

Timber Cove Lodge gets new name, to be renovated

There is one less Best Western in South Lake Tahoe.

What was the Timber Cove Lodge is no longer affiliated with Best Western, and it has a new name. As of Dec. 1, it is the Beach Retreat & Lodge at Tahoe.

The changes are part of the new ownership. Urbana Holdings based in Georgia acquired the property, which include the Timber Cove Pier, after the trustees of the estate of longtime owner Bob Maloff sold the property after Maloff died in 2011.

The first attempt at rebranding the restaurant site on the pier failed. Bistro on the Pier is gone and in its place is Boathouse Restaurant on the Pier.

What was Mama's Red Tomato restaurant in the front of the hotel along Highway 50 will be Kitchen 3411. That is expected to open by the end of the year.

In 2013, the 262 rooms and lobby will be remodeled, and meeting space added.

– Lake Tahoe News staff report

Tahoe tourism industry on economic rebound

By Kathryn Reed

People are coming to Lake Tahoe and they are spending money.

And projections for 2013 are that more of the same is going to happen.

“We are going to have our best year sales-wise. It’s a combination of people staying closer to home and fabulous weather,” Tom Turner, owner of the 14-year-old Riva Grill in South Lake Tahoe, said.

Turner told *Lake Tahoe News* that Caliente in Kings Beach and Gar Woods in Carnelian Bay are also having a spectacular year revenue-wise. Bar of America in Truckee was added to his restaurant portfolio in April.

Ski resort officials had plenty to be thankful for during the long Thanksgiving weekend. People flocked to the resorts to enjoy the mix of natural and man-made snow.



Indications are people want to travel again and Lake Tahoe is one place they want to visit. Photo/LTN file

“We had a remarkable Thanksgiving – Thursday through Sunday,” Andy Wirth, CEO of Squaw Valley and Alpine Meadows, told *Lake Tahoe News*. “Skier visits and traffic were near an all-time high (at Squaw) largely because we opened a great deal of terrain on the upper mountain.”

The U.S. Commerce Department reports that numbers to date show the travel and tourism industry is likely going to set another

record in 2012 in terms of trips and revenue.

Lakeside Inn in Stateline doesn't spend money marketing its hotel and still it has numbers that prove there is demand to come to Tahoe. Compared to 2011 at this time Lakeside has 2,000 more reservations lined up.

"Given the volume on the books for next year we are doing better than the last three years," Stacy Noyes with Lakeside told *Lake Tahoe News*.

She said the bookings started before summer and before the ski resorts opened.

"Last year people were planning their vacations eight days in advance. This year they are planning 21 days in advance," Noyes said.

Smith Travel Research said U.S. hotels posted a record 8.3 percent increase in room revenue for the third quarter compared to 2011. Occupancy rose 2.7 percentage points to 69 percent, while room rates rose 5.6 percent to an average of \$91.08 a night. Revpar, which is the combination of room rates and occupancy, is up 8.3 percent to \$62.83.

When the Lake Tahoe Visitors Authority was putting together its 2012-13 budget, which took effect July 1, the staff and board did so with the assumption hotel occupancy would be on a gradual incline. Most of LTVA's money comes from hotel taxes collected at the lake on the Nevada side. But a substantial chunk of change also comes from California hoteliers via the Tourism Improvement District.

"Our budget this year is built on the assumption that the world is a brighter, happier place that involves more travel," Carol Chaplin, LTVA executive director, said. But the numbers, she said, are conservative.

Still, this year's budget is \$1 million more than it was in

2008. Much of that has to do with Douglas County increasing the lodging license fee and the TID upping its contribution.

The uptick has also allowed the LTVA to incrementally add staff to bring the number of workers back to what it was a few years ago. Tony Lyle came on board this fall as director of tourism.

“He is big into social media and he is tech savvy,” Chaplin told *Lake Tahoe News*. “We really thought the position added a new dimension that will help all of us do a better job at what we do and maybe do new things as well.”

Lyle will be tasked with providing the agency with analysis and a plan for connecting with visitors when they are in town and before they reach the South Shore. This includes at the visitors centers, via the phone, email and through social media.

LTVA knows it needs to be where the traveler is – which is on a mobile device and often on social media.

(Marketing chief Andy Chapman at the North Lake Tahoe Resort Association did not respond to an email inquiry, so what the North Shore is doing is unknown.)

“We’re going to see mobile this year represent 35 percent of all searches. Next year, it will be about 45 percent,” Tran Hang, head of Google’s travel industry, told Hotel News Now. “These are outstanding growth rates we can’t ignore.”

On the flip side is Travis Katz, CEO of Gogobot – a travel-related social network. He cautions that people easily get information overload and that they want to be treated as though their vacation is special and unique.

His statements in Hotel News Now give credence to the trend that travel agents are seeing resurgence in business because people want that authentic, specialized trip. But that’s not

to say agents aren't using Google and the like for their customers.

Chaplin said with current staffing there is a greater likelihood the LTVA will attend more events that are designed to reach would-be vacationers – especially those outside the country.

After all, the U.S. Department of Commerce says international visitors this year could infuse \$169 billion into the economy.

Below are some stats about Lake Tahoe travel:



FlipKey Travel Trends: Lake Tahoe by vacation rentals site
FlipKey.com

Death cap mushrooms taste good, but have fatal consequences

By Cynthia Hubert, Sacramento Bee

It is a killer disguised in a luscious package.

Amanita phalloides, the mushroom suspected of fatally poisoning four elderly people at a Loomis care home, is commonly called the death cap.

The death cap draws in mushroom hunters with its sturdy stem and smooth, bald top, ranging in color from bronze to greenish yellow, and then kills – it is almost singularly responsible for fatal mushroom poisonings worldwide.

"These mushrooms are very, very sexy," said Todd Mitchell, a Santa Cruz physician who is leading a national study of an antidote to toxic mushroom poisoning. "They look very attractive in the field. They grow virtually side by side to chanterelles, and they look very robust. They smell quite sweet, and by all accounts are quite delicious."

In Northern California, they grow abundantly during the fall and early winter, typically sprouting beneath live oak trees. The fungi, which contains a toxic protein that can cause permanent liver and kidney damage, sicken hundreds of people a year in California. On average, a half-dozen people suffer serious poisonings from the mushrooms annually and one or two die, said Dr. Kent Olson, executive medical director of the California Poison Control System.

Death caps are the primary suspects in the illnesses last month of six people at the Gold Age Villa in Loomis, four of whom have died.

Lilia Tirdea, a caregiver who cooked meals for residents of Gold Age Villa, picked wild mushrooms on the grounds of the care home, then cooked and served them in a gravy for dinner on Tuesday evening, Nov. 6.

By Thursday, nearly everyone who lived at the care home was terribly ill.

At first the home's owner, Raisa Oselsky, who was not home when Tirdea served the mushrooms, suspected a rampant case of the flu. But after speaking with Tirdea, she realized that of the home's six residents, only one had not eaten the mushroom dish. That person was fine.

Everyone else, including Tirdea, ended up in area emergency rooms.

Barbara Marie Lopes, 87, a spirited woman who raised three daughters on her own and worked for decades as an aircraft

mechanic at the former McClellan Air Force Base, died Nov. 9. So did Teresa Jania Olesniewicz, 73, who was a physician in her native Poland before she came to the United States in the 1970s.

A week after the two women's deaths, officials announced a third fatality tied to the mushroom gravy: Frank Warren Blodgett, 90. On Thursday, Dorothy Mary Hart, 92, was the fourth to die.

Tirdea and one other person were recovering from the poisonings as of late last week, officials said.

Appeared to be the flu

In the quaint confines of Gold Age Villa, Lopes, whose memory was fading but otherwise was fairly healthy, enjoyed watching TV, playing cards and keeping company with other residents and staffers, said her daughter Annette St. Urbain.

"They were all friends," St. Urbain said. "Raisa and the rest of the staff were wonderful to my mother. We have no animosity toward them at all."

Lopes, who stood just 5 feet tall, was raised on a farm in South Dakota, her daughter said. After moving to California, she took a job at McClellan inspecting aircraft.

"She was our own little Rosie the Riveter, small enough to fit into the nose cones" of planes to check for debris, said St. Urbain. "She was very proud of her work."

Besides her children, her daughter said, Lopes' great loves included big-band music, dancing and solving jigsaw puzzles. Lopes had a strong faith in God and "above all, taught me forgiveness," St. Urbain said.

Lopes had developed a tricky left knee, nerve pain from a bout with shingles and memory problems. She moved into Gold Age Villa nearly two years ago and was happy there, her daughter

said.

On the Thursday evening after Lopes ate the poison mushrooms, St. Urbain got a call from Oselsky, telling her that Lopes was ill with what appeared to be the flu. Early the next morning, she heard from an emergency room doctor at Sutter Roseville hospital who said Lopes was near death from wild mushroom poisoning.

"I thought, 'Mushroom poisoning? What?'" St. Urbain recalled. She contacted other relatives and headed to the hospital.

Lopes was conscious when they arrived, even joking, St. Urbain said. But within hours, she was dead.

"It was just a sad mistake. A lapse in judgment," St. Urbain said of the circumstances of her mother's death. "I feel terrible for everyone."

A fatal accident

Oselsky declined to talk to a reporter when approached at the care home last week. "We are having a hard time here," she said, and referred all questions to her attorney.

"She is very, very distraught about the whole situation, very concerned for everyone affected and their families," said the lawyer, James Hazen.

The California Department of Social Services has determined that the poisonings were accidental. Even so, Tirdea no longer is allowed to work in care facilities licensed by the state.

Regulators have deemed Tirdea a "threat to the health and safety" of clients, according to a report issued last week. But she will not face criminal charges. A police investigation concluded that "this was an accident," said Placer County Sheriff's Lt. Mark Reed.

Reed was among those who interviewed Tirdea and others at the

care home about the poisonings.

"At first you hear about something like this and you think, 'Well, all of the sudden all of these people were sick from food that someone gave them. Was there some sort of sinister motive or foul play?'" said Reed.

"Then we found out the caregiver herself picked the mushrooms and thought they were good to eat. She served them up, and she also got sick. We determined that there was no criminal intent. It's just a tragedy all the way around."

Gold Age Villa, which is perched on a hill amid equestrian property along Horseshoe Bar Road, continues to be licensed to care for up to six people ages 60 and older. Residents of such residential care facilities usually require less intensive care than those in nursing homes, although caretakers are available around the clock, said social services department spokesman Michael Weston.

Oselsky has held a license to operate the home since 2007, and the facility has an unremarkable record with state regulators. Following an inspection earlier this year Gold Age Villa received one citation, for "excessive water temperature" in its faucets.

The type and scope of the tragedy at Gold Age Villa, Weston said, "is like nothing that I can recall. We have had cases of where a fire killed a number of people, but something like this is highly unusual."

The culprit

The apparent culprit, the death cap mushroom, is one of several toxic fungi that grow in California.

In the north state, the death cap generally grows under live oak trees, but recently has been found alongside pine trees in Marin County, among other places.

"They look pretty good, almost identical to an edible variety," Olson said. But they contain deadly amatoxins, a protein that the body has trouble eliminating. Amatoxins cannot be killed by heating, Olson said.

Initial symptoms of mushroom poisoning include abdominal pain, vomiting and severe diarrhea. Symptoms may not surface for six to 12 hours.

Once consumed, the mushroom's toxin attacks the lining of the gut, causing fluids to "pour out of the system" and leading to life-threatening dehydration, Olson said. The amatoxins then get absorbed by the liver, damaging it and other vital organs. At that point, patients often need a liver transplant to survive.

The earlier the treatment, the better the prospects for recovery.

Typically, patients receive intravenous fluids to replace those they have lost, along with high doses of penicillin to prevent the poison from being absorbed by liver cells, said Olson. Doctors may also give them activated charcoal as an antidote.

People who consume a "mild to moderate" amount of toxic mushrooms and get treatment before they become severely dehydrated stand an 80 percent to 90 percent chance of survival, experts said.

A new treatment may lead to even better recovery rates, said Mitchell.

Since 2009, he and colleagues have been leading a national study of a drug derived from milk thistle that is showing promise, he said.

More than 60 patients have received the intravenous drug, called Legalon SIL, including one of the six people sickened

in Loomis, Mitchell said. That person survived, he said.

Lopes and Olesniewicz had already died by the time the surviving patient received the investigational drug, he said. The fourth person whose death officials attributed to mushroom poisoning, Dorothy Mary Hart, did not receive the Legalon treatment, nor did Blodgett.

Their stories, said Olson, should serve as a warning to Northern Californians who stumble across enticing patches of mushrooms while hiking, exploring or mowing the backyard.

“The lesson I would take from all of this is to never eat a mushroom that has not been properly identified by an expert,” said Olson.

Threat of flooding along Truckee River subsides

Updated Dec. 2 5pm: NV Energy is reporting 300 customers in Round Hill and 50 along the Mt. Rose Highway are without power. Crews are on scene trying to fix the problems.

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Latest outage update: 300 customers in Round Hill/South Shore; 50 along Mt Rose Highway; 200 in Hawthorne; 20 in Wadsworth. Crews on site.

The National Weather Service in Reno is calling off the threat of significant flooding along the Truckee River in Truckee and Sparks.

At 2:30pm Sunday the Weather Service lifted the flood warning in Carson City and western Douglas County.

When the rain turned to snow earlier in the day that helped reduce the chance of the river causing damage. However, all rivers and creeks in the Tahoe-Truckee-Reno area are flowing faster than usual for this time of year.



Ponding on Jeffery Street in South Lake Tahoe has neighbors calling it Lake Jeffery. Photo/LTN

Several surface streets have substantial standing water, so motorists are urged to use caution.

Those living where the water table is high have been running their sump pumps – something that usually doesn't happen until the spring runoff.

There is a 40 percent chance for rain and snow Sunday night in the Lake Tahoe and Truckee area.

– Lake Tahoe News staff report

El Dorado County woman loses cash in scam started on Craigslist

By Bill Lindelof, Sacramento Bee

A scam that started on Craigslist has left an El Dorado County woman out \$3,500.

Roseville police report that the woman recently listed her car for sale on the website. A man who said he was from San Francisco told her he wanted to deposit money into her bank account to reserve the vehicle.

The seller provided the man her bank account information over the phone. The buyer deposited a check into the seller's account. The check apparently never cleared before the man called again.

He demanded his money back because he said his daughter had obtained a loan for the car. The seller withdrew \$3,500 in cash from her account and gave the money to a woman who claimed to be the man's daughter in a Roseville parking lot. The bank later told the seller the deposited check was fraudulent.

Police said a banking source told them it takes two to seven days for a check to officially clear, even if the balance on the bank account appears to increase.

Winter storm warning means rain turning to snow in Tahoe

A winter storm warning has been issued for Sunday until 4pm for the Lake Tahoe area.

The National Weather Service in Reno is calling for 4-8 inches of snow at lake level, 10-16 above 7,000 feet, and more than 2 feet above 8,000 feet.

The rain falling this morning will turn to snow in the afternoon.

Expect whiteout conditions on surface streets, but especially over the passes.

The California Department of Water Resources has a list of rain totals for various locations on its website.

A break in the weather is expected on Monday. For skiers and snowboarders, it could be an incredible powder day. Ski resorts throughout the greater Lake Tahoe area have been receiving snow at the upper elevations while rain soaked the lakefront.

But don't put the rain gear away, but more of the wet stuff is expected to hit the Tahoe area on Tuesday and continue through Wednesday. The sun should pop out again on Thursday.

– Lake Tahoe News staff report

4 more companies want to cash-in on Tahoe's crayfish

Four outfitters want permission from the Tahoe Regional Planning Agency to harvest crayfish from Lake Tahoe.

In July, the Tahoe Lobster Company run by Fred Jackson received permission from Nevada officials to begin pulling the nonnative species from the lake and selling them for consumption. This is the first commercial fishing operation on Lake Tahoe since the 1930s.

Besides something different to dine on, removing the crayfish helps improve the clarity of the lake. They are linked to algae blooms.

Scientists estimate there are between 200 million and 300 million of them swimming around Lake Tahoe.

The current applicants are: Tahoe Crayfish Co., Tahoe Crayfish Henrichsen, Tahoe Blue Crayfish Co., and High Sierra Ventures. Each applicant wants to operate one vessel that could ply the waters of both states.

A public hearing will be conducted before a hearing officer of the TRPA on Dec. 20 at 2pm, 128 Market St., Stateline. Applications are available to review by the public at the TRPA office. For more info, call Patrick Stone at (775) 589.5213.

– Lake Tahoe News staff report

Court case debates question of off-duty marijuana use

By John Ingold, Denver Post

A case pending before the Colorado Court of Appeals could have a big impact on whether employers will be able to fire workers who smoke marijuana off duty.

The case concerns a former Dish Network telephone operator and medical-marijuana patient who was fired after testing positive for pot, even though there was no evidence he was impaired on the job. The operator, Brandon Coats, says it is against state law to fire someone for doing something off duty that is legal.

While Coats' case concerns medical-marijuana law, it is drawing extra attention after the passage of Amendment 64, which legalized marijuana use for everyone age 21 and older in Colorado. Some employers said during Amendment 64's campaign that they worried that the measure would prevent them from enforcing workplace drug policies that prohibit any marijuana use at all.

What Coats' case may answer: Does it?

"These are things that employers are definitely concerned about," said Vance Knapp, an attorney for the Denver firm Sherman & Howard who specializes in employment law. "For policy reasons, we want to make sure we have a safe workplace. And obviously, that has to be balanced against employees' rights in Amendment 64."

Previous cases have found that medical-marijuana patients do not have a right to cannabis under Colorado law. Coats' case, though, asks a different question.

Colorado's Lawful Off-Duty Activities Statute prevents employers from firing workers because of the legal things those employees do outside the office – such as smoking cigarettes, for instance – as long as those activities do not conflict with the employees' work. Coats' case is the first to challenge whether that protection extends to marijuana use that is legal under Colorado law but illegal under federal law.

Coats' attorney, Michael Evans, argues in his brief to the Colorado Court of Appeals that taking a narrow reading of the law would mean Colorado's roughly 100,000 medical-marijuana patients "would likely face immediate termination or become unemployable."

"It should be broadly and liberally construed to effectuate its purpose, which is to protect employees from unfair or discriminatory employment practices when they are in full compliance with state law," Evans writes in the brief.

But attorneys for Dish Network argue that marijuana's federal status makes it ineligible for protection under the Lawful Off-Duty Activities Statute.

"All use of marijuana is illegal under federal law," the attorneys write in their brief to the appeals court. "Accordingly, using medical marijuana is not a 'lawful activity.'"

In countering employers' concerns, Amendment 64's backers point to language in the measure that says: "Nothing in this section is intended ... to affect the ability of employers to have policies restricting the use of marijuana by employees."

Knapp, though, doesn't see that passage as crystal clear when it comes to off-duty use.

"I think there is some wiggle room," he said.

Still, Knapp expects the Court of Appeals – which has not indicated when it will rule on the case – to side with Dish Network.

“As long as it’s illegal under federal law,” he said of marijuana, “it cannot, by definition, be lawful.”

Strong winds, more rain coming Saturday into Sunday

The following are unofficial observations from storm reporters to the National Weather Service in Reno for the current series of storms through 11am Dec. 1:

LOCATION	STORM	TOTAL
TIME/DATE	RAINFALL	
INCHES		

Alpine Meadows	6.41	
9:30am Dec. 1		
Donner Lake	6.0	9:30am
Dec. 1		
Homewood	4.98	9:30am
Dec. 1		
Sagehen Creek F.S.		
4.39	9:30am	Dec. 1
Lake Tahoe Airport		
2.24	9:30am	Dec. 1
Incline Creek	2.18	
10:30am		Dec. 1
Tahoe City	4.25	7am

Dec. 1
Tahoma 4.18 7am Dec. 1
Truckee Airport 3.83
7am Dec. 1
Reno Airport 0.42 10am
Dec. 1
Carson City 0.70 11am
Dec. 1
Gardnerville 1.19 11am
Dec. 1

While there is a lull in the storms, the Saturday afternoon break will not be long-lived.

A powerful low-pressure system is on its way tonight and into Sunday. A high wind warning for the Lake Tahoe Basin has been issued until 10am Sunday.

The National Weather Service in Reno is calling for wave heights on Lake Tahoe to be between 4 and 7 feet. The winds out of the south will be 25-40 mph, with gusts of 65 mph. While some trees have toppled, they have missed structures. Gusts along the Sierra ridge could hit 140 mph.

Rain will return Saturday night and continue into Sunday.

Moderate flooding is expected along the Truckee River from Truckee to Sparks. Some bridges in Reno will be closed starting Sunday morning in preparation for the river hitting flood levels.

An evacuation center will open at 6am Sunday at the Administration Building of the Tahoe Truckee Unified School District at 11603 Donner Pass Road.



Upper Truckee River in South Lake Tahoe on Dec. 1.
Photos/Kathryn Reed

The Upper Truckee River and Trout Creek on the South Shore were flowing at a fast clip on Saturday, but not at flood levels. The Upper Truckee, though, could be seen from Highway 50 in South Lake Tahoe, when looking east, flowing into the meadow.

Sand bags are available in South Lake Tahoe at the fire station near the Y and at Bijou Community Park. In Douglas County they are available at Topaz Community Center, Ruhenstroth Firehouse, across from the Gardnerville Ranchos Firehouse, Johnson Lane Firehouse, Genoa Firehouse, Jack's Valley Firehouse and Zephyr Cove Firehouse. Sandbags are available at the Truckee Fire Protection District Station 92, 11479 Donner Pass Road. In Placer County, sand bags are available at: North Tahoe Fire Station 52, 288 North Shore Blvd., Kings Beach; Placer County Department of Public Works Corporation Yard, 2501 North Lake Blvd., Tahoe City; Old Squaw Valley Fire Station, 1810 Squaw Valley Road, Olympic Valley; Northstar Community Services District Corporation Yard, 50 Trimont Lane; and North Tahoe Fire Station 53, 5425 West Lake Blvd., Homewood.

– Kathryn Reed

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Nurse to stand trial in death of woman at El Dorado County care facility

By Marjie Lundstrom, Sacramento Bee

The former head nurse at a Placerville nursing home will stand trial for felony elder abuse in connection with the 2008 death of a 77-year-old Cameron Park woman, an El Dorado County judge ruled Tuesday.

More than 4 1/2 years after the death of Johnnie Esco, Judge Daniel B. Proud found there was sufficient evidence to move forward in the criminal case against Donna Darlene Palmer, 58, a registered nurse.

Palmer, who was then director of nursing at the El Dorado Care Center, was one of two nurses at the facility charged criminally by the California attorney general. The second nurse, 39-year-old Rebecca Smith, negotiated a deal earlier this month with the state.

Smith, a licensed vocational nurse, agreed to plead no contest to felony elder abuse in exchange for a possible suspended jail term and her willingness to help prosecutors in their pursuit of Palmer.

The attorney general contends both nurses failed to perform their duties or to adequately supervise staff in caring for

Esco, who died a painful and unnecessary death – despite a devoted family that surrounded her daily, according to testimony and state documents.

The unusual case has drawn widespread attention from the nursing home industry, legal analysts and advocates for the elderly, as criminal prosecutions of nursing home workers remain rare. Allegations of abuse or neglect are more frequently handled in the civil courts.

However, Attorney General Kamala D. Harris' office recently announced plans to step up its efforts with three new specialized teams aimed at building criminal cases statewide against nursing home administrators and employees.

Palmer's attorney, Patrick K. Hanly, said Tuesday he was disappointed by the judge's decision. Hanly, a former assistant U.S. attorney, grilled the prosecution's witnesses and pressed one of the state's key witnesses – also a nurse – into admitting she had withheld information from investigators and changed her stories multiple times.

Deputy Attorney General Steven Muni, who is prosecuting the case, said he was "very satisfied" by the judge's decision and believed he had a "good case moving forward."

Esco died on March 7, 2008, after being rushed to nearby Marshall Medical Center after a 13-day stay. The nursing home, owned at the time by Horizon West Healthcare Inc. of Rocklin, has since been sold and renamed.

Tuesday's testimony revealed some of the legal complexities of such cases – while also allowing a glimpse into the alleged troubling practices within nursing home care. Even her cause of death was battled around Tuesday, as the judge was preparing to decide if the case was worthy of trial.

The state contends that Esco – with a history of constipation – essentially had been ignored at the facility, and she

developed a devastating fecal impaction that led to her death.

The defense elicited testimony indicating that this was a pre-existing condition. And if there was neglect, attorney Hanly suggested, then why wasn't Marshall Medical Center deemed culpable – since Esco also had suffered a fecal impaction at the hospital, before her admission to El Dorado Care Center.

One prominent physician who specializes in geriatric medicine and nursing home care testified that Esco's medical records at El Dorado Care Center were suspicious – full of missing information, overwritten entries and curious, unexplained notations.

Dr. Kathryn Locatell said the records, among other things, led her to conclude that Esco had received substandard care.

"I don't consider that a failure of documentation," she said. "I consider that a failure of care."

Another nurse at the facility, Donna Eileen Pielin, testified for the state that Palmer had ordered her on two consecutive nights not to send Esco to the hospital, despite the woman's deteriorating condition.

On questioning from Hanly, Pielin, a licensed vocational nurse, admitted that she had not initially told investigators this story because Palmer was "very intimidating" and she was afraid of being fired.

She admitted on the stand that she repeatedly changed her stories about the events leading up to Esco's death because "I was fearful of consequences."

The next court appearance is scheduled for Jan. 18. No trial date has been set.

Esco's husband, Don Esco – who pressed for criminal charges – died in October, and his family was flying back this week to see him buried alongside Johnnie at Arlington National

Cemetery.

Family members of Donna Palmer also attended Tuesday's hearing in Placerville, offering words of encouragement during courtroom breaks.