

# Federal grand jury indicts former Nevada power broker Whittemore

By David McGrath Schwartz, Las Vegas Sun

A federal grand jury indicted former Nevada powerbroker Harvey Whittemore on Wednesday on charges of funneling \$138,000 to an elected official's campaign through family members and employees and then lying to the FBI about it, the U.S. Attorney's office said.

Whittemore, a prominent lobbyist and attorney, promised to raise \$150,000 for an unnamed federal official, only identified as "Federal Elected Official 1," in February 2007.

"Mr. Whittemore allegedly used his family members and employees as conduits to make illegal contributions to the campaign committee of an elected member of Congress," said Assistant Attorney General Lanny Breuer, in a news release. "Our campaign finance laws establish maximum limits on individual contributions, and failure to adhere to those rules jeopardizes the integrity of our elections. We will continue to pursue those who engage in such conduct."

Whittemore, 55, of Reno, was charged with one count of making excessive campaign contributions, one count of making contributions in the name of others and two counts of making a false statement to a federal agency.

If convicted, Whittemore faces up to five years in prison and a \$250,000 fine on each count.

**Read the whole story**

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# South Tahoe pot club moving half block to Hwy. 50 location

By Kathryn Reed

Gino DiMatteo thrust his arms in the air after the South Lake Tahoe City Council granted him permission to move his medical marijuana dispensary less than a block from where it is currently located.

The city's ordinance mandates the three collectives get the council's blessing before being able to move.

Had the council gone along with City Attorney Patrick Enright's recommendation to deny the move, it would have meant another 28 people being unemployed and the city not reaping its share of taxes. It also would have meant the number of pot clubs would have decreased by 33 percent.

City of Angels II's 2010 tax documents show it had gross receipts of \$463,028.

Enright made a lengthy presentation, going into a good deal of history about medical marijuana law, including court cases that are yet to be decided.

But the matter was about whether DiMatteo could move, not about the pros or cons of medical marijuana.



City of Angels II owner Gino DeMatteo is moving his business to this Highway 50 location. Photo/LTN

DiMatteo's landlord, Darcy DeTarr, had received a letter from the U.S. Attorney General's Office threatening to seize the property if pot continued to be sold on the premise. An agreement was reached between the landlord and tenant that he could keep the operation going until mid-July, but after that time he had to change what he was doing.

DiMatteo decided to forego the landlord-U.S. government headache and instead would shoulder the entire burden by owning the building he operated out of. He is in escrow on the old Lorraine Bakery building on Highway 50 that sits between Thran's and the Matterhorn motel.

He told the council no signs will say what the business is, patients will be directed to use the James Street driveway and that he won't be growing marijuana on the premise.

The council voted 4-1 to allow DiMatteo to move. Councilman Bruce Grego voted no. He has consistently been against the dispensaries.

#### **In other action:**

- Mike Keck asked the council to look into the parking issues involving some streets in the Heavenly area. The council agreed to look into it.
- Four people asked the council to make a decision on the loop

road project and the potential use of eminent domain sooner rather than later. The council agreed to take up the matter in September.

- The council voted 3-2 (Claire Fortier and Angela Swanson were on the losing end of the vote) regarding the sign ordinance and the appeals process.

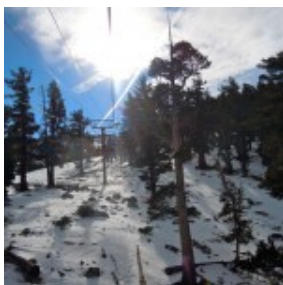
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## 22.4% decline in skier visits at Vail Resorts' Tahoe properties

By Denver Business Journal

Skier visits to Vail Resorts' Colorado mountains were down 9 percent in the three months ended April 30 as the industry struggled with historically low snowfalls.

Broomfield-based Vail Resorts reported the results for the third quarter of its fiscal year Wednesday.



Lack of  
natural snow  
kept people

away from  
Tahoe in  
2011-12.  
Photo/LTN file

Skier visits were off by 12.4 percent for the company's resorts in the Lake Tahoe area of California and Nevada. The company said cumulative snowfall at its six resorts was down more than 50 percent from last year's ski season.

For the full 2011-2012 ski season, visits at Vail Resorts' properties in Lake Tahoe were down 22.4 percent and off 8.9 percent at its Colorado resorts from last year.

**Read the whole story**

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## **Raley's employees OK strike, but don't set date to walk**

**By Dale Kasler, Sacramento Bee**

Raley's union workers have voted to authorize a strike, the union and the company said today.

With the company's contract with the United and Food and Commercial Workers scheduled to expire tonight, the vote brings the two sides closer than ever to a walkout, which would be the first in the company's history.

Still, a strike doesn't appear to be imminent. Both sides said contract negotiations are set to resume Friday.

The outcome wasn't a surprise, but both sides quickly tried to put their own spin on the results.

Jacques Loveall, president of UFCW Local 8 in Roseville, said 80 percent of the workers voted to authorize the strike “in an overwhelming turnout.”

But Raley’s spokesman John Segale said store managers believe the “yes” vote was around 70 percent. – which he called a sign of tepid support for a walkout.

**Read the whole story**

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## **Missing parolee behind bars in Douglas County**

The California parolee who was believed to have been in Douglas County is in jail.

Randy Nourse turned himself into Douglas County deputies on June 6 at 6:45am at the Minden office.

Nourse was previously reported as a fugitive from justice by California’s Department of Parole and Probation.

Nourse will remain in the Douglas County Jail pending his extradition to California.

*– Lake Tahoe News staff report*

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# Pot arrest in Eldorado Forest may be wiped clean from suspect's record

By Denny Walsh, Sacramento Bee

Kelly J. Michael was an enemy of the United States in the war on marijuana for more than two years.

He was found in April 2010 by a U.S. Forest Service sleuth in the Eldorado National Forest with less than one-eighth of an ounce of pot in a jar. Nearby was a grinder to make it suitable for rolling a joint.

He and a friend were charged, although charges were dropped for the friend because of a doctor's recommendation.

But Michael had no such recommendation.

The ensuing battle royal over about a joint's worth of marijuana began and ended in a Sacramento courtroom, but not before it found its way to the highest court in the West, the 9th U.S. Circuit Court of Appeals.

Prosecutors' relentless efforts to hang a federal drug conviction on Michael were finally squashed last week when U.S. Magistrate Judge Kendall J. Newman dismissed the case.

An Arden Park resident, now 29, Michael didn't contest the charges, pleading guilty to misdemeanor possession of a controlled substance and ready to face sentencing in November 2010. First Assistant Federal Defender Linda Harter asked for a fine and unsupervised probation.

She pointed out that her client had undergone extensive treatment, including psychological counseling, for hyperhidrosis, a medical condition that causes excessive

sweating, stress and depression. Michael found that marijuana eases his anxiety and, after the arrest, he got a recommendation to use pot from one of his doctors, as California requires.

Harter noted that Michael had recently completed a nine-month educational program on substance abuse as a result of a 2009 drunken driving violation, the only thing on his rap sheet.

But the judge handed down a sentence of a year's supervised probation, including frequent drug and alcohol testing and mental health treatment, plus a \$1,000 fine.

That sentence "is a little bit much considering what happens down the street," Harter told Newman, referring to a bill just signed by then-Gov. Arnold Schwarzenegger that made possession of less than 28.5 grams of marijuana – Michael had 2.4 grams – a civil infraction in California, punishable by a \$100 fine.

Newman, however, said "I am not going to turn a blind eye and say please go forward and smoke marijuana, just don't do it on federal property." He also said "there may very well yet be ways to help this gentleman cope with his issues" other than pot.

**Read the whole story**

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## **Icy Truckee highway leads to serious injuries for driver**

**By Barbara Barte Osborn, Sacramento Bee**

A solo accident on icy Highway 267 near Truckee injured an Auburn woman, brought down power lines and closed the road in

both directions Tuesday morning.

The 52-year-old woman, whose name is not being released because no criminal charges were involved, was flown to a Reno hospital with major injuries, said California Highway Patrol Officer Tony Prisco.

The accident occurred at 7:48am just south of Brockway Summit on Highway 267, which connects Truckee with north Lake Tahoe at Kings Beach.

According to the CHP, the driver lost control of her Toyota 4Runner while traveling southbound on the road's icy surface.

The vehicle left the roadway and went down a hillside, striking and severing a power pole and stretching its lines across both lanes of the highway. The road was closed for about 25 minutes, Prisco said.

The Toyota came to rest upright at the bottom of the hillside. The driver was extricated by the North Lake Tahoe Fire Department.

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## **Personalities, not policy dominate S. Tahoe council meeting**

**By Kathryn Reed**

The South Lake Tahoe City Council should worry less about what lobbyist it has and instead hire a therapist to get them to

play nice together.

## Analysis

In a testy show of unfriendliness, the five on Tuesday more overtly than at any other council meeting demonstrated a tremendous amount of hostility – mostly at each other. While the five should have opinions of their own, at the end of the day the majority vote rules. It's called democracy.

That is not to say 5-0 votes demonstrate democracy.



But for councilmembers to be acting in a rogue manner instead of being the voice of the entire council on the respective committees and board positions they sit on is not what they were elected to do.

While these councilmembers more so than others in the recent past have been good about giving reports at council meetings regarding the work they do elsewhere on behalf of the city, not everyone regularly reports back and some act on their own without the consent of the full council.

Mayor Claire Fortier attacked fellow councilmembers Tom Davis and Angela Swanson for what she called a lack of transparency by these two. Those two are the city's Legislative Committee – or Leg Committee as it is commonly referred to.

Davis and Swanson lashed back, offended that Fortier questioned their personal and professional integrity. These two have regularly given updates to their colleagues, and therefore the public.

Davis said during the exchange, "I thought in closed session things were resolved."

This was in reference to an item discussed the morning of June 5 in closed session about the Tahoe Regional Planning Agency Regional Plan update. It was on the closed session agenda because of the threat of potential litigation – even though the Regional Plan has not been voted on and it's not the city that would be sued. Though the city could file a lawsuit, this is not likely. The TRPA won't even vote on the Regional Plan update until December at the earliest. Without knowing what exactly was discussed, it's impossible to know if this was a violation of California's open meeting law – the Brown Act – where there was dialog behind closed doors without the public being privy to some unknown threat of a lawsuit about something that hasn't even been approved. It appears to be a loosely veiled guise to be able to discuss things without the public being able to listen.

Councilmembers have told *Lake Tahoe News* that Fortier as the rep to the TRPA Governing Board has not been forthcoming until Tuesday about the intricacies of the Regional Plan update.

Fortier after the meeting said that's not true – she has been upfront with her colleagues.

“Not only am I updating the council, so is (Director of Development Services) Hilary (Roverud),” Fortier told *Lake Tahoe News*.

However, while Fortier has sat on the TRPA committee that came up with the Regional Plan update, there has been no public discussion with the council as to what collectively the city of South Lake Tahoe wanted in the document. Fortier would report when the meetings were, but did not in open session say what was discussed. Those committee meetings were public and not held behind closed doors so she was legally able to discuss what was said.

While she wants in writing from the Leg Committee what their deliverables are, she has not put in writing information about

her work on the Regional Plan committee.

Fortier used to be on the Leg Committee, and wanted to continue to be a rep, but was essentially voted off by her colleagues earlier this year because of her workload as mayor and being on the Governing Board.

The agenda item on June 5 that led to the heated exchange was about what to do with the two lobbying firms the city hired a year ago. In the end it was agreed on a 4-1 vote, with Fortier being the lone dissenter, to keep them on through the November election and then decide what to do.

In another sign of dysfunction, the city has opted not to meet with Douglas County. The two government bodies met in November, with the idea of having regular joint sessions to discuss matters on the South Shore. The loop road, among other things, was supposed to be discussed this month. That meeting has been nixed.

Fortier said it was Douglas County who canceled the meeting. She said she spoke to Lee Bonner, chair of the Douglas County Commission, and the concern was about the transition going on in the city with regard to City Manager Tony O'Rourke leaving.

"In talking with Douglas County Manager Steve Mokrohisky as well as with South Lake Tahoe Mayor Claire Fortier and (Councilman) Bruce Grego, the decision was made to postpone the meeting. With the TRPA Regional Plan update, Tahoe Summit, SLT staff transition, and the need to conduct more public meetings on the South Shore Vision Plan, we felt it would be best to meet in late August," Bonner told *Lake Tahoe News*.

But the reality is the commissioners and council members are the ones who set policy. Staff is the same today as it will be when O'Rourke leaves at the end of the month. And the interim city manager, Nancy Kerry, is up to speed on all the issues.

As to whether Fortier will be leaving the council before her

term ends, she was asked point blank on Tuesday by Davis what her intentions are.

"When I know, I will tell you," she responded.

Her spouse has accepted a job out of state.

In a lengthy conversation with *Lake Tahoe News* on Tuesday night, Fortier said it's not her ego that is keeping her on the council, but instead her commitment to the voters who elected her in November 2010.

"I am absolutely about what is for the better good of the city of South Lake Tahoe," Fortier said.

In part she defines this as meaning completing her term as mayor and shepherding the Regional Plan to a vote.

"I would like to see it completed so the city can succeed in rebuilding itself," Fortier said of the Regional Plan. She called this her "fundamental issue".

She does not believe she owes it to the more than 20,000 people she represents to tell them decisively if she will fulfill her four-year term or when she might leave before it expires in December 2014.

"I know what I need to accomplish to be an effective city councilman and an effective mayor," Fortier said. "My decisions on the City Council are not based on my spouse's decisions, they are based on the things I'm committed to."

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# El Dorado, Placer voters pass tax measures; not all supervisorial incumbents win

By Kathryn Reed

Voters in South Lake Tahoe agreed June 5 to revamp the business tax fee, while voters throughout El Dorado County voted out one incumbent supervisor and voted in another. The countywide Measure C also passed.



In Placer County, Measure F passed.

All results from Tuesday's California are preliminary until certified, but these are the results from 100 percent of the precincts reporting from both counties.

South Lake Tahoe City Manager Tony O'Rourke told *Lake Tahoe News* the passage of Measure B is a, "A small, but important step toward credibility."

He also sees this as a test case for summer 2014 when it's likely voters will be asked to increase the hotel tax and institute an amusement tax.

Measure B will up the maximum some businesses pay – from just more than \$3,000 to \$20,000 a year – while lowering the license fee for the majority of South Tahoe businesses. The change occurs July 1.

It passed with 55.23 percent of the votes. The vote was 924 to 749.

Measure C, which allows El Dorado County department heads to approve expenditures of \$10,000 or less, was approved by 51.11 percent of the voters.

Both measures needed 50 percent plus one vote.

Incumbent El Dorado County Superior Court Judge Warren “Curt” Stracener was the top vote getter with 42.32 percent. He faces Joe Hoffman in a November runoff.

In El Dorado County, three supervisorial positions were up. Jack Sweeney was termed out. Brian Keith Veerkamp was the top vote getter for District 3 with 2,910 votes, or 32.91 percent. Incumbent Ray Nutting came in with 67.93 percent or 5,830 votes. Challenger Ron “Mik” Mikulaco unseated John Knight with 46.56 percent or 502 more votes.

In Placer County, Jennifer Montgomery, who represents Tahoe on the Board of Supervisors, handily won with 53.75 percent. Her nearest challenger, Jerry Johnson, had 16.16 percent.

Kirk Uhler with 60.20 percent was tops for District 4, while Jim Holmes took District 3 with 65.23 percent.

Measure F, which keeps the transient occupancy tax in place for all things Tahoe, passed in Placer County by 84.08 percent. This was not an increase to the TOT, but instead kept the status quo.

Despite the dismal turnout expected in an election where the Republican delegates have selected their presumptive nominee and President Obama stands uncontested, El Dorado County’s

turnout is not expected to have the worst turnout.

“Mainly, people in our county vote. We’re always better than three-quarters of the state,” El Dorado County Registrar of Voters Bill Schultz told *Lake Tahoe News* late Tuesday night.

The Golden State is conducting its first open primary with a mix of various parties on the same ballot.

“It causes a little more confusion among the voters,” Schultz said.

Ted Gaines, who represents El Dorado and Placer counties in the state Senate, declared victory early. The Roseville Republican will face Democrat Julie Griffith-Flatter in November. Four people were vying for the seat.

Gaines, who has a second home on the North Shore, has long been an advocate for Lake Tahoe.

He told *Lake Tahoe News* on Election Night, “We need to make sure we are looking out for our natural resources and use those natural resources in a responsible manner.”

Reforming government, working to help the small business owner and not increasing taxes are his mantras. Gaines is also a proponent of “good forest management”.

With redistricting, the South Shore will be in the 5th Assembly District, in which Republicans Rico Oller and Frank Bigelow are the top vote getters. Oller represented Tahoe in the Assembly from 1996-2000 when it was the 4th Assembly District.

Beth Gaines, R-Roseville who currently represents Tahoe in the Assembly, is now running in the 6th District, which will encompass parts of El Dorado and Placer counties. She is the top vote getter with 36.9 percent. She will face Regy Bonner in November. Bonner came in with 531 votes more than Andy Pugno.

Statewide, the votes were still coming in early Wednesday on Proposition 29 – the tobacco tax – so it was unable to be called at 1:20am.

Proposition 28, which revises term limits, passed.

*Susan Wood contributed to this story.*

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## Congress members speak at 10th-grade level

**By Laura Chilaka, California News Service**

WASHINGTON – Members of Congress speak at a 10th-grade level – down almost a full grade since 2005 – raising the question of whether they are embracing a more effective communication strategy or dumbing down their messages, a new report says.

The findings published by the Sunlight Foundation, a nonpartisan government transparency group in Washington, found that California representatives use more complex words – speaking at about the 12th-grade level.

The foundation analyzed floor speeches as reported in the Congressional Record, using the Flesch-Kincaid scale, which rates speeches based on the complexity, length and difficulty of words and sentences. Congress speaks at roughly the same level as the typical American, who speaks between the ninth- and 10th-grade levels.

Among Northern California lawmakers, Dan Lungren, R-Gold River, and John Garamendi, D-Walnut Grove, are at polar extremes – with Lungren’s speech the equivalent of a college senior and Garamendi’s not quite a high school freshman.

Lungren was the highest-rated member in Congress, followed by another Californian – Lucille Roybal-Allard, D-Los Angeles.

One sentence from a recent Lungren speech went on for 62 words – boosting his score under a formula that links longer sentences and more syllables with higher-grade levels. Members with the lowest ratings typically use sentences containing seven to eight words.

“The challenge is how to introduce a full thought or a full argument,” Lungren said in an interview.

“One of the challenges of dealing with communication today – when you have people tweeting on Twitter and limited to 140 characters – is that people are interested in shorthand and symbols rather than full words.”

Congress’ movement toward plain language is illustrated in the Sunlight Foundation’s database, which tracks the most popular words spoken by lawmakers on the House and Senate floor.

**Read the whole story**