

LOCAL SUN DAY

B2 Local reports B4 East County B5 South County B11-13 Editorial & Opinion



MICHAEL SMOLENS
Columnist

Trouble in the skies mirrors resistance to rules on ground

Bad behavior on commercial flights is not a new phenomenon.

But now it has become a national concern.

Unruly and sometimes violent passengers have become more frequent, disrupting flights and injuring airline employees, according to the Federal Aviation Administration, long-time flight attendants and pilots.

That coincides with a pandemic-heightened contentious and politically divided society, where some people don't merely question rules intended to safeguard themselves and the public at large, but believe they have the right to simply ignore them.

The sense of entitlement is hard to miss.

Many of the disputes erupt over requirements to wear masks in an effort to limit the spread of COVID-19 — whether on an airliner, in a restaurant or at a coffee shop.

Often bearing the brunt of customer anger over the rules are flight attendants, restaurant servers, store clerks and other front-line service industry employees who already are at greater risk of becoming infected by the coronavirus than other workers.

Being abusive to people who a) didn't make the rules and b) are trying to help get you what you came for or where you're going is beyond unfair.

Then there's the selfish disregard for potentially endangering the health of people nearby, never mind ruining their flight or meal, by being a jerk.

It's hard to quantify these incidents involving masks because they aren't all reported and there's nothing to compare them to pre-pandemic. Certainly, amplification through news reports and social media can make them seem common. The reality is, most everyone does the right thing. The vast majority of people who fly on planes and eat at restaurants are game to follow the rules for the service they are getting.

Unfortunately, some
SEE SMOLENS • B6

RECALL FEVER HEATS UP IN N. COUNTY

Signature drives on for Carlsbad, Oceanside City Council members

BY PHIL DIEHL

Signature drives are in full swing to get recalls on the ballot for city council members in Oceanside and Carlsbad, a political move hardly new but rarely successful in North County.

This time the targets are Oceanside Councilwoman Kori Jensen, who was appointed to an open seat in January, and Carlsbad Councilwoman Cori Schumacher, first elected to an at-large position in

2016, and then winning the vacant District 1 seat in March 2020.

Jensen's opponents say she lied about her address on her application for the appointment, which she has denied. County and court documents show that until recently she listed a Carlsbad address as her primary residence. The North Pacific Street home listed on her application was advertised as a vacation rental until early this year.

"Jensen has no experience to represent District 1 voters," states



Kori Jensen



Cori Schumacher

the recall notice filed with the Oceanside City Clerk's Office. "She has never served on any commissions or committees, never attended any community meetings or civic activity."

City officials have referred complaints about Jensen's residency to the San Diego County District Attorney's Office. A spokeswoman for the office said last week that the complaints are under review and declined to give further details.

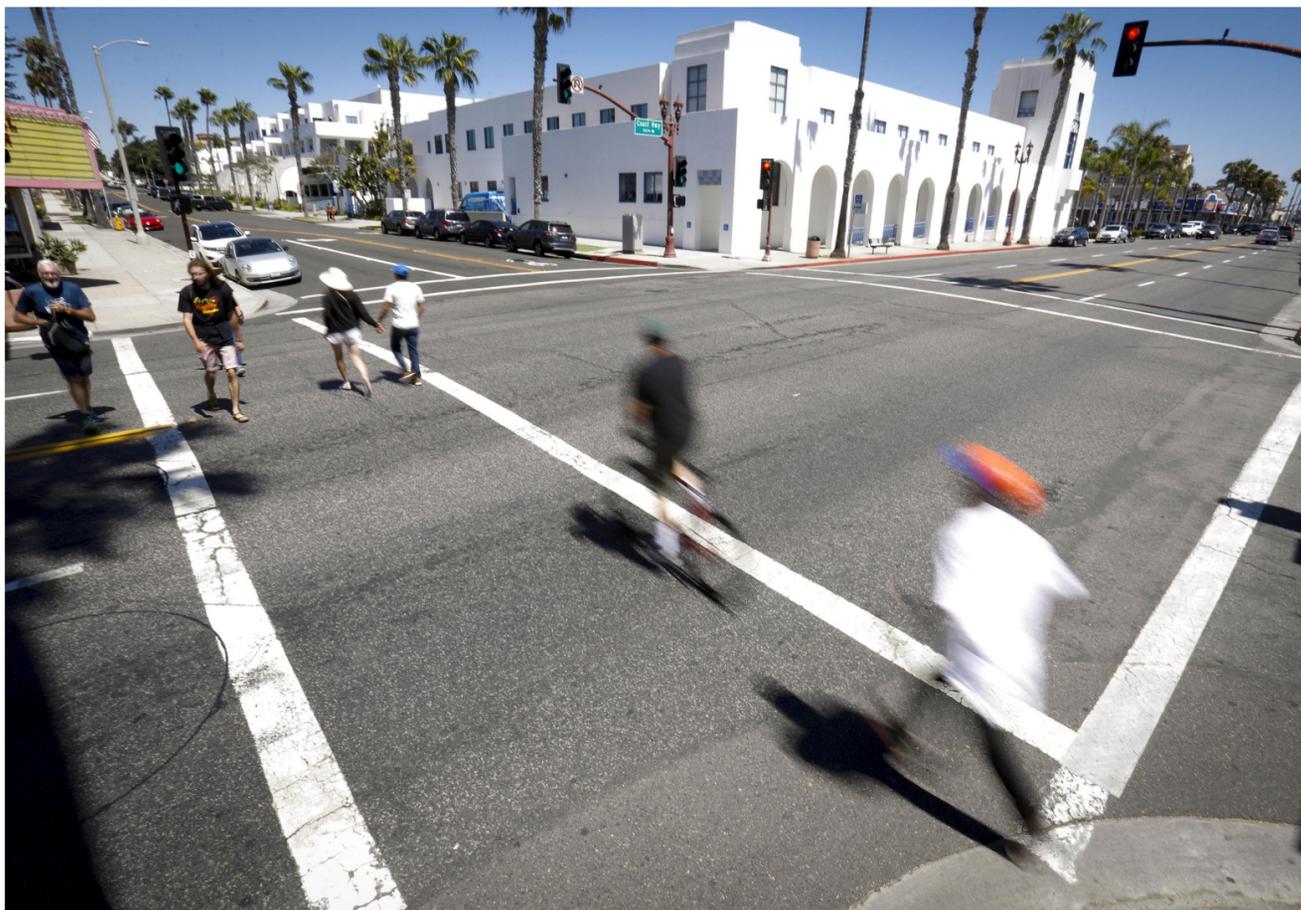
Jensen was selected from about

35 applicants including former council members and planning commissioners, retired military personnel and others active in the community. The council voted 3-1 for the appointment, with Mayor Esther Sanchez opposed.

An Oceanside native, Jensen grew up in the city and her parents owned businesses there. Since then, she's lived in a number of cities, including Encinitas and Carlsbad, but has said that for about the past 10 years she's lived primarily in Oceanside's District 1.

"The advocates of ugly partisanship have unfortunately injected themselves again into our community by sponsoring yet another re-

SEE RECALLS • B6



U-T FILE

A proposed camera system would cover intersections like this one, at Coast Highway and Civic Center Drive, in Oceanside.

EXTRA EYES ON THE STREETS

Oceanside police plan blanket video surveillance of downtown roads, alleys, public spaces for roughly \$500K

BY PHIL DIEHL

OCEANSIDE

Oceanside police have requested almost \$500,000 to purchase and install a video surveillance system with 54 cameras covering the streets, alleys and intersections west of the downtown Civic Center.

The camera system will cover about a dozen blocks in the Main Street Oceanside Property and

Business Improvement District that the City Council approved in 2019, and a few outlying areas along North Coast Highway and at the beach.

"A majority of our cameras will cover virtually every intersection in the (district)," said Lt. Matt Cole in a recent presentation to the city's Police and Fire Commission.

"It's good quality, live video," he said. "I can sit in my office, at my desktop, and monitor or look and

review any camera that will be part of this project."

Only public spaces will be monitored, and areas covered by the equipment will be identified with posted signs. The city's policy is to delete the stored video after one year unless it's needed for an investigation or a court case.

"It will not be monitored all the time," Cole said. "It can be viewed live, and if we have a critical incident we certainly could log on."

Statistical crime analysis and suggestions from downtown business people were used to decide the proposed placement of the cameras, Cole said. Some business owners have said they will allow the city to place cameras on their buildings or properties.

Video from the cameras is transmitted along the line-of-sight, he said, so each camera must be placed within sight of another. The
SEE EYES • B14

LONG-AWAITED SKY DECK FOOD HALL READY TO OPEN

Culinary destination was modeled on dining complex in Barcelona

BY PAM KRAGEN

SAN DIEGO

Sky Deck, North County's latest culinary attraction, is finally nearing completion after a yearlong pandemic-related delay.

On June 11, a handful of the restaurants in the nautically-themed 26,000-square-foot dining-and-drinking destination will open, with the majority coming online around mid-July.

But on Wednesday afternoon, Sky Deck's developer and architect offered a walk-through preview of the massive, 1,000-seat complex, which is the final piece of a four-year, \$120 million expansion of the Del Mar Highlands Town Center, at El Camino Real and Del Mar Heights Road in San Diego.

Sky Deck is located 14 miles south of the Windmill Food Hall, a 12,000-square-foot food hall that opened in September 2019 in the old Pea Soup Andersen's restaurant building in Carlsbad. The two venues are among a wave of similar projects that have opened around the county in recent years, including the Little Italy Food Hall in Little Italy, the Liberty Public Market in Point Loma and the still-in-the-



PAM KRAGEN U-T

Sky Deck developer Pat Donahue of Donahue Schriber looks out over the nearly finished food destination during a preview tour Wednesday at Del Mar Highlands Town Center.

planning stages Outpost Urban Food Hall in Poway.

But Sky Deck creator Pat Donahue doesn't like his career-capping project being compared to the region's other food halls.

He modeled his project after El Nacional, the famously luxurious, 400-seat dining-and-drinking destination in Barcelona, Spain, which he visited on vacation several years ago.

"This isn't a food hall, and please don't call it a food court. This is a restaurant collection and a culinary experience," said Donahue, the former CEO of
SEE SKY DECK • B14

MOM ACCUSED IN COLLEGE BRIBERY SCANDAL BLAMES FEDS FOR INJURIES

Elisabeth Kimmel, formerly of La Jolla, has filed motion asking judge to dismiss case

BY KRISTINA DAVIS

A mother accused in a massive college bribery scandal is asking a federal judge to dismiss the case, saying the paramilitary-style arrest at her La Jolla home more than two years ago triggered a life-threatening cardiac injury that now puts her "at mortal risk" if she testifies in her own defense at trial, according to a motion filed Friday.

Elisabeth Kimmel, 57, a former television executive, is among a small group of parents still headed to trial in the investigation dubbed "Operation Varsity Blues." Many of the more than 30 parents charged have pleaded guilty and already wrapped up prison sentences, including actor Lori Loughlin, her fashion designer husband Mossimo Guainelli, actor Felicity Huffman, Del Mar insurance executive Toby MacFarlane and former surfing executive Jeffrey Bizzack.

Kimmel's partially redacted motion to dismiss — filed in Boston federal court, where the FBI investigation began — accuses the government of violating Kimmel's constitutional rights on various grounds.
SEE SCANDAL • B14

STEVEN P. DINKIN A Path Forward

HOLIDAY WEEKEND IS TIME FOR REFLECTION, REIMAGINATION

It's Memorial Day weekend, and this holiday will likely be one to remember. Beaches are filled with maskless revelers. Barbecue grills are fired up, and the food tastes especially delicious. Welcome to something resembling normalcy. But it's also a time for reflection. Last week marked the one-year anniversary of the murder of George Floyd in Minneapolis. His death reminded the nation that White police officers are still killing Black people in disproportionate numbers. Professor Eddie Glaude Jr., chair of the department of African American Studies at Princeton University, shared his thoughts in an op-ed for *The Washington Post*. "A year after Floyd's murder, the wounds have not healed, and Americans have yet to decide whether we are willing to reimagine policing in this country," he wrote. Glaude has a point. Americans sometimes can't prepare for the future, because they're too busy trying to forget the past.

I don't want to forget the past. I'd like to change it. I find myself wishing that what took place outside Cup Foods on May 25, 2020, had never happened, or that George Floyd would have patronized a different store that day. Or, I wish that someone had pushed former police Officer Derek Chauvin's knee off his neck. There's another do-over I wish for. You see, policing isn't the only thing that needs to be reimagined. So does protesting. While the protests that occurred in the aftermath of Floyd's murder were mostly peaceful, there were violent exceptions. Dozens of cities across the country imposed curfews, but many people ignored them. This led to standoffs and clashes, often involving counterprotesters. Vehicles were vandalized and shops were looted. National Guard troops were deployed in 24 states and in Washington, D.C., where demonstrators torched historic buildings and threw stones at officers. Police used tear gas in response.

In Louisville, Ky., a man fired shots at police officers and guard troops as they tried to disperse a crowd in a parking lot. They returned fire, killing the man. Yet, amid the chaos, there was the anger and outrage from the left, as peaceful demonstrations descended into violence? It's as if they considered these actions justifiable in response to Floyd's death. There was even talk of starting a legal defense fund for the relatively few protesters who got arrested. Apparently, madness is a bipartisan affliction. On Jan. 6, the U.S. Capitol was stormed by a mob of supporters of former President Donald Trump, attempting to disrupt the electoral vote count that would formalize President Joe Biden's victory. The Capitol was locked down while rioters occupied and vandalized the building for several hours. More than 140 people were injured in the insurrection, which appears to have resulted in the death of five people. Again, where was the anger and outrage from the right, as

violence threatened the lives of duly elected lawmakers, their staffs and Capitol police? It's as if they considered these actions justifiable in response to Trump's election loss. And despite approval from the House, a measure failed in the Senate to establish an independent commission to investigate what happened that day. We are paying a high price for our inability or unwillingness to forcefully condemn these protests that went horribly wrong. That price may be the loss of a fundamental liberty: our own right to protest. States are quietly passing legislation that restricts our right to gather. Reporting by Reid Epstein and Patricia Mazzei of *The New York Times* finds that lawmakers in 34 states have introduced 81 anti-protest bills during the 2021 legislative session, more than twice as many proposals as in any other year. Legislators in Oklahoma and Iowa have passed bills granting immunity to drivers whose vehicles strike and injure protesters

in public streets. In Tennessee, protesters can go to jail for a year if they block a sidewalk. A Minnesota bill would prohibit those convicted of unlawful protesting from receiving student loans, unemployment benefits or housing assistance. Meanwhile, in Florida, Gov. Ron DeSantis signed sweeping legislation that makes rioting a felony, defining it in a way that could implicate protesters who engage in no violence at all. And the penalties are extreme. It's time to stop burying our heads in the sand when we see injustice — even when it's exercised properly. The right to gather and to protest, peacefully, is too important to our country. We must protect it in the best way possible: by ensuring that it is exercised properly.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit ncrconline.com

SKY DECK

FROM B1 Donahue Schriber Realty Group, the Costa Mesa company that developed Sky Deck and owns more than 60 shopping centers nationwide. Like El Nacional, Sky Deck is a large and opulent location with a large bar at its centerpiece, surrounded by independently operated restaurants that have their own seating areas and full service staffs. Sky Deck will have eight restaurant tenants plus the main bar. There is also an upstairs patio Brewer's Deck, where three local companies, two beermakers and one hard kombucha-maker, all had their soft openings this weekend. Donahue said the goal for Sky Deck is to create an exciting location that will draw the dinner crowd for a night out at the shopping center.



The entrance patio to Sky Deck, a 26,000-square-foot restaurant destination at Del Mar Highlands Town Center in Carmel Valley.

PAM KRAGEN U-T

"Food courts are good at drawing a lunch crowd to centers, but at dinnertime that falls apart because nobody's going to get any credit for taking someone out to dinner at a food court. This place will be a date night destination. It will be dinner-centric," he said. Two of the Sky Deck tenants are excited about the project's potential for success. Third-generation chef/restaurateur James Augustine, 20, is opening two side-by-side venues inside Sky Deck, Zizikis Street Food and J Restaurant. He opened Zizikis for takeout-only service two months ago and said he's been stunned by its success, serving mostly local residents within a five-mile radius. "Our business has been absolutely crazy," said Augustine, who got his start in the kitchen five years ago at Beeside Balcony in Del Mar. "People are really excited about this. I'm optimistic." Also bullish on the future are Aaron and Anne Ortega, who co-own Oceanside's Northern Pine Brewing with brewer Bobby Parsons. The married brewers were the first tenants signed to the Sky Deck project a couple of years ago. Anne Ortega said initially they were going to run the whole upstairs deck but they're even more excited to be sharing space with Boochcraft and Rough Draft

Brewing Co. "It is so exciting to be here with these other companies," Anne Ortega said on Wednesday. "We think this place is going to be a big deal. We can't wait for it to all come together." Sky Deck is opening in a pedestrian-rich area that's been growing rapidly in recent years, according to Chris Elliott, vice president of leasing and acquisitions for Donahue Schriber. It's directly across the street from the 2-year-old mixed-use project One Paseo, a 23-acre development of housing, offices and retail shops. More than 280,000 square feet of leased office space was recently completed there and more is on the way, Elliott said. Sky Deck — built atop the new 25,000-square-foot Jimbo's market and reached via an outdoor escalator — was designed by Mitra Esfan-

diari, senior principal of RDC Architecture in Long Beach. Inspired by San Diego's Navy history, the interior design has an industrial maritime theme that's decorated with real fishing boats, lobster traps, glass floats, nets and reclaimed iron hardware from decommissioned ships. The building has a 35-foot-high, glass-paneled ceiling and its north wall is painted with a 100-foot-long ocean mural. Esfandiari said she wanted the massive scale of the building to have a unifying "wow factor," but for each of the individual restaurants to have their own unique and intimate design. Here's a look at the tenants of Sky Deck. For opening updates, visit delmarhighlandstowncenter.com/skydeck/. Understory — Scott Slater of Slater's 50/50 restaurants will operate this huge central cocktail and

wine bar with a live music stage and the ability to order plated food delivered from any of the eight on-site restaurants. Opening June 11. Zizikis Street Food — Chef/owner James Augustine's Greek restaurant serves pita wraps, burgers and sides made from family recipes. Now open for takeout. Opening June 11. J at Sky Deck — A New American restaurant, also from James Augustine, features appetizers and entrees such as grilled Spanish octopus, lamb meatballs, pan-seared salmon and steaks. Opening June 11. Kiin Extraordinary Thai — Pimwara "Patty" Thongchua, owner of Plumeria vegetarian Thai restaurants in Encinitas and University Heights, will offer both vegetarian and non-vegetarian options. Opening June 11. Marufuku Ramen — This Bay

area ramen restaurant chain, specializing in Hakata-style tonkotsu ramen, opens its first San Diego County location. Ambrogio15, the Milano Pizza Experience — A more upscale version of the popular Pacific Beach pizzeria, will have more than a dozen gourmet pies developed by Michelin-starred Milanese chef Silvio Salmoiraghi and partner Choi Cheolhyeok. It will also offer a seven-course gourmet tasting menu for 15-20 diners at a time featuring Italian dishes and global meat and seafood entrees, with a vast menu of natural Italian wines and French Champagnes. Opening June 11 or earlier. Craft House — Chef Caesar Huerta and his brother/partner Jose Huerta will serve New American and Mexican cuisine, including ceviches and whole grilled branzino. The brothers' first Craft House, a brewpub known for its burgers, opened in North Park in 2018. Urbana, Mexican Gastronomy — The second location of Javier Cuadra's Michoacán-inspired street foods stand at the Anaheim Packing District food hall, including tacos, ceviches, enchiladas, salads and pozole. Glass Box — Operated by chef Ethan Yang of Zen Modern Asian Bistro in Sabre Springs, Glass Box will offer yakitori, sushi and other Asian dishes at a dining bar where guests surround the chefs on three sides in a glass-walled restaurant. Opening in late August. Boochcraft, Organic Hard Kombucha — Founded in Ocean Beach and headquartered in Chula Vista, Boochcraft is serving 16 of its flavored high-alcohol fermented tea drinks on tap in the upstairs Brewers Deck. Now open. Rough Draft Brewing Co. — This Sorrento Mesa brewer specializes in IPAs, ales, stouts and Belgian-style and bourbon barrel-aged beers. Now open. Northern Pine Brewing — This 3-year-old Oceanside brewer serves an eclectic mix of its house-brewed beers on tap, which include Smoke Show Black IPA and its Saized & Confused Saison, which won a gold medal at the 2020 San Diego International Beer Competition. Now open. pam.krAGEN@sduuniontribune.com

SCANDAL

FROM B1 The U.S. Attorney's Office has not yet filed a response to the motion in court. Kimmel, who once owned KFMB stations in San Diego as part of her family-owned Midwest Television Inc., now lives in Las Vegas. She is charged with conspiracy to commit mail and wire fraud; conspiracy to commit federal programs bribery; and conspiracy to commit money laundering. She is accused of paying \$475,000 in bribes to get her two children into Georgetown University and the University of Southern California through a "side door" as athletic recruits for sports they didn't play, according to court records.

The architect of the scheme, Rick Singer, operated a for-profit college counseling and preparation business in Newport Beach and paid a stable of administrative officials and athletic coaches at top-notch schools around the country to guarantee spots for the children of certain wealthy clients, authorities say. The investigation documented at least \$25 million in bribes, according to prosecutors. The case broke open on March 12, 2019, with a series of arrests. The Kimmel family was awakened at 6 a.m. by loud banging and yelling and federal agents at their door dressed in tactical gear, her Boston-based attorney, Robert Popeo, writes in the latest filing. Told she was under ar-

rest, Kimmel, seated on the sofa, experienced shortness of breath and told agents her heart was racing out of control, the motion states. Her husband informed them of her history of coronary issues, which includes a 2008 open-heart surgery. She declined an offer of an ambulance. Her condition worsened as she waited in the back of a vehicle, handcuffed, while agents ignored her requests for water or a bathroom and her complaints of nausea and thirst, her lawyer says. When she was finally permitted to begin the process of being booked into federal custody, the jail staff directed agents to take her to a hospital due to "obvious medical distress," Popeo states. Kimmel was hospitalized for five days after suffering a

stress-induced cardiac event known as Takotsubo cardiomyopathy, or TC, which had also exacerbated a pre-existing problem with a leaky heart valve. At discharge, the attending physician noted that Kimmel "remains ill with moderate risk morbidity or mortality due to a life-threatening condition," the motion states, citing a doctor's sworn affidavit. The next day, she made her first appearance in San Diego federal court, and nearly two weeks later traveled to Boston to appear in front of a judge there. She pleaded not guilty. Kimmel's attorney argues that the aggressive posture during the arrest was an unreasonable seizure violating the Fourth Amendment and that indifference to Kimmel's medical

condition violated her due process rights under the Fifth Amendment. The risk that she may suffer another cardiac event at trial violates her Fifth and Sixth Amendment rights, Popeo claims. "The government's misconduct has had a lasting impact of constitutional dimension," Popeo writes. "Mrs. Kimmel is sicker and weaker than she would have been, and runs a demonstrably greater risk of severe illness and death if she attempts to undergo the rigors and stresses of trial — especially if she attempts to exercise her constitutional right to testify in her own defense." Popeo argues that Kimmel's testimony will be crucial to her defense. "One of the key issues at trial will be her subjective

state of mind — did she lack specific intent to commit the underlying crimes because she believed that she was making legitimate payments through Rick Singer to Georgetown and USC?" he asks. According to the complaint, Kimmel and her husband — who was not charged in the case — were recorded on a wiretap with Singer discussing their son's admission, afraid the teen might find out he was accepted as a track athlete. Investigators also traced funds from her family's charitable foundation that were donated to Singer's foundation and the USC's Women's Athletics Board, according to the complaint. A trial date has been set for September. kristina.davis@sduuniontribune.com

EYES

FROM B1 hub for all the cameras will be at City Hall. Oceanside Councilman Ryan Keim, a former police officer and the City Council's liaison with the police commission, said the city needs the surveillance cameras. "Staffing is already an issue," Keim said, and the city needs ways to provide the same or an improved level of service with fewer people. "If we can make things safer and more efficient, that's a good thing," he said. "Cameras can document a crime, and that's impor-

tant, but they also serve as a deterrent when people know they're there," Keim said. The Police Department is recommending the city purchase the equipment from DiscoverIT Solutions, an Orange County-based company that already provides Oceanside with video surveillance at the Civic Center, the beach amphitheater and the pier. The proposed purchase order with DiscoverIT includes hardware and sales tax costing \$344,239.52 and labor for \$152,815.35, for a total of \$497,054.87. The City Council included the money in its June 3, 2020, budget for Measure X funds. Oceanside voters ap-

proved Measure X on Nov. 6, 2018. The measure temporarily increases the city's sales tax by 0.5 percent for seven years to help pay for city services such as public safety, street maintenance and other civic needs. Members of the police commission had a few questions about the surveillance system, but unanimously recommended the City Council approve the purchase. The request is on the council's June 2 consent calendar, a list of items normally approved in a single vote without comment unless someone requests a separate discussion. Once approved, the cameras could be installed in a

few months, Cole said. Police and fire commissioners asked whether any of the cameras will be installed at the new resort hotels opening this summer near the pier, at the harbor or the downtown train station operated by North County Transit District. "The train station already has a very robust camera system," Cole said. "We have a good partnership with the transit center and can request their video." The city already has "half a dozen" cameras at the harbor, he said, and those cameras are on the same software system as the one being purchased for the new

downtown cameras. The new hotels will have their own video system and the Police Department hopes to work with them the way it works with the transit district. Video surveillance has at times raised privacy issues, but the courts have generally upheld the use of cameras in public places and their presence is rapidly expanding. Carlsbad has had automatic license-plate-reading cameras at 14 key intersections since 2017, and police there say the system has led to numerous arrests and helped recover hundreds of stolen cars. The city of San Diego has

installed more than 3,000 so-called Smart Streetlights, which contain cameras, microphones and sensors that collect a variety of information. Privacy concerns led the city to stop collecting some of the data last summer, but San Diego police continue to use the cameras for law enforcement activities. Meanwhile, almost every police officer and sheriff's deputy in San Diego County wears a body camera, nearly every private citizen carries a phone with a camera, and an increasing number of homes have outward-facing cameras on the front door. philip.diehl@sduuniontribune.com