job to know if there's a potential avalanche that could affect any of their runs. And they were on notice" due to the volatile local snowpack. A Winter Park spokesperson declined to comment.

Winter Park is not the only major resort currently facing a lawsuit in the wake of a deadly inbounds slide. Two others — The Canyons in Utah and Jackson Hole in Wyoming — are fighting similar suits resulting from fatal accidents on open slopes in 2007 and 2008, respectively.

Vail Resorts also is being sued for the avalanche death of a 13-year-old boy named Taft Conlin, who was killed on a closed run at Vail last winter. That slide occurred the same day as the deadly Winter Park slide, and there is significant dispute between Vail Resorts and the boy's family as to whether the run had been sufficiently roped off.

The individual case details are unique, and each suit is in a different stage of the legal process. But together, they raise questions about the structure of the system and what ripple effects might follow a potentially precedent-setting outcome should one of the plaintiffs win. Not one of 15 people interviewed for this story, including experts who have been studying avalanches for 30 years, could recall that happening before.

Suing a ski area after an accident is, of course, nothing new — tens of cases are filed in this country each year. The

practice is more prevalent in the U.S. than in Europe, where there is limited liability at ski areas.

Although people continue to injure themselves on exposed rocks and stumps, inbounds avalanche deaths – skiers or snowboarders who die in open, patrolled terrain, with no extenuating circumstances – have spiked in recent years. They're still rare, but since 2005, inbounds slides have killed people in Nevada, California, Colorado, Utah, Idaho and Wyoming, totaling eight fatalities at some of the most famous resorts in America. That amounts to 24 percent of all inbounds avalanche deaths since 1950, according to records maintained by the CAIC – or double what the average would suggest over the same seven-year period. (In the 20 years before 2005, only three people died in inbounds slides.)

"We use explosives, ski cut the snow, pay close attention to the weather factors and monitor changes in the snowpack, but it's not an exact science," says Will Paden, a veteran ski patroller and avalanche expert at Squaw Valley, where a 21-year-old local man died in an inbounds slide on Christmas Day in 2008. "It requires intuition and years of training to get a feel for what Mother Nature is doing."

Grant GundersonIf the avalanche danger is high, the safest place to be is at a controlled ski area. But even that is not foolproof.

The U.S. Forest Service leases land to most of the ski resorts in question, and as such, employs a cadre of snow rangers who approve each resort's avalanche mitigation plan annually. Ken Kowynia, the Forest Service's winter sports program manager for the Rocky Mountain region, doesn't believe the recent wave of inbounds deaths represents a failure of the system. (The Forest Service is rarely sued despite its direct oversight of resorts.) "When you're in a high-danger avalanche cycle, the safest place to be is inside a ski area," Kowynia says. "But the fact is, these plans are not absolute."

Some victims' families abide by the same principle – not everyone sues. After David Conway, 53, was killed by a wet slab that ripped out of a mogul run at Colorado's Arapahoe Basin in May 2005, the ski area renamed the run in his honor; his family declined to litigate. When 28-year-old Heather Gross died in a Snowbird, Utah, avalanche triggered by someone above her in December 2008, it happened on the first day the terrain had been open all season. An estimated 300 people had descended through the starting zone before it fractured. Later, her father was quoted as saying, "My wife and I don't see Snowbird at fault unless there's something egregious I'm not aware of, but I don't see them at fault."

The perceived fault line can be paper-thin. Thirteen days after Gross' death, on Dec. 27, 2008, David Nodine, 31, died in an avalanche under similar circumstances at Jackson Hole. The run that fractured had been opened that morning for the first time all season, in the midst of the busiest week of the year. Resort ski patrol had conducted avalanche control on the run seven of the nine days leading up to Nodine's death, including that morning. Numerous visitors had ridden over the fracture site without incident. To the casual observer, it seemed a simple freak of nature, nothing more.

But in the hours before Nodine died, two other inbounds avalanches caught and carried people in the same general area where his slide released. Both slides were reported to ski patrol – including one that buried a snowboarder leaving only his arm free – but according to sworn evidence filed in court and supplied to ESPN by Nodine's family's lawyers, the patrol declined to close the area, maintaining that the terrain was safe.

Nodine's slide, less than an hour after the second reported avalanche, was witnessed by two patrollers and a local ski guide. They located Nodine under 7 feet of snow within two minutes and uncovered his face within eight, but he never woke up. He left a wife and unborn child.

Nodine’s lawyers argue that Jackson Hole Mountain Resort’s decision to open the terrain and then leave it open after the first two slides, despite considerable avalanche risk, amounts to “reckless decisions driven by profit.” They allege that the resort’s gross negligence – a subjective term that is more egregious than “ordinary” negligence – supersedes the liability-release form Nodine signed when he bought his season pass.

According to a motion to have the case dismissed that was filed by JHMR’s defense lawyers, Nodine’s liability form read in part: “I agree to release, discharge, waive, save and hold harmless, indemnify and defend JHMR … from and against any and all claims … brought under any theory of legal liability, including negligence, arising directly or indirectly out of my use of the … ski area … The above release includes, but is not limited to, any and all damages occasioned in the event of … death … however caused.” Among the inherent risks Nodine acknowledged: “Avalanche.”

An overwhelming majority of liability cases settle before going to trial, and that possibility remains. In a phone interview, Nodine family lawyer Andy Payne said his team is seeking “multiple millions” in damages. An attorney representing JHMR declined to comment.

Read the whole story