Nutting loses appeal of motion to dismiss

By Kathryn Reed

El Dorado County Supervisor Ray Nutting's appeal to have the motion to dismiss overturned was denied Thursday.

Nutting wanted the 3rd Appellate Court in Sacramento to overturn the Sept. 20 El Dorado County Superior Court decision where the motion to dismiss the felony charges against him was denied. The appellate court upheld the lower court's decision.

Nutting, 53, faces four felony counts regarding more than $70,000 he received from the state to clear brush from his 350-acre ranch in Somerset. (His brother owns an adjacent 350 acres.) He is accused of not reporting the income, voting on contracts that affected him financially and perjury. After those felony charges were leveled in May, the district and state attorneys general offices filed seven misdemeanor charges against Nutting regarding how he got his $55,000 in bail money. He is accused of taking loans from county employees.

El Dorado County Supervisor Ray Nutting's trial starts Feb. 4. Photo/LTN file

“Our position has been the same all the way through this. We will present this to a jury of his peers in February and trust them with the outcome once they hear both sides and not one side,” David Weiner, Nutting’s attorney, told *Lake Tahoe News*.

He believes the grand jury indicted Nutting because only one side has to be presented to the grand jury. There is no cross-examination or opposition at those hearings.

“It’s a one-dog show,” Weiner said of the grand jury process. “The grand jury only hears what the DA wants them too hear.”

Prior to the Nov. 21 decision by the court, Nutting had sent out a press release boasting of the appellate court hearing the case.

To this, the District Attorney’s Office, wrote, “Mr. Nutting conversely appears to attempt to stall the proceedings with motion after motion. In the end, this case will be decided in a courtroom based upon the law and evidence, not some silly, misleading press release.”

On Thursday, District Attorney Vern Pierson told *Lake Tahoe News*, that everything is set on their end to have the trial start Feb. 4 without delay. The proceedings will be in Placerville.

Hwy. 50 near Cave Rock closed to westbound traffic

A two-car accident near the tunnel at Cave Rock has sent two people to the hospital and is blocking westbound traffic on

Highway 50.

Nevada Highway Patrol hopes to have the road open by 6 tonight. Troopers are asking people to avoid the area until the road opens.

Names of the injured drivers were not available, however Trooper Dan Lopez told *Lake Tahoe News* that the injuries were not life threatening. Both people were transported by CareFlight to Renown Medical Center in Reno.

"Slow is better," Lopez said of how to drive in snowy conditions.

While snow totals are not great in the Lake Tahoe Basin with Thursday's storm, the roads are slick and the snow continues to fall. The winds will be picking up later tonight and lasting into Saturday, which could impact visibility for drivers.

There is also an accident near Marla Bay that is blocking one lane of travel headed east.

— Lake Tahoe News staff report

Retailers begin discounts early to entice shoppers

By Cotten Timberlake, Bloomberg

U.S. retailers are discounting earlier than ever as they brace for the weakest holiday shopping season since 2009.

Wal-Mart Stores Inc. is dangling a 32-inch flat-screen TV for

$98, down from $148 last year. Sears Holdings Corp. has waived layaway fees and its Kmart chain is introducing a rent-to-own program. More than a dozen retailers are opening earlier, or for the first time, on Thanksgiving Day. Among the attention-grabbing stunts: a $1 million jackpot for one of the first shoppers to visit Gap Inc.'s Old Navy chain on Black Friday.

Faced with wary shoppers and a shorter holiday season, retailers are piling on deals as they jockey for market share during the most important sales period of the year. For the fourth year in a row, disposable incomes in 2013 have only inched up. As result, low-income Americans will again have a less-merry season than affluent consumers, who are more flush thanks in part to surging stock markets.

"We will be seeing promotions significantly above the current 30 percent off, which are the opening table stakes," said Craig Johnson, president of Customer Growth Partners, a New Canaan, Connecticut-based consulting firm. Stores have too much inventory, which "doesn't bode well for 2014."

The disparity between wealthy and lower-income shoppers is already showing up in chains' fourth-quarter profit estimates, with Tiffany & Co. projected to fare better than Wal-Mart and Kohl's Corp.

Read the whole story

Coke doesn't want people drinking tap water

By Andy Bellatti, Huffington Post

While public health advocates have sung the praises of tap water for years, Coca-Cola has been focusing on its own covert assault on the affordable, healthful, and refreshing beverage.

Unbeknownst to many in the nutrition and public health world, the soft drink giant launched a “Cap the Tap” program – aimed at restaurants – in 2010, described in the following manner on the Coke Solutions website:

> *Capture Lost Revenue By Turning Off the Tap*
>
> *Every time your business fills a cup or glass with tap water, it pours potential profits down the drain. The good news: Cap the Tap – a program available through your Coca-Cola representative – changes these dynamics by teaching crew members or wait staff suggestive selling techniques to convert requests for tap water into orders for revenue-generating beverages.*

Coca-Cola cites a 2006 tap water usage study to point out the obvious – that consumers drink tap water because of habit, health concerns or price sensitivity.

In response to that, Coca-Cola suggests restaurant waitstaff “turn off the tap” and offers to teach servers how to suggest “profitable beverages” to consumers, citing free refills. For those who truly want tap water, Coca-Cola suggests that servers push bottled water (don’t forget that Coke owns the bottled water brand Dasani), diet sodas, iced teas, and smoothies.

Read the whole story

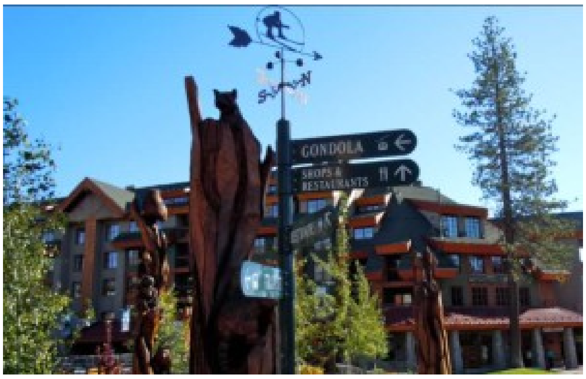
TRPA OKs S. Tahoe’s blueprint to revitalization

By Kathryn Reed

STATELINE — A sense of hope filled the packed room Wednesday as the Tahoe Regional Planning Agency Governing Board unanimously approved South Lake Tahoe’s Tourist Core Area Plan.

Of the 16 people who spoke Nov. 20, only Jennifer Quashnick representing the Tahoe Area Sierra Club and Friends of the West Shore was against the plan. She represents the two groups suing the TRPA over the Regional Plan that was adopted nearly a year ago.

Nearly every person who spoke after her later mocked Quashnick, who said she had the support of the more than 2.4 million Sierra Club members. The speakers then said how many people they represent.



South Tahoe officials want more of the town to be visually appealing like Heavenly Village. Photo/LTN file

Even Governing Board Member Bill Yeats, who is an ardent supporter of the Sierra Club and has been the group's attorney, said he was pretty sure not every member was in lockstep with her.

He went on to say, "I find it difficult to agree with (the Sierra Club), but find no problem with this plan."

Coverage and height issues have been some of the concerns with the plan. These are some of same concerns people raised as the Regional Plan was being updated. Today's thinking is that if there are town centers, then people will park once and walk to places. The goal is also have mixed uses in these areas.

"No new coverage can be created," Hal Cole, South Lake Tahoe's rep to the board, said. "Since 1987 we have been trying to repair the damage done since the 1960s."

1987 was when the first Regional Plan was adopted. While it limited growth, it also was a stumbling block to redevelopment. The 1960s brought shoddy construction, an abundance of hotel rooms for the Winter Olympics that were at Squaw and unprecedented development without any concern for the environment.

South Tahoe's plan complements the area plan approved earlier this fall for Douglas County's commercial area at the South Shore.

While the area plans do not have specific projects associated with them, they do provide incentives for private landowners. Part of this has to do with swapping land coverage from sensitive areas to the town centers, streamlining the permitting process, and access to commodities like commercial floor area and tourist accommodation units.

The South Lake Tahoe plan covers the same area as the community plan adopted in 1994 that went from Stateline to Ski Run Boulevard. The area plan is a new tool that TRPA wants jurisdictions to use in conjunction with the Regional Plan.

Hilary Roverud, who runs the city’s planning department, told the board since the 1994 document was approved more than 1 million square feet of coverage have been removed from that area, vehicle miles have been reduced, and stormwater runoff has been captured so not as much sediment is reaching Lake Tahoe.

“Without redevelopment, today we are looking toward the Tourist Core Area Plan to help create public-private partnerships,” Roverud said.

The city on this same day took a major step in stimulating cash flow from that area. The $7 million parking garage bonds were refinanced Nov. 20 at an average interest rate of 4.94 percent. The 30-year bonds have a 5.1 percent interest rate. The old rate was more than 7 percent. This means a more than $250,000 annual savings to South Lake Tahoe.

The area plan will come back to the City Council because TRPA made some changes. One item deals with strengthening coverage reduction and stream environmental zone restoration strategies, and another centers on improving total maximum daily load coordination. Here are the area plan modifications.

The City Council has one meeting in December – on Dec. 10.

Colleges addressing needs of work force

By Ellie Ashford, Community College Times

Competency-based education (CBE) can be valuable in ensuring community colleges provide the right kind of training to get people into the job market quickly with the skills employers need.

That's the consensus of higher education leaders at a forum on community colleges and CBE on Monday hosted by the New America Foundation and co-sponsored by the foundation, the American Association of Community Colleges, Western Governors University and the American Council on Education.

The essence of CBE is "flipping time and mastery," said Sally Johnstone, vice president of academic advancement at WGU. Under the traditional education model, everyone starts a course at the same time and finishes at the same time. Some students master the material, and some don't.

With CBE, everyone masters the material, although some take longer to do so, said Johnstone, who describes CBE as "a platform that enables individualized learning."

Read the whole story

Lukins water good to drink without boiling

The "boil water" mandate for Lukins Brothers Water customers has been lifted.

"We are pleased to report that the problem has been corrected and that it is no longer necessary to drink boiled or bottled water. We apologize for any inconvenience and thank you for your patience," the company said in a notice dated Nov. 20.

Lukins will continue to chlorinate the water system as a preventative measure.

Because one of the test sites had come back positive for coliform, the 963 South Shore water customers had to boil water since Nov. 14.

All samples since then have tested negative for total coliform and E. coli.

— Lake Tahoe News staff report

T.J. Maxx profits better than expected

By Reuters

Retailer TJX Cos Inc, owner of T.J. Maxx and Marshalls, reported a better-than-expected adjusted profit and said the holiday shopping quarter was off to a strong start.

The company, which maintained its current-quarter profit forecast of 77 cents to 80 cents per share, said it was well-poised for the holiday season.

"The fourth quarter is off to a good start and we see exciting opportunities for this holiday selling season," Chief Executive Carol Meyrowitz said in a statement on Tuesday.

This year's holiday season is projected to be the toughest since the economic crisis of 2008, according to Morgan Stanley.

But analysts say lower-cost retailers such as T.J. Maxx and Ross Stores Inc. are better-placed to prosper than pricier rivals, even as margins come under pressure due to heavy promotions.

Read the whole story

Study: Illegal drug use declines at work, Rx drugs increase

By Lauren Weber, Wall Street Journal

More workers are just saying no, at least by one measure.

The share of U.S. workers testing positive for drugs has dropped sharply since 1988, according to an analysis of millions of drug tests being released Monday by medical-testing company Quest Diagnostics Inc.

Positive workplace tests for cocaine and marijuana have gone down sharply over the past two decades. Workers may have gotten more sophisticated when it comes to passing drug tests, however, especially for marijuana, as government studies show that its use is rising.

Meanwhile, data suggest that abuse of prescription drugs is a growing worry for employers.

Read the whole story

Motorist seriously injures cyclist on Hwy. 28

A 23-year-old Colorado man remains in serious condition this afternoon at Renown Medical Center in Reno after being thrown from his bicycle Nov. 15.

California Highway Patrol officers said James Hulett of Boulder was on his bike on Highway 28 going up Dollar Hill just after 5pm Friday when he was struck from behind by a vehicle driven by Vicente Araujo.

The 53-year-old Kings Beach man initially fled the scene. Two and half hours later he turned himself in at the Placer County Sheriff’s Office in Tahoe City. He faces felon hit and run charges.

Alcohol and drugs do not appear to be contributing factors in the accident. But California Highway Patrol officers also don’t know what led Araujo to drift to his right.

No helmet was found at the scene of the accident. Hulett sustained major head trauma, according to officers.

Anyone with information about the accident should call the CHP at (530) 582.7570.

— Lake Tahoe News staff report