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Where'd our beach go?

High seas and winter storms since the beginning of the year have carried away most of the sand at Carmel Beach, as they often do, but this year's were also fierce enough to claim the bottom of stairways from Scenic Road at 10th Avenue and 12th Avenue. The wooden staircases are made to break away at the bottom, protecting the rest of the steps and the supporting bluff. City administrator Rich Guillen said the stairs will be fixed this spring after the stormy weather subsides. Even before this week's deluges, total rainfall for the year had reached 19.9 inches, or 128 percent of average.

PHOTO/PAUL MILLER



Anchorwoman relives dog attack in jury trial

■ Ospina says she has flashbacks

By KELLY NIX

IN EMOTIONAL and, at times, tearful testimony, KCBA and KION anchorwoman Olga Ospina recounted in a Monterey courtroom this week the fatal mauling of her beloved dog, Lulu, by a Labrador in front of the Pacific Grove post office almost three years ago — an attack Ospina said has left her with flashbacks and nightmares.



Olga Ospina

Ospina's testimony Tuesday marked the second day of a jury trial in Monterey County Superior Court over a lawsuit the newscaster filed against the Labrador's owner for the July 25, 2007 attack.

In her suit, filed in October 2008, Ospina asks that dog owner Donna Bazan and her father, Donald Armstrong, be ordered to pay her tens of thousands of dollars for pain and suffering, wage loss, vet bills and other damages.

Ospina rejected a \$40,000 offer by Bazan and

Armstrong to settle the case.

In tearful testimony, Ospina, 38, said she was on a routine walk with Lulu at about 11 a.m. when she passed Bazan's Ford Explorer in front of the post office and saw Bazan's Labrador, Samson, climbing out of a partially open window. The Lab lunged, bit Ospina's arm and then attacked Lulu.

"I still had Lulu by the leash," Ospina said. "That's when he just grabbed her with his jaws."

Frantically trying to fight off the dog, Ospina said she screamed "at the top of my lungs."

"I said, 'Help me, somebody please help me!'" Ospina said. "I was screaming so loud. I can't tell you how many minutes [it was]. It seemed like an eternity ... I thought, 'I'm just left to fend for myself.'"

See **OSPINA** page 25A

Big Sur wilderness bill — will it make it harder to fight fires?

By CHRIS COUNTS

A LOCAL environmental group is praising a bill that would designate 920 acres in the northeast corner of Andrew Molera State Park in Big Sur as a state wilderness area. But some Big Sur residents are concerned the designation would limit access to a critical fire break in the event of a wildfire, and others are disappointed the bill's author, Assembly member Bill Monning, didn't discuss the proposal with Big Sur residents before unveiling it.

The bill — AB 2074 — was introduced by Monning Feb. 18. The proposed wilderness area comprises about 19 percent of the 4,766-acre park, which is located on Highway 1 about 24 miles south of Carmel.

Monning told The Pine Cone that a wilderness designation will create a greater obstacle to development in the park. And while the northeastern portion of the park does not appear to be facing any immediate threat of development, it is possible that California State Parks

See **WILDERNESS** page 9A

Salyer's effort to get bail fails again

By PAUL MILLER

SACRAMENTO — YET ANOTHER federal judge has deemed Scott Salyer a "substantial flight risk."

And no matter how much bail he posted and how closely he might be monitored by authorities while awaiting trial, there is no way to ensure Salyer, 54, would show up in court, Federal Magistrate Edmund Brennan ruled Wednesday afternoon. He ordered that Salyer be held without bail in the Sacramento County Jail.

Salyer, a longtime Pebble Beach resident and former head of one of the country's most profitable agricultural and food processing companies, was arrested at New York's JFK airport Feb. 4 after being indicted by a federal grand jury on

multiple charges of price fixing, bribery and selling tainted food. He faces 20 years in prison if convicted.

The day after his arrest, Salyer was ordered held without bail by a federal judge in Brooklyn who agreed with federal prosecutors that Salyer had an elaborate plan to escape justice by moving his money, and himself, to another country.

But during an hour-long hearing Wednesday afternoon at the U.S. District Courthouse here, Salyer's attorney, Malcolm Segal, asked Federal Magistrate Edmund Brennan to reverse that decision and let Salyer go home to his family, including two daughters and a newborn grandson, in the Monterey Peninsula.

"My client isn't a runner, he's a fighter," said Segal. "And he would never abandon his family or do anything to put their financial future in jeopardy."

Furthermore, Salyer needs his freedom to prepare a

See **SALYER** page 27A

State: No plan for aerial spray to get rid of moths

■ But EIR says spray not harmful

By KELLY NIX

ALTHOUGH A state environmental report released last month shows a pheromone used to combat the invasive light brown apple moth is probably not harmful to humans, officials said they have no plans to resume aerial spraying of the pheromone to get rid of the pest.

Last week, the California Department of Food and Agriculture unveiled the environmental impact report on its apple moth eradication program, which was ordered after public opposition to the aerial spraying of the Monterey Peninsula in the fall of 2007. In the report, the CDFA does not consider continuing its spraying program.

Instead, the report calls for the placement of pheromone-coated twist ties on trees and plants, and the release of sterile moths to eradicate the insect.

The CDFA has warned that the Australian moth could cause hundreds of millions of dollars in agricultural damage, which led it to call the LBAM infestation an "emergency." The designation allowed the state in September and October 2007 to conduct aerial spraying of a pheromone over the Monterey Peninsula without an EIR.

See **MOTHS** page 12A

Judge issues restraining order against caregiver

■ Another \$1 million alleged stolen

By KELLY NIX

WHILE A lawsuit makes its way through the pretrial process, a judge has issued a restraining order against a man accused of bilking a Carmel physician out of millions of dollars.

On Monday, Monterey County Superior Court Judge Susan Dauphine issued an order barring Charles Harper — a former caregiver of Carmel doctor Lawrence Loftus — from having any contact with Loftus.

"The judge found that Dr. Loftus was still in danger, with Charles being a credible threat," Frank Hesse, Loftus' attorney, told The Pine Cone.

The judge's order came one week after Loftus filed a lawsuit against Harper in Monterey County Superior Court seeking to recover millions of dollars he said Harper stole while he acted as his caregiver.

'Kill his dogs'

Loftus, who is 5 feet 2 inches tall and weighs 110 pounds, also contends the 6-foot-1-inch Harper threatened to harm him.

At Monday's hearing, "Dr. Loftus testified and told the judge ... how Harper threatened to kill his dogs and throw his

See **ORDER** page 11A