

S. Tahoe councilwoman implicated in bribery case

By Kathryn Reed

South Lake Tahoe City Councilwoman Angela Swanson is the public official Gino DiMatteo is accused of bribing.

"I have been advised by the El Dorado County District Attorney's Office that I am involved in an investigation into the activities of Gino DiMatteo. I have cooperated with the district attorney's investigation and I will continue to do everything I can to assist the investigation until the matter is concluded," Swanson told *Lake Tahoe News*.



Angela Swanson

Swanson said the revelation that she could be part of this came as a "shock and affront" to her.

DiMatteo was arrested Aug. 31 at Bank of America in South Lake Tahoe on charges of felony possession of a controlled substance, possession of marijuana for sale, and bribing a public official.

The DA's complaint has not been released, but could be on Sept. 4. Key to the charges is the word "attempted" is not used in relation to the bribery charge.

However, as of Sept. 3, Swanson has not been charged with any crime. She has retained an attorney.

Police officers and DA investigators were at the Swanson residence on Friday night, the same day they served search warrants at DiMatteo's banking institution, his house and current business – Push Fitness.

Also arrested Friday was DiMatteo's wife, Irene. She faces felony charges of possession of marijuana for sale, possession of concentrate cannabis, and conspiracy to commit a crime.

Both DiMatteos are still in jail.

District attorney's officials and South Lake Tahoe officials remain mum about the case.

Swanson said she does not intend to step down from the City Council because she has done nothing wrong. She told *Lake Tahoe News* she would step aside from certain duties if she would be a controversial figure. Swanson also said she will not be involved in open or closed session discussions involving DiMatteo, medical marijuana or the current case she is party to. The council on Tuesday morning will be discussing DiMatteo's claim against the city.

Swanson's colleagues on the City Council are for the most part taking a backseat until more details come forward. Mayor Claire Fortier and Councilman Tom Davis had no comment.

Councilman Hal Cole told *Lake Tahoe News*, "This is probably the worst thing any official could be accused of. I just hope for the best."

Councilman Bruce Grego said, "I don't know whether she is a witness or what her position is in this. I have not talked to her."

Former South Lake Tahoe City Manager Tony O'Rourke told *Lake Tahoe News* he last spoke with DiMatteo after the council decided to not allow him to move his medicinal marijuana shop. While he was not surprised by the arrest based on all the

allegations swirling around the pot shops, he was surprised Swanson would be a target of an investigation.

Small brush fire erupts overnight near Cave Rock

By KTVN-TV

Fire officials made quick work of a brush fire that happened in the Lake Tahoe area.

It happened in the area between Cave Rock and Glenbrook right before midnight.

There are no structures in the area and fire officials say the fire was only about one-third of an acre.

The cause of the fire is under investigation and fire officials say they will be heading out Monday morning to look for evidence.

DiMatteos likely won't be

allowed to post bail

By Kathryn Reed

Gino and Irene DiMatteo of South Lake Tahoe remained in separate El Dorado County jails Monday after having been arrested Aug. 31 on drug charges.

Gino DiMatteo, 43, was being housed in Placerville on \$37,500 bail. He faces charges of felony possession of a controlled substance, possession of marijuana for sale, and bribing a public official.

His 36-year-old wife was being held in the South Lake Tahoe jail on \$25,000 bail. She faces felony charges of possession of marijuana for sale, possession of concentrate cannabis, and conspiracy to commit a crime.



Gino
DiMatteo

It is possible neither will be able to post bail based on the penal code tacked on to their charges that says, "Bail, pursuant to this chapter, shall not be accepted unless a judge or magistrate finds that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained."

DiMatteo used to operate City of Angel's II marijuana dispensary. He had to close it down this summer when the landlord evicted him and the city denied his application to move the business.

At the Aug. 21 South Lake Tahoe City Council meeting DiMatteo's \$1 million claim against the city for not letting him move his pot shop was denied by the council. The council has scheduled a special closed session meeting related to the claim for 8:15am Sept. 4.

DiMatteo currently owns Push Fitness, which remains open.

No new details about who was allegedly bribed have been forthcoming since *Lake Tahoe News* broke the story on Friday.

California no longer sure how much state parks money was hidden

By Matt Weiser, Sacramento Bee

The amount of money hidden by California state parks officials in one of two special funds has suddenly become unclear, preventing the Legislature from spending the money to repair and reopen parks.

A dedicated pot of money known as the Off Highway Vehicle Trust Fund holds the majority of the "hidden assets" that officials at the state Department of Parks and Recreation kept off the books when they filed annual reports with the Department of Finance.

When the scandal was first reported by The Bee on July 20,

officials in the administration of Gov. Jerry Brown reported that the hidden assets totaled \$54 million. The OHV fund held about \$34 million, and the balance of \$20 million was in the State Parks and Recreation Fund.

Unlike general government spending for basics such as payroll and paper clips that are covered by the state's general fund, these special funds collect revenue generated at the parks themselves, through entrance fees, souvenir sales and other site-specific sources. The OHV fund serves the state's eight parks dedicated to off-road vehicle enthusiasts, as well as grants for trail projects elsewhere. The State Parks and Recreation Fund helps cover operating costs at the state's 270 other parks.

For reasons still unclear, parks leaders squirreled away the \$54 million for as long as 12 years, according to a preliminary investigation by the Natural Resources Agency and the Finance Department. This continued even as parks officials moved last year to close 70 parks to comply with cuts to the state's general fund.

Parks director Ruth Coleman resigned as the scandal broke. Separate investigations are under way by the attorney general, the state auditor and the Legislature.

Late last week, Finance Department chief deputy director Michael Cohen told the Senate Budget Committee that his agency is no longer sure how much money was hidden in the OHV fund, and that clear answers would have to await the outcome of the investigations, expected to last the rest of the year.

Read the whole story

Scientists' calls to warn Yosemite visitors of virus went unheeded

By Christina Jewett, California Watch

California public health scientists have twice recommended in the past five years that Yosemite National Park authorities educate visitors about hantavirus, a rare disease that is linked to the deaths of two park visitors, one illness and a possible fourth this summer. Yet park officials did not warn visitors until after the disease showed up in recent weeks.

In a 2010 risk assessment document, state inspectors explicitly asked Yosemite officials to educate those staying in the tent cabins linked to the hantavirus cases about the fatal disease. The risk assessment was performed after a 54-year-old park visitor fell ill with hantavirus in 2010 after staying in the type of tent cabin inhabited by the 2012 victims.

"Provide each cabin with information on (hantavirus)," the 2010 risk assessment recommended. "Together with the bear safety guidance, guests should be advised to minimize contact with rodents and to report signs of rodent intrusion (e.g., droppings, chewed items) to Tuolumne Meadows Lodge management."

In 2007, state vector-borne disease sector scientists recommended that Yosemite "minimize risk to staff and visitors through an active prevention program that includes the following elements: education ... and active rodent removal within buildings and developed areas."

Capt. Charles Higgins, who has been director of the public health office for the National Park Service for eight years,

said he is not aware of any effort prior to this summer's outbreak to warn tent cabin renters about the disease. He said the risk of disease transmission was thought to be low and there was potential for guests to tune out an overabundance of warning messages.

"That's always a dilemma because people have message fatigue," Higgins said. "Their eyes glaze over, they quit paying attention to messaging. It's a little bit of an art form on when to (issue warnings) and how to approach it."

Yosemite park ranger Kristen Kosick said Yosemite staff were trained about the risks of hantavirus and how to avoid transmission. "There'd been no outreach to visitors but there had been to staff," Kosick said. "It's a general virus people should be aware of if they're in Western states and outdoors."

Training on hantavirus is given to Yosemite employees in the spring and throughout the year, said Kari Cobb, a park ranger. She said education on the disease is mandatory for employees who open up closed buildings after each year's thaw.

Park authorities announced last week that they notified 1,700 people who were possibly exposed to the mouse-spread disease after staying in Curry Village tent cabins. Two people who stayed in the cabins have been reported dead. One other fell ill with a respiratory disease, and there is a possible fourth case.

Scientists have found that the risk for the disease is concentrated in buildings within California's national forests.

Giorgio Cosentino, an East Bay microbiologist, said one of the deceased 2012 hantavirus victims is a physician and a family friend. He said even though the risk of hantavirus transmission is low, the park should have warned visitors that it existed.

"If you can't get rid of the rodent problem completely and you can't get rid of the virus completely, the safety net includes educating visitors so if they do become ill, they can get to a hospital sooner," Cosentino said. "That still doesn't guarantee that they'll live, but chances of survival are better if you get to a hospital sooner."

The rare but deadly disease is spread by white-bellied deer mice and most readily caught by inhaling mouse feces or urine dust inside of buildings. Symptoms begin one to six weeks after exposure and include fever, headache, muscle aches and, later, difficulty breathing. The disease kills more than a third of those infected.

Since 1993, 60 cases have been reported in California, including 2000 and 2010 cases at Yosemite, and 587 in the U.S., according to the California Department of Public Health.

Higgins said his office, in Washington, D.C., has deployed several scientists to study what gave rise to the cluster of hantavirus cases at Yosemite.

"These are opportunities to contribute to the science, to make the effort to understand as deeply possible what the risk factors were that were so different and in the effort help everyone refine their (prevention) strategies," he said.

Vicki Kramer, chief of the state vector-borne disease section of the Department of Public Health, said scientists have worked closely with Yosemite for three years to examine rodent-, tick- and flea-spread diseases. The park has trapped and tested deer mice to monitor the hantavirus problem and urged authorities to educate visitors.

"It is federal land," Kramer said. "Certainly we can make recommendations, but it's up to Yosemite on what further steps to take."

In 2010, a 54-year-old San Mateo woman reported she became ill

from hantavirus after she stayed in a Yosemite tent cabin. She recovered after three days in a hospital. According to a state summary of the case, she reported seeing one or two mice in the cabin and swept the room with the broom that was provided.

After the 2010 Yosemite case, state Department of Public Health scientists examined the Tuolumne Meadows area and found rodent hiding places, such as stacked firewood, and deficiencies that would allow rodent access to cabins.

"In addition to removal/correction of these factors, (state scientists) recommended providing staff and guests with information and supplies to safely clean and decontaminate cabins," the 2010 report said.

Reviews by state vector-borne disease scientists show that hantavirus infection, before the Curry Village cases, has tended to be isolated and spread out among rural counties such as Nevada, Mono and Inyo.

Kosick, the Yosemite ranger, said park staff and concessioners were given a 12-page directive that details warning signs of the disease, precautionary measures to prevent infection and protective gear to wear. Kosick said park staff are now handing pamphlets to visitors informing them about hantavirus and expect to continue doing so indefinitely.

Risk for the disease and prevalence in rodents is routinely monitored in California's national forests.

California Department of Public Health scientists published a 2008 study showing that 20 percent of the deer mice in U.S. Forest Service areas tested positive for the virus, higher than the statewide rate of 12 percent of deer mice. They also concluded that nearly all of the buildings they examined showed signs of rodent access or infestation.

Rodent testing in the Tuolumne Meadows area of Yosemite in a separate 2008 review showed that 24 percent – about twice the

statewide average – of deer mice tested positive for hantavirus.

The study of U.S. Forest Service areas also showed that the disease tends to impact workers, who are often the first people inside buildings inhabited by mice after a snowy winter. In California, those workers comprised 27 percent of the hantavirus cases reported through 2008 and included a camp counselor, ranch hand, sanitation worker and U.S. Forest Service employee.

Law gives cities power over blighted foreclosures

By Andrew Edwards, Contra Costa Times

Cities will keep their power to issue heavy fines against the owners of foreclosed properties that are not kept up to city code following Gov. Jerry Brown's signing of an inland lawmaker's bill.

Assemblywoman Wilmer Amina Carter, D-Rialto, introduced the bill, which allows cities to levy maximum fines of \$1,000 per day to property owners who fail to maintain residential properties obtained at a foreclosure sale or through the foreclosure process under a mortgage or deed of trust.

The bill also gives property owners a grace period of up to 60 days to make a good-faith effort to correct any code violations.

The governor's office announced Brown's signing of the bill on

Monday.

Without Carter's bill, cities would have lost their power to issue \$1,000 per day fines on Jan. 1. The new legislation, AB2314, allows cities and other California governments to keep that power indefinitely.

"The Inland Empire has been hit hard by home foreclosures, and untended properties encourage blight and bring down property values. Well-kept properties make for safer, cleaner neighborhoods," Carter said in a statement provided by her office on Monday.

The city of San Bernardino has given its code enforcement officers, city attorney's investigators, police, fire inspectors and some others power to issue \$1,000 per day fines for any municipal code violation since 2008.

Read the whole story

Fallen Leaf Lake board accused of violating Brown Act

By Kathryn Reed

While both sides in the Fallen Leaf Lake wrongful termination case have agreed to the settlement agreement, the document remains unsigned by the community services district even though the plaintiff has the check.

In issues like this it's not just about the money. There are other issues that have been agreed to in the document. For

those stipulations to be binding, the document must be signed.

Beyond that, as a government agency, the Fallen Leaf Lake board has violated the Brown Act by issuing the check, saying the settlement agreement is a done deal and having never voted on it.

It was expected the agreement would be on today's agenda, but it's not – not in open or closed session.

"We have expressed concerns to the CSD's legal counsel that there appears to be a Brown Act violation relative to this settlement. It is our hope that the settlement agreement will be finalized and executed by the CSD with expedition so that Mr. [Tom] Barnes may move forward with his life, secure medical insurance, and continue his fight with cancer," attorney Jacqueline Mittelstadt told *Lake Tahoe News*. "We will take necessary action to secure the finalized agreement."

She is representing Barnes, the general manager of Fallen Leaf Lake who was fired when he sought a leave of absence to seek cancer treatments.

Even the settlement agreement says the board is supposed to sign off on this: "Payment of said sum shall be made on the eighth day after both the company and employee have executed this agreement and after approval of the settlement by the board of the Fallen Leaf Lake Community Services District."

However, board President Tom Bacchetti told *Lake Tahoe News*, "The board did not need to approve the settlement since it was the insurance company's decision to settle. There is no Brown Act issue here."

The Sept. 1 board meeting is at 10am at the Fallen Leaf Lake fire station. Closed session starts 30 minutes earlier. Here is the agenda.

LTUSD students keep pace on test scores with peers in state

By Kathryn Reed

Lake Tahoe Unified School District is mirroring the state when it comes to having an achievement gap among Latino, English learner, and low-income students compared to the rest of the student body.



But the good news from Friday's announcement of the 2012 Standardized Testing and Reporting (STAR) test results is this is the ninth consecutive year California students improved in language arts and math.

Statewide, 57 percent of students in grades 2-11 were proficient or advanced in English language arts, while 57.5 percent of LTUSD students were at those levels.

While the state superintendent of education in a press release boasted how wonderful it is students are increasingly testing better, the reality is a huge segment of California's students are not doing grade-level work.

One thing that continues to bother LTUSD Superintendent Jim Tarwater about all the tests associated with No Child Left Behind is test score comparisons don't reflect the actual improvement or decline as students go from one grade level to the next. Instead, today's third-graders are compared to last year's third-graders instead of to their test scores as

second-graders.

In LTUSD, officials take the data provided by the state and then calculate how students do as they get older.

"I'm proud. We're continually making gains," Tarwater told *Lake Tahoe News*.

Bijou Community School remains the trouble spot in the district. This school also has a population of 84 percent low income, 75 percent Latino and 66 percent English learners.

The state and feds, while they separate the numbers into subcategories, the finger pointing or accolades are based on cumulative scores. Extenuating factors such as 62.5 percent LTUSD students receiving a free or reduced lunch are not considerations. This, despite the fact that study after study proves low income students often don't have the academic help at home that their more affluent peers do and many may only be getting a hot meal at school.

Comparing Bijou to the magnet school proves this point. The magnet school has 20 percent low income, 8.2 percent Latino and 2 percent English learners.

(These are the percentages of students who are at proficient or advanced on the STAR test.)

			2011-12
Bijou	2011-12 Magnet		
Second Grade LA			
22			94
Second Grade Math			
41			93
Third Grade LA			
22			77

Third Grade Math	
50	94
Fourth Grade LA	
47	95
Fourth Grade Math	
45	95
Fifth Grade LA	
29	91
Fifth Grade Math	
51	84
Fifth Grade Science	
9	85

(Complete results of the 2012 STAR tests are on the state Department of Education's website.)

While all teachers are using the same pacing guide and curriculum in LTUSD, not all students learn the same.

Tarwater is a strong proponent of technology helping students learn, adding that improvement is evident in the schools and classrooms where teachers consistently have kids working on their netbooks.

In grades 3-12, each student has a netbook, in all the second-grade classrooms there is a full set, and in first grade there is one computer for every two kids.

Instead of students tuning out, they are engaged. They have work to do when the teacher is helping others. They download and upload data to their teachers. Books are downloaded like adults use Kindles and iPads.

Tarwater likes to embrace the quote by John Dewey: "If we teach today's students as we taught yesterday's, we rob them

of tomorrow.”

At the end of the month the Academic Performance Index scores will be released. This is how the schools and districts are judged on a federal level. These results also indicate if a school or district is listed as “performance improvement”. All but the magnet school is PI.

With Bijou dropping by 17 points a year ago, all eyes will be on this year’s results to see which direction the school is going. Tarwater would not comment on whether a change in leadership at the school is necessary.

With Tahoe Valley and Sierra House elementary schools making substantial gains a year ago, another year of being over 800 (1,000 is the maximum) could take them out of the PI category.

DiMatteo in jail on bribery, drug charges

One-time South Lake Tahoe pot club owner and current Push Fitness owner Gino DiMatteo was arrested Aug. 31 on charges of bribing a public official and possession of drugs for sale.

DiMatteo was arrested at the Bank of America branch in South Lake Tahoe. As of 5:25pm he was still being processed at the jail in Placerville. Bail information was not available.



Gino
DiMatteo

Search warrants were executed just before noon on Friday at Push Fitness, DiMatteo's South Lake Tahoe home and at his bank.

El Dorado County District Attorney's Office is the lead agency. They sent a press release after 5pm today – the Friday of a three-day weekend – alerting the media to the arrest. The person to contact – District Attorney Vern Pierson's secretary – had left for the day.

South Lake Tahoe Police Chief Brian Uhler and City Manager Nancy Kerry deferred comments to the DA's Office – even though those people don't answer their phones after hours.

It is not known what public official DiMatteo is accused of bribing, what the alleged bribe was for, what he was allegedly trying to sell, and what if anything was confiscated from the places the cops searched.

– Kathryn Reed

Names of people involved in

motorcycle accident released

No charges have been filed in the vehicle accident that sent two people riding the same motorcycle to the hospital.

“So far in the investigation it appears the driver of the involved car was at fault for failing to yield to the motorcycle,” South Lake Tahoe police Lt. David Stevenson told *Lake Tahoe News*. “Ultimately the only ‘charges’ from the police department would be a citation issued to the at fault driver.”

Sarah Bauwens, 29, of South Lake Tahoe was attempting to turn left onto Highway 50 from Lodi Avenue on Aug. 24 when the vehicle she was driving hit a motorcycle. She was not injured.

Because of health care privacy regulations the condition of the South Lake Tahoe residents who were on the motorcycle is unknown. Even the police could not furnish the information.

The driver was James Estell, 63, and the passenger Corinne Estell, 61. He was taken to Barton Memorial Hospital and she was airlifted to Renown Medical Center.

– *Lake Tahoe News staff report*