Prison for SLT man who drew gun; Mo’s beating case lingers

South Lake Tahoe resident Scott Enerson is expected to spend seven years in prison after pulling a gun on a fellow patron at Whiskey Dick’s bar.

Enerson has pleaded guilty to assault with a firearm in the June 2012 incident. The enhancement to the felony charge is what is sending him to state prison.

Formal sentencing is scheduled for Feb. 21 in El Dorado County Superior Court.

The Whiskey Dick’s incident came two weeks after the beating of Derek “Zippy” Penaranda at Mo’s Place. Penaranda died in October from his injuries. No charges have ever been filed in the case.

“The investigation and review of the matter at Mo’s Place is continuing, but I am not at liberty to make any further comment about that situation at this time,” El Dorado County Assistant District Attorney Hans Uthe told *Lake Tahoe News*.

— *Lake Tahoe News staff report*

Internet allows Nevadans to follow Legislature

By Ed Vogel, Las Vegas Review Journal

CARSON CITY — Just because you live in Las Vegas, Caliente or even Jarbidge doesn’t mean you can’t keep in touch with nearly everything that happens at the 2013 Legislature.

In fact, if you become adroit in handling all the features of the legislative website — leg.state.nv.us — you will get a better view than those hanging around the Legislative Building — without the hassle of crowded committee hearings and the occasional blizzard that can make capital city travel impossible.

With high-speed Internet access, you could follow the Legislature from the comfort of your bed. Of course, you won’t find out about the behind-the-scenes deals that are part of every session.

“It’s what the public expects,” said Legislative Counsel Bureau Director Rick Combs about the availability of all possible legislative information. “It is what the legislators expect. They want their constituents to have the ability to follow what is going on.”

Combs noted that when he joined the legislative staff in 1994 it was the dawn of the Internet age. Now that technology has advanced, he said most states have taken the same steps as Nevada to allow their citizens to follow their respective legislatures, in part, “because we can.”

On the website, click on “committee/view” and you can watch or listen to hearings on your computer. Every committee hearing and state Senate and Assembly floor voting session is broadcast over the Internet.

Click “Nelis,” for Nevada Electronic Legislative Information System, and you can follow along by reading every report and handout given to legislators.

Click “legislator information,” and you will find the office and home telephone numbers of all legislators, their email addresses and names of their secretaries. You also can type in your home address and find the name of your state senator and Assembly member in case you are not sure who represents you.

Click “personalized bill tracking” and sign up to be notified about what happens with the bills and budgets that interest you. There is no charge to track five or less bills, a $50 charge to follow 25 or fewer bills and $600 if you want to track every bill. Call (775) 684.6835 for more information.

Click on “session inform” on the left side of the main legislative page and then on “bill information.” You can read the contents of any bill, what happens to it in committee, in floor sessions and whether it fails or is signed into law. On “session inform” you even can find the names of lobbyists, the numbers and the companies they represent.

For history buffs, you even can find information on the website on all bills going back to the 1985 session.

You also can find on the website a video of Gov. Brian Sandoval’s State of the State address and his entire 3,440-page budget, along with the response to his speech by state Senate Majority Leader Mo Denis, D-Las Vegas.

While the technology today is light-years better than 1994, Combs isn’t advising people to stay away from Carson City, its restaurants and the nearby ski slopes around Lake Tahoe.

“I still think it is better being here,” he said.

USFS loses appeal in Meyers Landfill case

By Kathryn Reed

The Ninth Circuit Court of Appeals has sided with El Dorado County in a case brought forward by the U.S. Forest Service.

The issue is over costs related to the cleanup of the old Meyers Landfill. The county doesn't believe it should have to pay for the cost overruns from the Forest Service's plans for remediation at the old dump. (This April 28, 2012, *LTN* story has more history on the matter.)

The federal court granted the county's motion for construction, enforcement, and modification of the partial consent decree. The Forest Service appealed. It's that appeal that the USFS just lost.

"Where a project owner like the USFS provides detailed design plans and specifications, the government, and not the contracting party (here the county) bears the risk if such plans and specifications are ultimately determined to be deficient," the court wrote in its January decision.

Now the matter goes back to the trial court.

"We can't discuss the matter because litigation is ongoing," Forest Service spokeswoman Cheva Heck said.

"Because the matter is still pending litigation I do not have any comment on the matter," Michael Ciccozzi, attorney for El Dorado County, told *Lake Tahoe News*.

Nevada to continue allowing dogs during bear hunts

By Martin Griffith, AP

The Nevada wildlife commission has rejected a request by animal rights groups to ban the use of dogs for hunting bears.

The commission, at a meeting Friday in Las Vegas, voted 6-2 to deny the petition filed by six organizations, including NoBearHuntNV, the BEAR League and the Nevada Humane Society.

According to the groups, over half of the states conducting bear hunts have outlawed the use of dogs as being “unsporting” and “unnecessarily cruel” to both bears and dogs.

Dogs used to hunt bears are outfitted with GPS collars, they said, and the hunter waits until the dogs chase a bear into a tree. Dogs can chase bears for seven hours or more, they argued, and dogs can stay with a “treed” bear for up to two days before the hunter shoots the bear out of the tree.

The groups further maintain that bears can still be alive when they fall from the tree, and dogs – which can hunt in packs of up to 20 – can maul bears while they are still alive. Dogs also can be injured by bears in such cases, they added.

“Hunting with dogs has been banned in several states, and it is a disgrace for Nevada to allow this hunting method for bears,” said Beverlee McGrath of Nevada Political Action for Animals.

But commission Chairman Jack Robb of Reno said he believes the use of dogs to hunt bears involves “fair chase,” and that the issues cited by the groups have not surfaced in Nevada.

“At this point, we don’t have anything to support there’s wrongdoing in Nevada,” he told the Associated Press on Sunday. “I believe the sportsmen here know they’re under a microscope, and I believe the sportsmen are really going to police themselves.”

Commissioner Scott Raine of Eureka said he believes the use of dogs in bear hunts is “valid” and the concerns raised by the groups are exaggerated.

“To me, it’s not a big deal,” he said. “There’s no legitimate reason not to use them other than it’s an emotional deal to some people.”

Kathryn Bricker, executive director of NoBearHuntNV, said the animal rights groups support legislation to revamp the wildlife commission so it provides balanced representation for non-hunting interests in wildlife.

“The commission’s decision not to hear legitimate arguments on an issue opposed by the majority of Nevadans demonstrates why legislative change to reconfigure the wildlife commission is needed in order to give fair representation to all Nevadans,” she said in a statement.

The lone dissenters in the commission’s vote were public representative Dr. Karen Layne and conservation representative David McNinch.

The commission plans to consider various aspects of the bear hunt in the future, Robb said.

California population growth rate slows to a trickle

By Phillip Reese and Anita Creamer, Sacramento Bee

California's long run as a boom state will sputter to an end as population growth rates consistently fall below 1 percent a year in the coming decades, according to state Department of Finance projections released Thursday.

The trend has already started. For the last several years, more residents have left California for other states than arrived from them, birth rates have declined and foreign immigration has slowed.

As the nation's most populous state, California will continue to add a lot of people – about 300,000 residents per year, on average, through 2060 – but the rate of growth will be akin to places that Americans have historically left behind to try their luck here.

The Sacramento region will grow slightly faster than the state as a whole, but also will see a sharp decline in growth rates from previous decades, according to the new projections.

Population growth has historically fed the California and Sacramento economies, increasing demand for everything from housing to health care. If growth stalls, it will be harder for the state to recover quickly from the recent recession, said Jeff Michael, director of the Business Forecasting Center at the University of the Pacific.

"This would represent a very significant slowdown in the long-term growth rates," he said. "It has real implications first and foremost for the housing market, for the construction sector and all areas of the service sector."

Many will nonetheless welcome a pause. As Michael and others noted, population growth has also fed the sprawl, traffic and pollution that have diminished the state's reputation.

A slowdown could give California and Sacramento breathing room to make significant changes and grow smarter, said Alex Kelter, former president of the Environmental Council of Sacramento.

"We need to do a whole lot better, particularly outside the incorporated areas," he said. "This will give us a good chance to step back."

Bill Schooling directs the research unit that compiled the population projections, using assumptions about birth rates, death rates and migration patterns. He said the new figures do not signal a crisis.

California is a huge state, which means it can add a lot of people with only a small rate of growth, he said. Even with average growth rates below 1 percent, it will add about 15 million residents during the next 50 years, more people than currently reside in Pennsylvania or Illinois.

The population boom of the last several decades was unsustainable, Schooling said, and there will be enough people still coming to support the state's economy.

In the short run, the state will even see a slight uptick in growth rates by 2020 from current levels before another decline, Schooling said.

"California is still a young, dynamic state, and we are still growing," he said.

Much of the growth that does occur in the coming decades will be driven by sharp increases in the number of Latinos and Asians. By next year, Latinos will be the largest ethnic group in California, surpassing whites.

The San Joaquin Valley, which is already home to millions of Latinos and Asians, will be the largest exception to the slow-growth trend seen elsewhere.

Fresno County will grow by 75 percent during the next five decades, as its Latino population roughly doubles. Stanislaus County will have more people than either San Francisco or San Mateo counties by 2060, with Latinos accounting for two-thirds of the county’s growth.

Closer to home, the Sacramento region’s population will rise, on average, about 0.9 percent a year through 2060, according to the Department of Finance, compared with 0.7 percent a year statewide.

That’s a far cry from the region’s recent history of growth.

During the previous two decades, the four-county region’s population increased by 45 percent. During the next two decades, it will increase by about 22 percent.

In Elk Grove, which incorporated as a city in 2000, the double-digit rate of growth eight years ago was so brisk that census figures showed it was the fastest-growing city in the nation.

Last year, the city’s population grew by 1 percent.

“What’s most alarming is the lack of business,” said longtime Elk Grove City Councilman Jim Cooper. “We have a housing and job imbalance that we’ve been trying to rectify.”

Placer County Supervisor Kirk Uhler, who lives in Roseville, sees too many people leaving California for other states. Many of those left behind, he said, are older or poorer residents dependent on expensive government services.

“For those of us in local government, it’s a horrifying thought,” he said. “It’s a shrinking of the economic base.”

The most visible recent sign of the slowdown in growth is the announcement by Sacramento City Unified School District officials that they may close 11 schools due to declining enrollment.

Because of the aging of the urban population, said district spokesman Gabe Ross, the district has lost 10 percent of its enrollment in the past decade, with 47,000 students currently enrolled.

“That’s down 800 students from last year, and we expect to lose another 800 next year,” said Ross. “In our district, our elementary schools are only filled to 56 percent of capacity. We have a system of neighborhood schools built to accommodate a larger population.

“That’s the reality for us and how the numbers affect us. The (Finance Department) projections are not a trend that surprises me. It’s a challenge for us.”

Still, most of those concerned about the slowdown in population growth also expressed optimism that their communities were strong enough to endure it.

“I think it’s a good thing,” said Tom Cosgrove, who moved to Lincoln 27 years ago and was a City Council member for much of that time. “Growth at a steady, slow rate gives more predictability, and it gives the local government and community the chance to absorb that growth.”

Others note that predicting the future of California has confounded the state’s brightest minds for decades. Who can say that there won’t be another housing boom in 15 years or that another flood of Bay Area transplants won’t hit Sacramento in 10?

“People want a safe place to live and a good place to raise a family,” said Cooper, arguing that Elk Grove will turn out fine. “I still see families looking to move to better neighborhoods."

Companies good at having consumers accept bad service

By Bill Saporito, Time

My cable bill arrived the other day with an unexpected $20-a-month increase for the same package I've been getting for years. A cheery customer-service representative explained that my discount for bundled services had expired and, although she would truly like to, she couldn't restore it. When I mouthed off about hoofing it to another provider, her response fell into the category of "Good luck with that."

If she figured I wasn't going anywhere, she was right. Although I wasn't facing any exit fees, the idea of setting up a new account elsewhere—which involves not only waiting for the cable guy to swap out three cable boxes but also learning a different remote control and repopulating my DVR – proved too big a burden, despite the prospective savings of $240 a year.

I had become trapped by what economists call switching costs – the barriers, financial and otherwise, that prevent a customer from getting rid of an underperforming product or service provider. Given the rising volume of advertising for insurance, mobile phones, cable service and credit cards, it seems companies must be winning and losing customers as the struggle to grow revenue intensifies. They aren't. They're just tightening their grip on us. Verizon spent 21% more in the last quarter trying to reel in new subscribers and keep existing ones, even though fewer than 1% of its customers jumped ship. And that low churn rate is not unusual. Cell-phone industry consultant Chetan Sharma says that annually only 2 percent of U.S. subscribers change providers.

“The longer you stay with something, the less likely you are to switch,” says marketing professor Vijay Mahajan of the University of Texas, who sorts switching costs into three buckets: financial, procedural and relational.

The first one is straightforward. Breaking a cell-phone contract, for instance, costs money. It’s in the other two categories that companies have really been working hard to jack up switching costs in various ways. Bundling has raised the ante procedurally, in part by adding complexity to the equation. To switch Internet-service providers, you won’t just need to get a different cable box; you’ll need a new modem, and you’ll have to adapt to a new system after having spent the time to master your current one. Going up the learning curve of a new provider is yet another switching cost. The reason cell-phone companies spend so much on advertising, says Sharma, is not necessarily to lure new customers but to upsell old ones from feature phones to smart phones to tablets, from a single data plan to multiple—leaving them tangled in a web of technology and family plans.

And the more deeply invested you are in a brand relationship, the higher the so-called relational cost of leaving it. If you break with Allstate, as some of its current advertising suggests, you risk getting lousy service somewhere else. So go ahead—put your loved ones at risk for a few bucks. It’s a neat bit of marketing psychology, says Peter Fader, a marketing professor at the University of Pennsylvania’s Wharton School: “The company is saying, ‘We’re not trying to hold you hostage.’ Instead, you hold yourself hostage.”

He thinks companies should spend more money on raising switching costs and less on marketing that raises customers' expectations. "For every dollar spent on switching costs, $10,000 is spent on unicorns and rainbows," he says. The risk is that they overpromise fantabulous service and then underdeliver – which, in theory, should make it easier for us to switch to another company.

But service sellers have a way of compensating for overpromising too: hooking us on loyalty programs. "We overplay the value of the points and the chance that we will use them," says Fader, who gets paid to advise companies about such things. And we are headed for even more switching costs with the onset of coalition loyalty programs that unite restaurants, shops and other unrelated companies around one frequent-buyer program.

It is more common in Europe but is starting to take root in the U.S. via mobile-payment platforms like LevelUp. There are benefits to be had, but we risk becoming loyal to a fault.

U.S. workers pushing back retirement

By Lauren Weber, Wall Street Journal

The American workplace is about to get grayer.

Nearly two-thirds of Americans between the ages of 45 and 60 say they plan to delay retirement, according to a report to be released Friday by the Conference Board. That was a steep jump from just two years earlier, when the group found that 42 percent of respondents expected to put off retirement.

The increase was driven by the financial losses, layoffs and income stagnation sustained during the last few years of recession and recovery, said Gad Levanon, director of macroeconomic research at the organization and a co-author of the report, which is based on a 2012 survey of 15,000 individuals.

Matt Stern, 51, a former analyst at a Manhattan hedge fund, met with a financial planner in December, days before he was laid off and the fund announced its imminent liquidation. At the meeting, the planner projected that Stern could retire at age 62. But now, with his assets down 10 percent to 20 percent from their 2008 peak, he is looking for a job and retooling his expectations for retirement.

“I might have to prioritize income over whatever calls to me on other levels,” such as travel or being involved in nonprofit organizations, Stern said.

The labor force has been getting older for decades for reasons that range from longer life spans and better health to companies’ replacement of defined-benefit pensions with higher-risk 401(k) plans.

But the stark increase in workers expecting to stay on the job – now 62 percent – was a surprise, Levanon said. After all, the stock market has largely earned back its losses, home prices are rising, and the unemployment rate is creeping down, all of which suggests workers should be feeling more secure.

Many middle-aged Americans, though, drew down their savings during those lean years and now find that leaving the work force on their original timeline is no longer viable, he said.

They are also facing low interest rates, an uncertain future for Social Security, and a lower likelihood of receiving employer health insurance after retirement.

The uptick may be good news for some industries – notably utilities and power companies — that face disruptive skills shortages when older workers retire.

However, senior employees can be expensive for companies, both in salary and health-care costs.

In addition, amid anemic economic growth, these workers may block the pipeline for younger employees trying to advance their careers.

In the long run, that concern is misplaced, said Kevin Cahill, an economist at the Sloan Center on Aging and Work at Boston College.

“Keeping older Americans in the work force is a good thing,” he said. “Those workers have more financial security, employers have a larger labor pool to draw from, and we have more people to produce goods and services. There may be bumps like the recent contraction in the labor market, but we need to look beyond the short term.”

Ultimately, many workers will still retire on schedule, Levanon added. Research shows that intentions don’t necessarily align with reality, and people often end up retiring as they had expected because of health reasons, job losses or simply a miscalculation of their own desires.

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3 snowmobilers cited in Mokelumne Wilderness

By AP

The U.S. Forest Service has issued a warning after citing four snowmobilers for illegally riding in a designated federal wilderness area in the Sierra Nevada.

The snowmobilers were cited for riding last week in the Mokelumne Wilderness on the Humboldt-Toiyabe National Forest.

The wilderness is located in Alpine County west of Markleeville, and the snowmobilers entered from Hope Valley off Highway 88.

Carson Ranger District spokesman Dan Morris said the citations are not to be taken lightly because fines range from $425 to $5,000.

He noted the use of snowmobiles and other mechanized equipment is illegal in such designated wilderness areas.

He said the wilderness is posted as closed to motorized use, and the four snowmobilers were observed entering the wilderness directly next to closure signs.

DOJ helicopter used at El Dorado County football game

By Mike Luery, KCRA-TV

California taxpayers shelled out hundreds of dollars for the apparent unauthorized use of a police helicopter at a high school football game.

The helicopter incident involved a high school homecoming event that top law enforcement supervisors at the Department of Justice knew nothing about, KCRA 3 has learned.

The incident took place last November, when a DOJ helicopter hovered over El Dorado Hills for a homecoming game at Oak Ridge High School.

In a video later uploaded to YouTube, viewers can see an agent perched precariously on the side of the chopper.

As the door opens, the DOJ agent then dropped the ball to a football player waiting on the field.

Why were DOJ agents flying over a football field?

KCRA 3 has learned the agent was dropping the football to his son, a player on the Oak Ridge team.

The agent, the pilot and the Department of Justice helicopter are all state resources, yet DOJ supervisors had no idea the football drop was taking place, KCRA 3 has learned.

“I don’t think anybody looking at that will see a legitimate public purpose in the use of that helicopter,” said Jon Coupal, president of the Howard Jarvis Taxpayers Association. “I think there needs to be a thorough investigation into who authorized this, how much it cost, what was the reason behind this and basically, what were they thinking.”

KCRA 3 showed the video of the helicopter incident to Larry Wallace, director of law enforcement for the Department of Justice.

“I can confirm that is a DOJ chopper, yes,” Wallace told KCRA 3.

Wallace said the launching of the helicopter cost taxpayers between $900 and $1,300 — not including personnel costs.

The helicopter is normally used for drug busts, Wallace told KCRA 3.

“It certainly doesn’t strike us that they were using that chopper to pull up marijuana plants out of the middle of the football field," Coupal said.

KCRA 3 asked Wallace for his reaction, upon seeing the video.

"It appeared to be a misuse of state property," Wallace told KCRA 3.

Wallace would not provide details of whether anyone from the DOJ approved the ball drop, or who was involved.

However, he did say the DOJ had put new protocols into place because of the incident.

"I'm going to personally approve any authorized use of that helicopter as we move forward, and that's been put into place," Wallace said.

The Department of Justice won't reveal any details about disciplinary action, but KCRA 3 has learned independently that the special agent involved was put on leave for a substantial period of time.

El Dorado County death row inmate dies in prison

By Sam Stanton, Sacramento Bee

James Leslie Karis Jr., a convicted killer whose court case became so tangled in death penalty politics that he was sentenced to death twice, died early Thursday at San Quentin's death row.

Karis, 61, was found unresponsive inside the cell where he was housed alone and later pronounced dead at 6:40am, the state

Department of Corrections and Rehabilitation said.

The cause of death is not known, and an autopsy will be performed.

What is known is that he did not die from a state-ordered execution. California has not executed an inmate since January 2006 because of legal fights over the death penalty.

Karis was sent to death row Sept. 20, 1982, after his conviction in the rape and murder of 34-year-old Peggy Pennington. He abducted Pennington and another woman in July 1981 as they took their daily walk around their workplace at the El Dorado County Welfare Department.

He took them at gunpoint to a remote area near Placerville and forced both to remove their clothes.

Karis raped one of them, then let them get dressed, marched them to another spot and shot both of them.

Pennington died, but the other victim, a 27-year-old woman, survived and later testified at trial.

Karis was sent to death row, but a federal judge overturned his sentence in 1998 after finding that evidence of Karis' tormented and abusive childhood had not been presented as evidence during the penalty phase.

Karis faced a second trial in 2007 in Sacramento and refused to allow his lawyers to offer evidence of his childhood abuse or anything else that might win him a life sentence.

He was returned to death row and, until Thursday, was one of 729 inmates awaiting execution.

Karis' public defender in his original trial, Stephen Tapson, recalled his client as a "big, gruff guy."

During the death penalty phase, the judge did not allow the abuse evidence to be used and ordered Karis sent to death row, said Tapson, now one of El Dorado County's most prominent defense attorneys.

Appellate lawyers later returned to court to try to present the childhood abuse evidence, but Karis refused to allow it, taking over the case himself and telling the judge that the evidence didn't "amount to a hill of beans."

"They spent hours digging up all these terrible things about his childhood to present to a jury in hopes they would not send him to death and he basically said '(Screw) you,'" Tapson recalled. "So he chose his own death penalty."

A federal judge in Sacramento overturned the death penalty in 1998 because evidence of his childhood trauma had not been presented, and Karis faced another penalty phase trial in which jurors again concluded he should die.

Tapson said the millions of dollars spent and years of legal wrangling "is a classic example of the need to abolish the death penalty because they just die there, so you don't have to worry about it."

"It's much cheaper if they die in prison rather than trying to kill them," he added.

California voters so far have not agreed with that stance. They rejected a ballot measure in November that would have eliminated the death penalty, and victims' groups have launched efforts to overturn impediments to restarting executions in California, among them an effort to switch to using one drug instead of three to execute inmates.

"It's a shame that a monster like Karis was permitted to die of natural causes," El Dorado County District Attorney Vern Pierson said. "Obstructionist tactics and weak representatives in Sacramento allowed this to happen.

“It’s time for the governor to enact real reforms to the death penalty system.”