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SANTA BARBARA NEWS-PRESS



OUR 156TH YEAR

WEDNESDAY, OCTOBER 26, 2011

75¢

Obama waits for GOP candidates to be 'voted off the island'

By **JIM KUHNHENN**
ASSOCIATED PRESS

SAN FRANCISCO — President Barack Obama says he's waiting for the Republican presidential field to narrow itself down 'Survivor'-style before he starts paying attention to the contenders running to replace him.

"I'm going to wait until everybody is voted off the island," Mr. Obama said, referring to the popular reality show in which contestants are voted off in each episode.

Mr. Obama made the comment in appearance on NBC's "Tonight Show," his second stop on Jay Leno's show as sitting president and fourth appearance overall. Mr. Obama taped the appearance in Los Angeles Tuesday morning before heading to San Francisco to raise money for his re-election campaign.

In excerpts released ahead of the show's airing Tuesday night, Mr. Obama also tackled more serious matters, including the killing last week of former Libyan leader Moammar Gadhafi. The president said Mr. Gadhafi had his chance to loosen his 40-year grip on power and peacefully transition to democracy.

"We gave him ample opportunity, and he wouldn't do it," he said. "I think it obviously sends a strong message around the world to dictators that people long to be free, and they need to respect the human rights and the universal aspirations of people."

When asked about GOP opposition to his decision not to keep U.S. troops in Iraq beyond the end of this year, Mr. Obama said: "It's shocking that they opposed something I proposed."

The president also tackled questions about Secretary of State Hillary Rodham Clinton, the NBA lockout and his favorite junk food during the interview.

Mr. Obama's appearance came in the midst of a three-day West Coast swing heavily focused on raising money for his 2012 campaign.

During a quick stop in San Francisco Tuesday afternoon, Mr. Obama sought to draw a distinction between his economic plans and those of his Republican rivals, who he said are only interested in cutting taxes for the wealthy and

Please see **OBAMA** on A6

Officer admits destroying Lance evidence

Testimony comes same day Kasi Beutel takes the witness stand

By **SCOTT STEEPLTON**
NEWS-PRESS CITY EDITOR

Certain attacks on the credibility of Kasi Beutel, the arresting officer in investigative journalist Peter Lance's misdemeanor DUI case, were deemed inadmissible by a Santa Barbara judge overseeing a pre-trial hearing into whether another officer lacked probable cause to pull Mr. Lance over early New Year's Day.

Darryl Genis, Mr. Lance's attorney, hoped to convince Superior Court Judge Brian Hill that Officer Beutel lied under oath in other cases, including one pending in another department of Superior Court, paving the way for the trier of fact — in this case Judge Hill — to take certain action when it comes to considering what the officer says on the stand.

"If she lied about a material fact, you should distrust all of her testimony," said Mr. Genis.

Mr. Lance, who has written extensively about his case in the News-Press, uncovered a host of alleged actions that shine a questionable light on the officer, from bankruptcy fraud to using pre-filled-out DUI forms in the field to subornation of perjury after trying to get the reverend who conducted her first marriage to backdate the marriage certificate.

"This hearing was not about whether there was a lie seven or eight years ago in a divorce proceeding. Maybe there was, maybe there wasn't," Judge Hill told Mr. Genis after sustaining a prosecution objection to such evidence being brought into this limited-scope hearing.

"A tiger does change its stripes?" replied Mr. Genis.

"There's a question as to whether there were any stripes in the first place," said the judge.

What Mr. Genis was especially hoping to get in the record are documents in which Officer Beutel, in the defense's eye, lied about facts in other cases — facts that contradict what other officers reported in the same cases.

One example involves a hit-and-run in which Officer Beutel states on a booking sheet that a witness to the crash positively identifies the offending driver in direct contradiction to another officer who says the witness was unable to make such identification.

Despite the judge's decision, the defense was able to do something Tuesday it has sought to do for months: get the five-year veteran Santa Barbara Police Department officer, a star among peers across Santa Barbara

Please see **LAUNCH** on A7



STEVE MALONE / NEWS-PRESS

Officer Kasi Beutel, center, walks back to court Tuesday after a lunch break in the Peter Lance DUI case. Accompanying her are uniformed Santa Barbara Police Department colleagues and Lance case witnesses, Officer Bruno Peterson, left, Officer Heather Clark, and Officer Beutel's husband, Officer Mark Corbett.

County for her DUI arrests, to answer questions under oath.

In cross examination testimony at times snappy, at times evasive, at times bumbling and at times as direct as can be, the officer for the first time spoke in public about the arrest nearly 11 months ago.

Mr. Genis also elicited from another SBPD officer, Heather Clark — partner of the officer who made the initial stop of Mr. Lance — this surprise piece of testimony: that she destroyed an audio recording she made of Mr. Lance during his arrest after determining, without any input from superiors, that the tape served no evidentiary value.

Mr. Genis asked the officer, who's been on the force since May 2006, whether Mr. Lance's voice could be heard on the recording.

"It had his voice on it, yes," the officer replied.

The officer said she hit the record button near the end of the "contact" between Officer Beutel and Mr. Lance because "I didn't know the direction the contact was going to take." Mr. Lance, she said, was becoming verbally abusive to Officer Beutel.

So why not start recording earlier in the stop?

"I didn't have an opportunity sooner because I was providing cover for Officer Beutel," she said. "I was watching the contact with the defendant."

"I didn't take the opportunity to turn it on until after (Mr. Lance) was in custody and under arrest."

The defense attorney also asked whether Officer Clark had ever destroyed evidence in other DUI cases.

"Not that I'm aware of," she replied.

In response to a question from the judge, Officer Clark said the recording was 20 seconds at the most.

Why did she stop?
"Because the contact was concluded."

The judge wanted to know whether she sought guidance from anyone before destroying the recording.

She said no.

Asked to again explain why she destroyed it, Officer Clark replied: "I don't recall there being anything of evidentiary value being on the tape."

Mr. Genis pressed her on why she didn't fill out a report about the stop near the time of the arrest, instead waiting until the middle of May.

"Sanford Horowitz told you to write a report," Mr. Genis said, referring to the lead prosecutor in the case.

"Yes," replied the officer.

Mr. Genis: Did he tell you what to put in the report?

"He didn't say anything about what he wanted in the report."

The driver of the patrol unit Officer Clark was riding in the morning of the Lance arrest, Bruno Peterson, also took the stand Tuesday. Under direct examination by Mr. Horowitz, the officer said he was in the 1200 block of Santa Barbara Street approaching Victoria Street when he observed a car stopped at a red light.

The light turned green but the car didn't move, impeding a car behind it, said the officer.

Officer Peterson said he pulled alongside the car, and noticed the driver, later determined to be Mr. Lance, "appeared to be looking down at his lap."

The officer shined his alley light in the driver's face, the driver looked over, looked toward the intersection

and then looked down again. Then he drove off.

In the 1400 block, the officer initiated a traffic stop.

The officer said Mr. Lance had red, watery eyes and admitted to drinking three glasses of champagne.

Based on that admission and his observations, said Officer Peterson, he called on the police radio for the Drinking Driver Team officer.

That was Kasi Beutel, who arrived soon after and ultimately made the arrest, after determining by way of a breathalyzer machine that Mr. Lance had a blood alcohol concentration of .09.

The legal limit in California is .08.

During cross examination, Mr. Genis took Officer Peterson's attention back to a DMV hearing in the Lance matter where the hearing officer, reading from a form signed and submitted by Officer Beutel, stated the reason for Mr. Lance being stopped was because he made an unsafe turning movement.

"Did you tell Kasi Beutel you stopped Peter Lance for making an unsafe turning movement?"

"I don't recall telling her that, no," replied the officer.

Mr. Horowitz objected, but Mr. Genis told the judge that Officer Beutel put in her report that Officer Peterson "told her the reason (for the stop) was 'unsafe turning,' and he didn't tell her that."

"It impeaches her testimony," said Mr. Genis.

Officer Peterson said Officer Beutel later told him it was an error.

"I know that was not what I told her," he said, adding he couldn't

Please see **LANCE** on A6

Council election ballots coming in slowly

By **MORGAN HOOVER**
NEWS-PRESS STAFF WRITER

Just two weeks from election day, about 6,000 of 45,000 distributed ballots have been mailed back to City Hall for counting.

But response in the city's previous mail-in election was heaviest toward the end and Democrats are hopeful, a party official said.

"It's no secret that high turnout is good for Democrats," said Daraka Larimore-Hall, chairman of the Democratic Party of Santa Barbara County. "The overwhelming majority of voters in Santa Barbara are Democrats."

Mr. Larimore-Hall said that in 2009, the first time the city did a vote-by-mail election, turnout was around 50 percent.

"But it was also really slow and concentrated at the end of the voting period," he said. "I think things are looking really good out there, but turnout will be the key as always."

County Republicans' representative Joe Armendariz said the low turnout early on is a reflection of the times.

"People aren't basing their votes purely on partisan loyalties, and in Santa Barbara that is a good thing for Republicans," he said. "And I think it makes for a more healthy democracy."

The candidates themselves continue to be optimistic.

"It could mean that people are thinking it over," said incumbent Randy Rowse. "There are still enough votes out there to where we have to keep doing our door-to-door stuff."

Cathy Murrillo said her information is that half of those who have voted are Democrats.

"I think that's a good sign," she said. "When we went door-to-door ... we got a lot of yeses so we're feeling good."

Iya Falcone pointed out that there are two weeks left.

"It's still early," she said, "and I believe that the voters are going to come through by Nov. 8."

She said traditionally most votes show up in the last several days of an election.

"I'm still feeling very confident and very good about folks making their wishes known by voting," Ms. Falcone said.

Deborah Schwartz said her campaign is enthusiastic and receiving great response from voters.

"I think in the end what's most exciting to me is to have supporters from all walks of life and even every age group participating in my campaign," she said. "It's really a communitywide effort."

Incumbent Michael Self said she is feeling love from the community as well.

She told the News-Press Tuesday that those who haven't voted should get informed before they do.

"You're informed before you get your driver's license," she said, "and when you're selecting someone to represent you I hope you're aware of what their policy positions are."

Sebastian Aldana said he suspects most people will turn their ballot in on the last day possible.

"Everybody's wired different," he said. "It would be a shame if it's

Please see **VOTES** on A10

SCANNING THE GLOBE

NASA satellite set for liftoff Friday from Vandenberg

By **NORA K. WALLACE**
NEWS-PRESS STAFF WRITER

In the early morning hours Friday, a Delta 2 rocket will lift off from Vandenberg Air Force Base carrying a satellite with an ambitious Earth-observation mission for NASA.

The \$1.5 billion National Polar-orbiting Operational Environmental Satellite System Preparatory Project, or NPP, is designed to help scientists understand climate change; observe natural disasters; make weather predictions; monitor changes to the Earth's global ice cover; check the spread of air pollution and maintain a global record of atmospheric, land and surface temperatures.

"NPP will be NASA's first Earth

observing satellite to measure both climate changes and key aspects of day-to-day weather," said Steve Cole, a NASA spokesman, earlier this month.

The NPP will be aboard a United Launch Alliance Delta 2 rocket launching from Space Launch Complex 2 between 2:48 and 2:57 a.m.

The weather on the Central Coast is expected to be clear, and the launch should be visible for miles.

"NPP's observations of a wide range of interconnected Earth properties and processes will give us the big picture of how our planet changes," said Jim Gleason, NPP project scientist at NASA's Goddard Space Flight

Please see **LAUNCH** on A7



COURTESY PHOTO

In a clean room at Vandenberg Air Force Base, technicians perform final tests on a satellite due to launch Friday morning.

Reunion celebrating satellite sensor's launch

By **NORA K. WALLACE**
NEWS-PRESS STAFF WRITER

It's not often a workplace reunion is geared to the launch of a billion-dollar rocket.

But for a group of former Raytheon-Santa Barbara Remote Sensing employees, the liftoff of a Delta 2 rocket from Vandenberg Air Force Base on Friday is the culmination of more than six years of waiting.

Many of the former aerospace employees were involved in some way in the development of the VIIRS, or Visible Infrared Imager Radiometer Suite, one of the key instruments aboard NASA's National Polar-orbiting Operational Environmental

Please see **REUNION** on A7

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Shots fired in high-speed chase

Santa Maria police officers book two suspects

By KATHRYN WATSON
NEWS-PRESS STAFF WRITER

Shots were fired by Santa Maria police officers early Tuesday morning in Casmalia after suspects in a high-speed vehicle pursuit allegedly drove toward officers, authorities said. No one was hit in the shooting, and after a search using a K-9, authorities eventually arrested John Arthur Budd Jr., 37, of Santa Maria, and Elizabeth Linda Brewer, 41 of Guadalupe. They

were booked into Santa Barbara County Jail, a Santa Maria Police Department news release said. The two officers who fired shots have been placed on routine administrative leave until the investigation is over, the release said. At about 2 a.m. police received a report of two subjects acting suspiciously in a parked pickup in the area of Via Rosa and Paseo Palmilla. When officers responded and attempted to stop the vehicle, the

driver fled immediately at high speed, the news release said. Officers pursued the vehicle to Casmalia, where the driver came to a dead-end area in the area of Point Sal Road and collided with a utility pole, the release said. The driver then drove toward police officers, and two officers shot at the vehicle three times, the release said. Neither suspect was hit by gunfire. After ramming into police units, the driver fled on foot into a nearby

wooded area, where a police K-9 found him, the news release said. The driver suffered a bite from the dog, the release said. Police did not disclose where the suspect was bitten. The passenger also fled but was found and arrested. Both suspects are being held on charges related to the pursuit and on suspicion of assault with a deadly weapon on a police officer, the release said. Ms. Brewer also was arrested on

suspicion of being under the influence of narcotics, as well as resisting, delaying and obstructing a police officer. Mr. Budd—who was also wanted on a felony parole warrant—was identified as the driver and was arrested on suspicion of attempted murder of a police officer; felony evading, resisting, delaying, obstructing a police officer; and being under the influence of narcotics. The names of the officers who fired



Budd Brewer

shots are being withheld at present, the release said. The incident will be reviewed by the District Attorney's Office after the investigation is completed.

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Bomb threat cancels flight from SB airport

A bomb threat Monday at the Santa Barbara Municipal Airport night halted a flight to Phoenix. Sgt. Lorenzo Duarte of the Santa Barbara Police Department said the airport patrol called police at about 7:20 p.m. to report a bomb threat on a U.S. Airways plane. Sgt. Duarte said he did not have information on a suspect Tuesday, but an unknown male caller made a series of short calls to an operator at the airport's operations center. The calls culminated in a bomb threat while the plane was on the tarmac ready to depart, Sgt. Duarte said, so the decision was made for the plane to taxi back to the terminal. On board were 18 passengers, two pilots and one crew member. Air Patrol and TSA staff escorted passengers to a restaurant area and officers questioned passengers individually and verified their identities.

The Santa Barbara Joint Bomb Squad and the FBI Bomb Squad both responded, and aircraft, passengers and luggage were screened. Nothing suspicious was found, Sgt. Duarte said.

About 15 of the 18 passengers boarded the plane in anticipation of the flight to Phoenix, but at about 11:25 p.m., another bomb threat was made by the same caller and the flight was canceled.

Police, the Santa Barbara County Sheriff's Department and the UCSB Police Department conducted a search of the airport and its perimeter, finding nothing. The investigation is ongoing.

—Morgan Hoover

Sgt. Lorenzo Duarte of the Santa Barbara Police Department said the airport patrol called police at about 7:20 p.m. to report a bomb threat on a U.S. Airways plane.

South Coast business leaders trade ideas, solutions in D.C.

By MICHAL ELSETH
NEWS-PRESS STAFF WRITER

Thirty-one South Coast business leaders joined Rep. Lois Capps, D-Santa Barbara, Tuesday in Washington, D.C., to discuss job creation. A day of panel discussions featured a broad array of experts who addressed both immediate job creation and long-term economic growth, with a focus on small business on California's Central Coast. Speakers took an optimistic view of the future of American business, a view attendees were eager to hear as they shared the difficulties of job creation and innovation in Santa Barbara, Ventura and San Luis Obispo counties.

"The most optimistic thing you can do is to start a small business," said Rep. Nancy Pelosi, D-San Francisco, former speaker of the house, making a surprise appearance during the morning's job creation panel. The top hindrances to job creation

raised both by speakers and attendees were lack of access to capital, a workforce whose skills do not match available jobs, and a growing concern about the United States staying competitive in innovation.

Proposed solutions included both government and private sector action. Congress' role, several speakers said, is primarily to create a job-friendly environment by cutting payroll taxes, deregulating small businesses and increasing access to capital.

"We don't create jobs, we create an environment in which jobs can be created," said Rep. Rosa DeLauro, D-Conn.

The need for capital was a theme that resonated with attendees, who shared stories of South Coast business owners they know who need funds both for startup and for daily operating costs but can't get credit in the private market.

Patrick Kelley, with the Small Business Administration Office of

Capital Access, said several federal loan programs extend credit beyond what businesses may be able to get on their own.

The SBA plans to give 324 percent more working capital loans this year than any prior year, he said.

Jim Kessler, senior vice president for policy at Third Way nonprofit think tank, closed the session with an optimistic view of the economy.

The U.S. economy faces three major hindrances right now, he said: housing, the European economy and general uncertainty about the future. Each of those factors hampers growth, and housing is by far the most difficult to overcome, but the numbers are improving, he said.

"I do think the U.S. is poised to grow," he reassured attendees, saying he thinks the likelihood of falling into another recession is small.

Mr. Kessler said economists are pessimistic about the growth rate for several reasons. First, the U.S. is an aging country, both in infrastructure

and in population.

Second, while other nations are rapidly improving, education achievement in the U.S. is stagnant.

The third reason is obsolete government institutions, tax codes and regulations long overdue for an update.

But slow growth is a prediction, not destiny, he reminded guests.

Attendees told the News-Press they saw the conference as an opportunity to represent small business interests to Mrs. Capps and Congress while garnering job solutions from other guests.

Dawn Dyer, a real estate analyst at Dyer Sheehan Group in Ventura, said she believes it was not only an honor but a duty to contribute.

Rather than simply arguing with the "talking heads" on television, the day's events offered a way of having a voice, she said.

Michael Scott, chairman of small business counseling nonprofit SCORE in Ventura and Santa

Barbara, said he wanted to advocate for the needs of entrepreneurs of startup ventures.

"I would like to see the federal government handing out funding in a meaningful way," he said.

He told the News-Press while the morning's sessions didn't offer as many answers to his questions about startup funding as he hoped for, it is absolutely crucial to establish a connection between representatives and those fighting the battles for jobs in their districts.

Mrs. Capps told the News-Press she uses input from meetings like Tuesday's conference in helping shape policy in Congress.

"The discussions I have with local business and community leaders from the Central and South coasts about what works, and what doesn't, help me better represent my constituents," she said. "I take their ideas with me into all of the discussions about our economy."

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Jesusita Fire lawsuit delayed to allow more plaintiffs to join

By ANGEL PACHECO
NEWS-PRESS STAFF WRITER

Two consolidated civil lawsuits involving the Jesusita Fire have been delayed to January, allowing more plaintiffs to join one of them, an attorney said Tuesday.

Superior Court Judge Thomas Anderle stayed the proceedings Tuesday, giving time to insurer companies to become part of the lawsuit against the manufacturer of the weed-trimmer blamed for the 2009 blaze, as well as two vendors that sold it, said attorney Brian Heffernan, lead counsel for the affected homeowners who brought the lawsuit.

The lawsuit against STIHL Inc., A-OK Mower Shops Inc. and Orchard Services has been joined to a lawsuit filed by the California Department of Forestry and Fire Protection, and Cal Fire against Dana Neil Larsen and Craig William Illestine; Cal Fire alleges the two men created sparks.

Cal Fire hopes to recover at least \$35 million in costs spent battling and investigating the 8,733-acre blaze that destroyed 80 homes.

Cal Fire is alleging the two men created sparks when their brush cutters fitted with metal blades hit rocks while they cleared vegetation along the Jesusita Trail on May 5, 2009.

The Cal Fire suit has been stayed

along with the other suit, Mr. Heffernan said in an email.

Mr. Heffernan's lawsuit does not list Mr. Larsen or Mr. Illestine, and even notes that the men intended to make the trail safer. He instead alleges STIHL, A-OK and Orchard failed to warn of fire risks.

Mr. Heffernan has told the News-Press that testing completed by fire personnel revealed sparks sufficient to cause a fire are produced when the brush cutter blades come in contact with soil that vegetation grows from, regardless of whether there are any rocks.

"All issues will ultimately be resolved—the two men, the machine,

the lack of warning, everything—in one proceeding," Mr. Heffernan said in the email.

Mr. Heffernan noted that consolidating the cases was unopposed and he was all for it.

"I think the state of California is in for a surprise when the facts surface but it is fine with me that their case be presented along with mine and this is precisely what will transpire at a future undetermined date in 2012," he wrote.

Cal Fire is being represented by the California Attorney General's Office. The court has designated the matter as being "complex," and it's on for a complex case management

conference Jan. 26, 2012, attorney general spokeswoman Becca MacLaren said in an email.

Authorities identified Mr. Larsen and Mr. Illestine in late 2009 as responsible for the Jesusita Fire. Criminal charges included failure to get a hot-work permit and the proper firefighting tools for the work.

However, a judge last year dismissed the hot-work permit charges. After pleading no contest to the remaining charge, Mr. Larsen and Mr. Illestine were each sentenced to 250 hours of community service.

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Obama reminds supporters of victories on health care, gay service members

■ OBAMA
Continued from Page A1
eliminating regulations.

"It's not as if we haven't tried what they're selling. We have. And it didn't work," he told a 200-person crowd, each of whom paid a minimum of \$5,000 to attend.

With his poll numbers sagging and enthusiasm among some of his supporters waning, the president reminded backers that his administration has had significant accomplishments, from overhauling health care to ending the military's ban on gay service members. But he acknowledged that change hasn't always been easy to come by.

"It's not as trendy to be an Obama supporter as it was back in 2008," he said. "We've had setbacks, we've had disappointments. I've made mistakes

on occasion."

From San Francisco, Mr. Obama was headed to Denver for two more fundraising events.

The Western tour is one of Mr. Obama's busiest donor outreach trips of the season. In Los Angeles Monday, he turned to celebrities, including actor Will Smith and basketball legend Earvin "Magic" Johnson, to bring in money, and mingled with Melanie Griffith and Antonio Banderas over canapés at the movie star couple's home.

Celebrities are tried and true fundraising draw, particularly for Democratic presidents. Both the president and the stars bask in their reflected fame and the endorsement

of stars can be a useful asset.

California ranks as Mr. Obama's top donor state, and he raised about \$1 million in the Los Angeles area alone during the last two fundraising quarters, according to an Associated Press review of contributions above \$200.

Not that he needs the votes in California, a solidly Democratic state. However, Sacramento-based Democratic consultant Roger Salazar said the president, echoing national trends, is less popular now in the state than he was when he was elected.

"Democrats by their nature are going to give the president the benefit of the doubt," said Mr. Salazar, a veteran of California and national political campaigns. "But they want him to

do something about it. They want to see some movement."

Mr. Obama is promising some movement. He has been promoting his \$447 billion jobs bill, which has been broken up into its component parts in hopes Congress can pass some of them. He's also focusing on steps his administration can take without congressional approval, including an initiative announced Tuesday to offer millions of student loan borrowers the ability to lower their payments and consolidate their loans. Earlier this week, the administration unilaterally created new rules to allow homeowners who are deeply underwater on their mortgages refinance at lower rates.

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Santa Barbara Public Library
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SUNDAY, OCTOBER 30
10:00 am – 2:00 pm
Farmers Market – Camino Real
Corner of Hollister and Storke

THURSDAY, NOVEMBER 3
4:00 – 7:00 pm
Santa Barbara Cottage Hospital
1st floor, Conference Room C/D

Cottage is a not-for-profit organization providing medical excellence close to home.

Beutel on stand for four hours

■ LANCE
Continued from Page A1

understand why Officer Beutel would write down something he didn't tell her unless it was a mistake.

Officer Peterson said he observed no unlawful driving on Mr. Lance's part from the time he first came upon him at the green light and the time he made the stop.

"You saw him drive perfectly normal after he left that light," said the attorney.

"To the best of my recollection," said the officer.

So why stop him?

"I wasn't sure if he was dozing off, text messaging, suffering from a medical emergency."

Mr. Genis wondered whether the officer, by shining the light in Mr. Lance's face, didn't actually make him wait at the green longer than if there wasn't a light in his face.

"He was looking down at his lap," said Officer Peterson.

"You don't know whether he'd gone sooner" if not for the light, continued Mr. Genis.

"I suppose so," replied the officer. Judge Hill then interjected: "You don't know whether he'd remain longer."

"Yes, your honor," said the officer. The prosecution's star witness Tuesday was Officer Beutel, who arrived dressed in a black pant suit and top, with some of her dark hair pulled back and held in place with

what appeared to be a barrette featuring a white flower. She was accompanied by her attorney, Charles Goldwasser, who explained to the judge he was on hand to advise his client on any questions that might result in her making incriminating statements.

Judge Hill allowed him to sit near Officer Beutel, but the only time Mr. Goldwasser counseled his client was when Mr. Genis questioned her about recent leaves of absence from the department, which have gotten in the way of her testifying in court and at DMV hearings pertaining to DUI cases.

Officer Beutel was on the stand for about four hours, broken up by a lunch recess that she spent, in part, with the two officers about whom she would testify and who would eventually testify about her.

Mr. Genis sought to call four other SBPD personnel to testify about the repeated "unavailabilities" they signed on Officer Beutel's behalf in this and other matters, the idea being that if the officer is well enough to appear for one hearing in a certain time frame, she shouldn't be able to say she can't appear for another in that same time frame.

Testimony from the others on the force would shed light on her credibility, according to the defense.

But the prosecution, with assistance from the Santa Barbara City Attorney's Office, quashed the effort,

Please see LANCE on A10

Board member questions report

■ SCHOOLS
Continued from Page A3

elementary and secondary principals Tuesday afternoon, Dr. Cash said about 50 minutes of the meeting addressed experiences like those in the report.

"Our senior staff is going to be working hard at providing the board with an opportunity to look carefully at restorative justice as a discipline model in our schools," said Dr. Cash, adding that an external agency will be called in to provide "boots-on-the-ground" training.

As board members hashed out the validity of the actual report, however, discussion grew passionate and personal.

Board member Ed Heron questioned how accurate the students' claims really were. Parts of the report, taken from the student and parent surveys, allege serious mistreatment of students by teachers and staff—even violence, he said.

"It's a very broad indictment," Mr. Heron said gravely, questioning the small sample size and adding that he doesn't think the matter is as "black-and-white" as the report shows.

To Mr. Heron's remarks, board President Annette Cordero responded by defending the report, maintaining that it's "extremely important" not to discount students' personal experiences.

"They are experts on their own realities," she commented.

Mrs. Cordero said she was "thrilled" with the move toward restorative

justice, asserting that the district needs to keep in mind culturally relevant approaches.

Board member Monique Limon adamantly said the accounts like those in the report were part of her reality growing up.

"This is historical," she said. "We're not hearing anything we haven't been hearing for the past 40 years. ... This is real. And, it's personally very real to me."

Mr. Heron said he agreed with everything his colleagues were saying, but that—if students' claims are to be taken seriously—there should be serious consequences for teachers and staff.

"If that's actually the truth ... then drastic action has to be taken," he told his colleagues.

While Mr. Heron said he didn't disbelieve the existence of such behavior by teachers and staff, the report, he said, is "way to one side."

He said he has faith in staff members and will stand by them.

Board member Kate Parker followed his remarks.

"As long as it happens at all, it needs to be addressed," she said. "Period."

Mrs. Cordero, visibly unhappy, looked in Mr. Heron's direction.

"I'm feeling a little bit disappointed," she said, that some comments were more concerned with the small sample size rather than the comments and findings themselves.

"We need to believe it," she said firmly.
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Candidates express hopes for good turnout

VOTES
Continued from Page A1

a low voter turnout because it's important. There's big issues that need to be taken care of."

He said the public should be interested in the process, but he has talked to many who said they may not vote. But "every vote counts," he pointed out.

Ballots also can be left at drop-off centers from 8 a.m. to 5 p.m. Nov. 5 and from 7 a.m. to 8 p.m. Nov. 8.

- Those centers are:
- The Braille Institute of America, 2031 De La Vina St.
 - Santa Barbara Municipal Tennis Center, 1414 Park Place
 - Grace Lutheran Church, 3869 State St.
 - Pilgrim Terrace, 649 Pilgrim Terrace Drive
 - City Hall, 735 Anacapa St.
- Anyone who has lost their ballot can vote provisionally on those dates at any of the centers.

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Officer says Lance mostly cooperative, but became verbally abusive

LANCE
Continued from Page A6

arguing that the reason for the officer's leaves are private.

It was noted that Officer Beutel was on leave as of Tuesday; the nature of that leave was not disclosed.

When she took the stand under direct examination, Officer Beutel went through her experience, which included training other officers in DUI detection and investigations.

She said Mr. Lance was cooperative for the most part, becoming verbally abusive when he was placed in handcuffs.

Officer Beutel described him as an "intolerant drinker," showing a lot of impairment given his BAC was on the lower side.

"I don't want to say I was surprised, but concerned about his impairment," she said.

The officer said she called off a field sobriety test, where Mr. Lance was asked to stand on one foot, at the 11-second mark, 19 seconds sooner than it is intended to last, "out of fear for his safety."

She said Mr. Lance said something about a quota, made disparaging remarks about Police Chief Cam Sanchez and mentioned being an investigative journalist.

She ultimately cuffed him, took him to the sobering center and released him.

She also said Mr. Lance, contrary to defense claims, signed the Trombetta waiver giving up his right to a re-testable blood sample.

Mr. Horowitz was first to ask the officer about one of her more controversial practices — using DUI forms that include some pre-filled-out sections.

"I started using partially pre-filled forms early on," she said, in November 2009 to be specific.

First a move toward efficiency, Officer Beutel said she gave up the practice in 2010 because it was too messy having to go back and fix some of the pre-filled answers, all of which she classified essentially as the mundane questions, such as whether the vehicle is having mechanical problems.

"It ended up being messier than I would like because of changes I had to make."

She said when the answers she gleaned in the field were different from the answers she had already marked, having to cross out existing answers and circling others "just overall, it made it messier."

Mr. Genis asked whether she was being paid for her court time.

"I believe so," she replied with a laugh. "I hope so."

Mr. Genis asked whether the officer was on administrative leave.

She said no.

Then he asked about medical leave. "Your honor, may I advise my client?" said Officer Beutel's attorney, Mr. Goldwasser.

The judge said yes. After a moment with her attorney, the officer said: "Your honor, I do believe I have a right to privacy and confidentiality."

Mr. Genis said he wasn't asking her to disclose the nature of her medical condition, just if there was one.

The judge said she didn't have to answer the question.

Mr. Genis then moved on to discrepancies in her account of the Lance

incident compared to that of Officers Peterson and Clark.

The defense noted that Officer Beutel's narrative of the incident states the other officers said they observed the driver passed out.

"Who told you Peter Lance was passed out?"

She couldn't recall.

"I believed one or both, I don't at this time recall, said he may have been passed out or was passed out or appeared to be passed out."

Mr. Genis also inquired about what she'd put in the narrative about the reason for the stop.

"My recollection is he was stopped for failing to (proceed) on a green, and unsafe turning movements."

Who'd informed her of unsafe turning movements? Mr. Genis asked, adding that she signed a form for the DMV attesting to that being a reason.

Instead of answering, she got tripped up on the word attest.

Over a prosecution objection, Mr. Genis again tried to get from the officer who told her about the unsafe turning movement, which she put in the DMV form.

Again, she couldn't recall. "So either Peterson or Clark told you?"

Mr. Horowitz objected, but the judge allowed the question.

"At the time I wrote this, that's what I believe that I'd been told," Officer Beutel replied.

Mr. Genis then went back over some of her earlier testimony in which she said three patrol cars, including her own, were on the scene of the Lance arrest. He reminded her Officer Clark and Peterson arrived together.

The judge asked, "Do you remember saying there were three?"

"If I did, I apologize," said Officer Beutel. "It was an error because there were three officers there."

Officer Beutel said she witnessed Mr. Lance sign the blood-test waiver, a contention he denies, claiming his signature was forged.

Mr. Genis then got to the central theme of the defense case — whether Officer Beutel's use of pre-filled forms showed a mindset to frame motorists for DUI.

"Is it your testimony you did not use a pre-checked form in Peter Lance's case?"

"Yes," replied the officer.

"Nothing on Mr. Lance's form was pre-checked prior to the investigation," she added later.

Mr. Genis wondered why it is that some boxes on the form appear to have been marked multiple times. (The defense says the marks indicate a pre-filled, photocopied form.)

Officer Beutel explained additional marks, say, in the box describing Mr. Lance as being unsteady, was a way to remind herself later just how unsteady he was.

"When you checked unsteady, how many times did you check it?"

"Two, maybe three times," said the officer.

And why so many checks?

"He was very unstable," she said. "It was very, very pronounced. . . . Same reason I wrote the word very, I was trying to make a note of it because it was so pronounced."

Said Judge Hill: "For emphasis."

"Yes," the officer replied with a laugh. "Thank you, your honor."

The hearing continues Nov. 1.

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