



Vol. 13 No. 21
February 20, 2014

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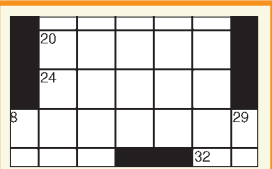
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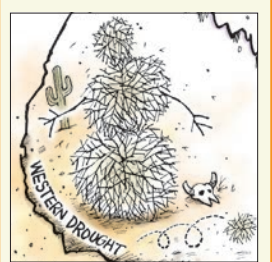
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Alameda Sun
is a publication of
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Alameda, CA 94501
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School District under Fire

Dennis Evanosky

The Alameda Sun received reports last week from parents and teachers about a pair of incidents that involved the Alameda Unified School District (AUSD). The first involved a memorandum sent to teachers on the heels of the Feb. 11 gas leak at Encinal High School (EHS). The second concerned the behavior of a substitute teacher at Lincoln Middle School two days later.

The Sun did not receive a copy of the memo about the gas leak, but teachers who spoke on the condition of anonymity said that AUSD's missive instructed them in all capital letters capped off with an exclamation point that "no one is to speak with any reporters."

Audrey Hyman serves as president of the Alameda Education Association, the union that represents Alameda's teachers. She said that the district should not bar its teachers from speaking to the press "as long as it doesn't harm students or teachers."

According to the teacher who spoke to the Sun, the district was hoping to control which version of the gas leak got to the press. However, the Alameda Sun has never received any press release about the gas leak from AUSD.

The American Civil Liberties Union (ACLU) shares Hyman's opinion. "Teachers do not forfeit the right to comment publicly on matters of public importance simply because they accept a public school teaching position," ACLU states in an article on its website.

"A teacher's off-campus statements regarding the war or participation in an off-campus political demonstration are not acceptable bases for job discipline or termination."

The memo cautioned teachers not to speak to the media about something more mundane than war or political demonstrations — a gas leak at the school. According to AUSD spokesperson Susan Davis, the gas-leak caveat did not come from the district; it came from the principal.

Davis said that EHS administrators sent the memo, asking that teachers and staff not speak to the press. "As a general rule, we do ask that teachers let district administrators talk to the media about an urgent matter such as this one," Davis said. "(This concerned) public safety and we want(ed) to make sure that reporters, and by extension community members, get the most up-to-date and accurate information."

Two days after the gas leak "Mr. Dynamic" showed up on the East End at Lincoln Middle School as a substitute teacher. Concerned parents said that the teacher they were unable to identify asked the students to take out their Smart phones and log onto www.shitnobricks.com. In addition he told the students about his medical marijuana card.

Hyman pointed out that AUSD bears the responsibility for hiring substitute teachers. She said that the actions of substitute teachers impact the curriculum and lesson plans.

Lincoln Middle School's principal, Michael Hans, wrote a letter to parents explaining the unnamed teacher's behavior. Hyman, whose child attends Lincoln was surprised to hear about the incident from the Alameda Sun rather than from Hans.

"A substitute teacher arrived to fill in for fourth period and decided to share his website with the class," Hans told the parents. "He told them to take out their phones and type in a URL with profanity in the title."

According to Hans the website contained several references to marijuana and the substitute teacher went on to explain that he had a medical marijuana card.

Hans stated in the letter that a student reported the teacher's behavior to the main office at the end of lunch. Hans asked the substitute teacher to leave campus shortly after the beginning of fifth period.

Hans assured the Lincoln Middle School community that the substitute teacher only interacted with about 30 students. "But I am sure that this story was shared with others during lunchtime," he stated.

He further assured parents that Feb. 13 was "the first day this substitute was employed at Lincoln Middle School and the district office is taking steps to ensure he will never be hired by AUSD again."

"Upon learning about the substitute's actions, Lincoln Middle School administrators immediately had him removed from the site and district officials immediately followed up with the appropriate channels," Davis said. "Principal Hans sent a note only to the parents and guardians of the seventh-grade core class because those were the students and families directly impacted by the substitute's actions."

"The district needs to do a better job screening candidates for substitute teachers," Hyman said.

Woman May Face Life Sentence

Sun Staff Reports

An Alameda woman is facing 25 years to life after pleading no contest for the murder of a 44-year-old man on Feb. 14.

Victoria Martinez was to begin trial for the first-degree murder of Curtis Williams before she pled no contest last week. Williams was shot, bludgeoned and strangled by Martinez on July 4, 2012, in his recreational vehicle (RV) in Oakland's Meadow Brook neighborhood.

Martinez went to the RV that night while Williams was out and told his friend that she planned to kill Williams because he owed her \$20 and was sick of him taking

advantage of her, said prosecutor Tim Wagstaffe. However, her attorney Tom Worthington said Martinez was not motivated by money, but was trying to confront Williams for the physical abuse he continuously gave her.

Prosecutors said Williams and Martinez met through a mutual friend who suggested Martinez could get crystal methamphetamine from Williams. Williams and Martinez would often exchange sex for drugs.

Martinez was facing 50 years to life before pleading no contest. Her sentencing is scheduled for March 13.



Courtesy Alameda Fire Department

Fireboat Christened in Ceremony Last Week

Sun Staff Reports

Above, the Deanna Jo, Alameda Fire Department's new fire boat, sends twin sprays of water into the Oakland Estuary. The 32-foot vessel has a pair of 300-horsepower engines and a pump with the ability to spray up to 2,000 gallons of water a minute; it can also supply water to fire engines waiting on the shore.

AFD christened the boat last week, naming it for retired AFD employee Deanna Johe. It is the final component of the department's marine operations program.

"We were happy to honor Deanna by putting her name on this boat," said AFD Capt. James Colburn. "We all regarded her as AFD's matriarch and miss her greatly."

Councilman's Fraud Conviction Surfaces

Michele Ellson
and Steven Tavares

City Councilman Stewart Chen's official biography offers the storybook journey of a man who emigrated from the Philippines as a teen and made his way onto the Alameda City Council, dedicating his time to a long list of Alameda and Oakland community organizations over more than a decade and, for a quarter century, to his work as a chiropractor.

But Chen's official story omits a potentially embarrassing episode: A highly publicized 1993 arrest on charges Chen, 51, was involved in a fraud ring that, investigators believed, may have bilked insurance companies out of as much as \$1 million.

Chen ultimately pleaded guilty to two misdemeanor insurance fraud counts an investigation conducted by *The Alamedan* and the *East Bay Citizen* found. The courts placed Chen on two-years' probation and ordered him to pay \$50,000 in restitution. His chiropractor's license was also placed on probation for five years, the investigation found.

Information about Chen's arrest surfaced in late January when someone posted a link to a *Los Angeles Times* story detailing the arrest of Chen and others in the fraud case on a story on the *East Bay Citizen* website. The identity of the poster — and their motives for posting the information — are not known.

As the third-highest vote getter in the 2012 City Council race, Chen won the right to complete the remaining two years of Rob Bonta's term when Bonta was elected to the state Assembly. Chen has said that he plans to run again for the council in the fall; since he won only a half term in the last election, he is still eligible for two full, four-year terms if elected.

Despite the guilty plea and conviction, Chen maintains his innocence.

"I did not do anything wrong," Chen said in an interview this week. "They didn't have anything on me."

It was his belief, Chen said, that the convictions would be expunged from his record after two years if he agreed to plead guilty. The charges were officially dismissed after Chen completed his probation and paid restitution.

"It will be over in two years," he said his lawyer, Lincoln Mintz, told him, "and you will still have your practice. You have nothing to worry about."

"This was decades before I started my community service," Chen added. "In my mind, dismissing (the convictions) means it never happened."

Chen laid much of the blame for



File photo

Stewart Chen was elected to council in 2012.

his predicament from two decades ago on the legal advice of his former attorney. Mintz was disbarred in 2000 after a pair of suspensions and a probation, The State Bar of California's website shows. The *San Francisco Chronicle* reported that the Oakland criminal defense attorney had "mishandled several cases and abandoned some of his clients." Mintz died in 2012.

A court transcript reviewed by a reporter quoted Mintz as saying Chen faced the possible revocation of his chiropractor's license as a result of the fraud case. The transcript quoted Mintz as saying conviction on lesser misdemeanor charges "will put you in a much better posture as to that license than if you were to be convicted of a felony."

The arrest and accusations against Chen and 10 other people, including the scheme's apparent ringleader, two other attorneys, a pair of doctors, an insurance agent and an office manager believed to be involved in the insurance fraud ring, were announced in an April 15, 1993 press release issued by the California Department of Insurance. It said cases were being pursued in both Alameda and San Francisco counties.

"Today we have successfully put a major insurance fraud ring out of business," then-Insurance Commissioner John Garamendi was quoted as saying in the release.

The arrests were the result of a multi-agency investigation that began in September 1991 when the Alameda Police Department reported a suspected staged auto accident, the release said. It said the purported ringleader, Chung Dinh "Tony" Tran of Oakland, recruited people to stage the accidents and then generated phony insurance claims out of law offices he managed.

Chen, who got his chiropractor's license in 1988, was accused of falsifying medical records that were included in claims to insur-

ance companies for two May 1990 accidents that prosecutors said had been staged, billing for treatment he never provided. Investigators executed a search warrant on Chen's office on April 24, 1992, seizing a computer with case information and a daily ledger of charges and treatments, court records show.

The Alameda County Grand Jury indicted Chen on 16 felony insurance fraud-related counts and two grand theft charges. In all, six people were indicted by the Alameda County grand jury, on 88 counts related to four accidents that prosecutors believed had been staged. Additional charges were brought against some of the defendants in San Francisco.

Witnesses who testified before the grand jury said they would sometimes show up at Chen's office, sign in and then leave without receiving treatment; they also said under oath that some of the signatures attributed to them were not theirs. One witness said she received treatment from Chen's staff about half the time she went to his office, for pain unrelated to the staged accidents; the other half of the time, she signed in and left, without receiving treatment.

An accusation the California attorney general's office filed with the state's Board of Chiropractic Examiners said Chen's license should be suspended or revoked because he had pleaded guilty in 1994 to two misdemeanor counts of insurance fraud. The board placed his license on probation.

"During 1990 respondent prepared false billing statements and medical reports which inflated the amount of treatment he actually rendered to various insurance claimants who were involved in staged auto accidents," the accusation says.

Alameda County court records show Chen hasn't been arrested or faced any additional charges here since his 1994 conviction. The Board of Chiropractic Examiners shows his license as being valid.

Over the past decade and a half Chen has engaged in political activity that has included stints on the Alameda Social Service Human Relations Board, the Alameda County Human Relations Commission and the Alameda Health Care District Board of Directors, a position he was elected to in 2010. He has also served a long list of community groups in Alameda and Oakland, including the Alameda Sister City Association.

The city's municipal code doesn't prohibit someone with a prior criminal conviction from serving on the council; only sitting council people who are convicted of a felony while serving are

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News in Brief

Sun Staff Reports

Hornet at Old Mint Expo

The USS *Hornet* will bring its rich military history to the San Francisco History Expo on March 1 and 2. The *Hornet* joins more than 50 diverse Bay Area historical and cultural organizations at San Francisco's Old Mint. The expo will include costumed re-enactors, an exhibit of rare coins produced by the mint, a historical fashion display, historical films, special programs and an art exhibition.

As part of the expo, the *Hornet* will present former U.S. Air Force Captain Grace Tiscareño-Sato. She will participate in the speakers' forum, which begins at noon on March 2. Tiscareño-Sato is the author of the bilingual children's picture book *Good Night Captain Mama / Buenas Noches Capitán*

Mamá. The book explains why mothers serve in our nation's military.

Tiscareño-Sato will be available to meet attendees in the *Hornet*'s room in a basement vault at the Expo.

Visitors to the expo will learn about the *Hornet*'s involvement in historical events of the 20th century including World War II and the Apollo 11 and 12 lunar missions.

San Francisco's Old Mint is located at 88 Fifth St. The expo takes place from 11 a.m. to 5 p.m., Saturday, March 1, and from 11 a.m. to 4 p.m. Sunday, March 2. Admission is \$5; children under 12 are free. For more information about the expo visit www.sfhistoryexpo.org.

Crab Fest Benefits Community

The Alameda Education Association and Alameda Firefighters Lo-

cal #689 will team up with United Food & Commercial Workers, Local 5, to host their second annual crab fest, a "fun"raiser to benefit the children's and youth centers at the Alameda Point Collaborative (APC). Last year's event raised \$7,300 for APC through the generous support of local businesses and the community at large.

The fest will take place at 6 p.m., Friday, Feb. 28, at the Albert DeWitt Officers' Club, 641 West Red Line Ave. Tom Torlakson, state superintendent of public instruction, will appear as a special guest.

To order tickets, email kscheulin689@gmail.com or call 925-209-6725. To order tickets by mail, make checks payable to "Local 689" and mail to P.O. Box 727, Alameda, CA 94501.

Councilman Daysog Considers U.S. Congress Run

Eric J. Kos

Councilman Tony Daysog has announced he's considering a run for a seat in the U.S. House of Representatives about to be vacated in Contra Costa County.

Daysog, a former city of Alameda vice mayor, looks to step in as veteran democratic Rep. George Miller retires after his term ends in

January 2015. Daysog's plans were announced in an email last Friday.

The U.S. Constitution states that candidates for Congress must reside in the state they choose to represent. Daysog stated he will assess how voters in the 11th Congressional district (which includes much of Contra Costa County, including Richmond, Walnut Creek

and Concord) might react to being represented by someone who does not live in the district. He will make his final decision in March.

"Let me be frank about this," Daysog said in an email, "this would be an incredibly long shot."

Michele Ellson contributed to this story. To learn more, visit thealamedan.org.