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Published on May 24, 2007

A Confession That Wasn't

By Don Bauder

Whenever Mayor Jerry Sanders tries to pull a rabbit out of a hat, he comes up with a skunk. Or a rat. The mayor's confession last week that he and his aides erred in letting Sunroad Enterprises construct a building that defies airport safety regulations should stir San Diegans to action: if the city is ever going to be run for the people and not for real estate developers, there has to be a thorough Sunroad investigation now, while the public is aware of the corrupt, incestuous relationship between developers and City politicians and bureaucrats.

Laughably, Sanders says he wants his chief operating officer, Ronne Froman, to lead an investigation into the Sunroad incident. "That's like asking the fox to investigate the murder in the chicken coop," says Gerald Blank, attorney for the Community Airfields Association of San Diego.

"Ronne Froman is Jim Waring's boss," says Rick Beach, president of the association. Waring, a former lawyer for trusts of the late Las Vegas gangster Morris (Moe) Dalitz, is Sanders's real estate czar. Waring made the decisions permitting Sunroad to go ahead with the building in defiance of Federal Aviation Administration and California Department of Transportation rules.

Initially, Sanders said he wanted Froman's purported investigation to last one or two weeks -- clearly a quickie burial with Froman wielding the shovel. On Friday, he revised that to "a number of weeks" -- still suspiciously short. The purported probe will not attempt to fix any blame. Ha.

Fortunately, "The city attorney's office will conduct its own independent investigation, but we're happy to work with whomever the mayor designates," says Mike Aguirre, city attorney. I asked him if his investigation would include the police chief's refusal to carry out a search warrant on Sunroad vice president of development Tom Story, the role of District Attorney Bonnie Dumanis in that sorry episode, and other matters, such as Dumanis's sending a letter to Superior Court judge Michael Wellington the day before he issued an illogical, emotionally charged, and biased ruling that Aguirre could not pursue Story in a criminal case. Aguirre refuses to say if his department's investigation would look into these matters but says, "We have to look at the entire footprint." It's quite doubtful any investigation would touch on Wellington, since his ruling is being appealed.

A thorough investigation would take months. A brief, no-blame probe would be quintessential San Diego. Both Beach and Blank say that an investigation of the permitting process alone -- how Sunroad got away with murder in the henhouse -- would not take long. "The city attorney's office has collected many documents," says Beach, who thinks issues of Police Chief William Lansdowne and District Attorney Bonnie Dumanis, et al., should be examined by outside counsel.

"I don't know how you investigate a judge's decision," says Beach.

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Judge Wellington is up for election in 2008. "Judges are elected by the same influences as city politicians. Do judges get support from developers? I thought the judge's decision was surprisingly over-the-top -- not based on factual material. In reading the decision, I thought I was reading a political document."

"The lapses in City processes are astounding," says Blank. "This building should not have been permitted. Developers and builders will try to get away with whatever they can get away with. It is up to the City to stop them." But it won't do so if it is in the developers' pockets.

Sanders would like San Diegans to believe that their city has become less corrupt under his administration. If anything, it's more so, as the events of last week graphically illustrate.

As it became obvious that he had to do something about the Sunroad building towering over Montgomery Field, Sanders held secret meetings with his aides and, according to some insiders, with Aguirre. Citizens were finally aware of the corruption (some say incompetence) of the Development Services Department, which Waring oversees. Aguirre had insisted on the issuance of a "stop work" order late last year, but the development bureaucrats had permitted the building to be "winterized" -- that is, finished. Installation of air conditioning was part of the so-called winterizing process permitted by Development Services. Hmmm.

By Thursday, Sanders knew he was in deep doo-doo.

So he invited the *Union-Tribune* in for a late-Thursday interview. He ate humble pie, and the *U-T* reporter apparently never tried to find if the pie had too much sugar in it. On Friday, Sanders and Aguirre held a press conference, and the mayor sent a mea culpa letter to the two regulatory bodies. The debacle was his fault, quoth Sanders. He would issue a stop work order, rescinding the bureaucrats' December permission to let construction continue, lest the building be harmed by the elements. Such poppycock.

"Deposition testimony indicates that the building is a completed shell; everything is done," says Blank. It's too late for a stop work order. The mayor should have ordered that there be no more work on the interior. "The real order that has to be issued is 'We are not issuing permits for occupancy.'"

Sanders was "stopping work on an already-completed building," says Beach. He, too, notes that Sanders never said he would stop work on the interior or ban tenants from moving in.

"It's not all that uncommon for structures to be lowered" on orders of the Development Services Department, says Blank. "You put a crane up there and take it down from the top. The architect for the building testified Tuesday that it could be [lowered]. He has had meetings on the rooftop with Aaron Feldman [owner of Sunroad], talking about how they would do it."

Sanders proposes to have the building lowered to 163 feet -- 3 feet higher than the regulatory bodies demand. He also wants the building to remain at 180 feet in one area to accommodate mechanical equipment. That area is 15 percent of the roofline. And, as Waring always advocated, Sanders wants the FAA to alter pilots' paths when they near the building. So the mayor is only offering a compromise. He is not capitulating. The regulatory bodies may not agree to his offer -- and should not.

Clearly, Sanders, Sunroad, and the Development Services Department are still more worried about cost than safety. As a reading of e-mails and correspondence shows, from mid-2006 on, Waring fretted about the cost of making the building conform with federal and state safety laws. He had many friendly back-and-forths with Story, who was once head of land-use decisions for former mayor Dick Murphy. Several times, Story scolded bureaucrats in his e-mails to them, almost as if they were still working for him. Of course, they were, and apparently still are.

A comprehensive investigation is essential. "Marcela Escobar-Eck

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[director of the Development Services Department] must be forced to say [if she was influenced by Tom Story," says Blank. Most of all, investigators should look at Sunroad, which owns auto dealers and real estate property. Feldman has roots in Mexico. He has given generously to politicians, including Sanders. Does the company have a clean record? Where does Sunroad's capital originate? Will the company try to use Sanders's faux confession in its lawsuit to squeeze money out of the bankrupt city that it has exploited? Such a probe would take much longer than a few weeks.

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Comments

Posted by **J M Walker** on 05/23/07 @ 8:24 pm

So let me get this straight: if an airplane crashes into this less than legal building, the current mayor, his staff, Sunroad, its owners and all the really, really, nice people involved in this fiasco walk away scott free? Hey, Mayor Jerry, I got a bridge to sell ya . . . cheap.

Reply by **Don Bauder**

The mayor, police chief, DA Dumanis, Judge Wellington, perhaps other judges, the UT and others are desperately trying to keep the Sunroad matter out of court -- trying to ban Aguirre from the Story case, get his office out of its civil suit, block any citizen who might sue, and settle with Sunroad. San Diegans must not let this happen. What has occurred will be extremely educational. Best, Don Bauder

Posted by **Gerald Blank** on 05/24/07 @ 7:26 am

Thank goodness for the Reader and independent reporters like Don Bauder who understand the lay of the land around San Diego. Now with the "story" (pun intended) breaking that Sunroad's tax attorney's wife is a high-paid staff member in the mayor's office things look even more suspicious than before. Is this the source of the warrant leak? Will we ever know? Whatever one thinks of the warrant, it should not have been leaked. For a great collection of documents on this mess, see www.sdairfields.com where Community Airfields Association President Rick Beach has done a great job of putting the information in the public's view.

Reply by **Don Bauder**

Matt Potter did a great job smoking out that story on the Dubick conflict of interest. There is much more, as you know. The website that you mentioned is a good place to start. Best, Don Bauder

Sound Off

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