



ROCKING THE PLANET
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Santa Monica Daily Press

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THE BACK IN THE SADDLE ISSUE

DEVELOPMENT



NEW DAY Santa Monica Place begins its transformation

STORY BY MELODY HANATANI PAGE 13

Brandon Wise brandonw@smdp.com

NEW START: Macerich Co. officials symbolically began Santa Monica Place's redevelopment project during a ceremony on Thursday.

City considers ballot measure

Residents could be asked to weigh-in on utility taxes

BY MELODY HANATANI
Daily Press Staff Writer

CITY HALL Along with deciding who should be the next leader of the free world this November, Santa Monica residents could also be asked to determine if one of the largest sources of city revenue should continue to stream in.

City officials are considering placing a measure on the fall ballot asking residents whether the city's existing Utility Users Tax (UUT) on telecommunication services should be modernized, which if approved, would save roughly \$8-\$12 million annually.

Residents currently pay a 10 percent tax

SEE BALLOT PAGE 7



Brandon Wise brandonw@smdp.com

UP IN THE AIR: City officials are considering whether to push for a ballot measure that if approved, would modernize the existing Utility Users Tax, which is a fee applied to natural gas, cable, water/wastewater and telecommunications services.

Claim filed against SMPD

Capt. Mark Smiley accuses department's brass of retaliation

BY KEVIN HERRERA
Editor in Chief

CITY HALL Capt. Mark Smiley, a 25-year veteran of the Santa Monica Police Department and the commanding officer of the Office of Special Enforcement, has filed a multi-million-dollar claim for damages against City Hall.

Smiley, who has been on paid leave since November 2007 pending the results of an internal investigation, claims SMPD Chief Timothy Jackman, Deputy Chief Phil Sanchez, the police department and City Hall "orchestrated and fabricated, and thereafter perpetuated, a retaliatory, egregious and vindictive pursuit," against him, preventing Smiley from performing his duties as captain, according to the claim, filed April 15 with the City Clerk's Office.

The Daily Press obtained a copy of the claim Thursday after filing a public records request with the City Clerk. A copy of the claim was sent to the Daily Press by Risk Management.

"We're here to investigate what is really going on with Mr. Smiley and we are really concerned for the fact that he has



SMILEY

SEE SMILEY PAGE 8

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Smiley asking for at least \$10M in damages

FROM SMILEY PAGE 1

been on leave for five months with no explanation of what the allegations are," said Smiley's attorney, Clifford Pearson.

In the claim, Smiley asks for no less than \$10 million for damage to his reputation, interference with opportunities for promotion and to find other employment, false threats of criminal prosecution and emotional distress. Pearson said that number could be lower or higher once the damages are fully ascertained.

Smiley plans to file a lawsuit against City Hall, the police department and Jackman, Pearson said. By law those with a grievance against a government entity must first file a claim for damages. Pearson expects the claim to be rejected by City Hall, at which time a lawsuit will be filed.

Pearson is working with attorneys Thomas Girardi and Robert Baker.

Girardi is considered one of the nation's top trial lawyers who has obtained numerous multi-million-dollar verdicts and settlements, handling cases involving wrongful death, commercial litigation, product liability and toxic torts. He represented 650 residents of Hinkley, Calif. in a toxic tort case against Pacific Gas & Electric that resulted in a settlement of \$300 million. The case was made famous by the film "Erin Brokovich."

Baker represented O.J. Simpson during his civil trial in Santa Monica.

In the claim, Smiley alleges Jackman placed him on administrative leave on "false and contrived pretenses of alleged criminal activity or wrongdoing" and prevented Smiley from communicating with the department's rank and file pending the out-

come of a criminal and administrative investigation into the alleged misappropriation of city funds and violation of city policies and procedures.

Smiley believes he was placed on leave because of "professional and personal animosity" by Jackman, according to the claim.

Witnesses that could be called include Smiley, Jackman, former Chief Jim Butts and representatives with the Los Angeles County Sheriff's Department.

City Manager Lamont Ewell and Jackman did not comment on the claim because it is a personnel matter.

"I am confident, however, in the actions of our police department and its chief," Ewell said.

Smiley currently oversees the Office of Special Enforcement, which includes Traffic and Special Operations and is the largest of the department's four offices, with 200 personnel and a budget of more than \$26 million, according to the SMPD's Web site.

Smiley briefly served as one of three interim chiefs while City Hall searched for a replacement for Butts, who left the post in 2006 to head security for Los Angeles area airports.

Smiley also spent two years as the commander for the Internal Affairs Division, working directly under the chief of police.

Smiley joined the department in 1982 and spent 12 years as a police officer before being promoted to sergeant in 1994, according to the department.

In 1998, after being promoted to lieutenant, he was appointed to lead a multi-jurisdictional task force of 50 agencies and

groups to stymie gang warfare, which had erupted in and around Santa Monica, resulting in a flurry of shootings and deaths.

Smiley also held positions in Special Enforcement, Traffic, Patrol and Internal Affairs before being promoted to captain nearly six years ago.

As captain, he has held positions in Criminal Investigations, Special Enforcement and Operations, where he served on numerous committees and work groups related to homeless issues.

He worked closely with city staff including the City Manager's Office and Community and Cultural Services in bringing about education, prevention and enforcement efforts associated with homelessness, according to the SMPD's Web site.

Working with the city's homeless czar, Ed Edelman, Smiley helped establish a separate court in Santa Monica to connect homeless, drug-addicted and mentally ill individuals to services.

Smiley has been a staunch supporter of the Police Activities League, helping to raise funds. He also chairs a committee of more than 50 volunteers for the annual Ricardo Crocker Memorial Golf Tournament.

Smiley holds a bachelor's degree in Public Administration. He is a graduate of the POST Command College, Class 29. He is also a graduate of the 202nd FBI National Academy.

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