

Woman’s suit targets ‘deviant’ deputy

BY COURTENAY EDELHART

Californian staff writer

cedelhart@bakersfield.com

A 21-year-old Tehachapi woman who said she was sexually assaulted by an on-duty sheriff’s deputy filed a lawsuit against the Kern County Sheriff’s Office in federal court on Friday.

At a news conference to discuss the lawsuit, her attorney, David Cohn of Bakersfield, called Deputy Gabriel Lopez, 26, a “predator” and a “sexual deviant.”

“How does a person like this get through the system?” he asked. “How does he become a sworn officer?”

At about 10:30 p.m. March 25, the deputy and another deputy investigating a disturbing of the peace call entered the plaintiff’s apartment without permission and, after patting down a man who also was in the home, subjected the woman to a “very intrusive” search that was sexual in nature, Cohn said.

“How does a person like this get through the system?”

— David Cohn, attorney for woman filing the lawsuit

The woman and her guest were called Jane and John Doe in the lawsuit against Lopez and the sheriff’s department in order to protect

their privacy, Cohn said.

The Californian generally does not name alleged victims of sexual assault.

As a result of the alleged assault, the woman has endured “physical, mental and emotional distress, pain, shock, agony, suffering and trauma,” according to the complaint.

The lawsuit seeks general damages of at least \$10,000, as well as unspecified exemplary damages against Lopez and the other

deputy, whose name has not been disclosed.

Prosecutors last month filed criminal charges against Lopez in Kern County Superior Court related to the Jane Doe incident and another incident a day later resulting in a similar accusation by an 18-year-old woman.

Lopez was arrested April 8 after detectives with the Kern County Sheriff’s Office Sexual Assault and Abuse Investigation Unit conduct-

Please see **LAWSUIT** / B3

Let the commencement begin



ABOVE: Foreign language major Lenae Russ (center of crowd) lets out a yell and a salute at the start of the 2013 Bakersfield College Commencement ceremonies.

RIGHT: As they wait to march into Memorial Stadium, Bakersfield College graduates are silhouetted against the setting sun.

FELIX ADAMO / THE CALIFORNIAN



Tejon Ranch, feds mark agreement on habitat plan

BY JOHN COX

Californian staff writer

jcox@bakersfield.com

Federal officials joined Tejon Ranch Co. Friday in announcing a 141,866-acre habitat conservation plan that gives the company assurance that its proposal for a large resort community in Lebec complies with the U.S. Endangered Species Act.

Under the plan, called the Tehachapi Uplands Multiple Species Habitat Conservation Plan, 129,000 acres on the ranch will be permanently conserved, including a 37,100-acre ridge line area set aside as a condor study area.

At a ceremonial signing event outside Tejon’s Lebec headquarters, the director of the U.S. Fish and Wildlife Service, Dan Ashe, said the plan allows the company to “harass” but not kill California condors and 24 other species in the course of its operations across 52 percent of the 270,000-acre ranch.

The conservation plan is the product of 15 years’ work by Tejon Ranch and its Arizona-based

Please see **TEJON** / B3

Action Line

How do I stop getting unwanted magazine subscription?

BY BLAIR LOONEY

Contributing columnist


Editor’s note: Action Line is a weekly column from the Better Business Bureau answering consumers’ questions and concerns about money and business issues.

Dear Action Line,

I just received my second copy of Better Homes and Gardens magazine today. I did not order this magazine and do not want magazines. I take no magazines because they add paper that needs to be disposed of. How do I stop this unwanted mail?

Dear Reader,

I can certainly understand your dilemma. I’m



Looney

Please see **ACTION** / B3

Ric Llewellyn CONTRIBUTING COLUMNIST

Let’s propose our own solutions to immigration reform

In 2006 there was a big bipartisan push for “comprehensive immigration reform.” Remember?

In the Senate a few Republican stalwarts joined with Democrat icons to finally solve the American immigration problem.

At first, it seemed like the day had actually come. Sen. Arlen Specter’s bill made its way through the Senate with Republican John McCain and Democrat Ted Kennedy on board but with little opportunity to thoroughly discuss what needed to be done.

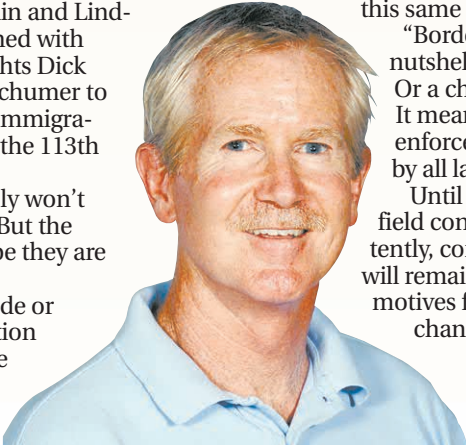
Regardless of the bipartisan support and the apparent urgency of the situation, a torrent of opposition from the grassroots — that’s you and me — drove Senate Bill 2611 to the recycle bin when the House and Senate could not agree on a compromise in conference. The voice of the people all

across the country could not be denied.

Well here we go again. In the Senate, Republican rock star Marco Rubio and the esteemed John McCain and Lindsay Graham have joined with Democrat heavyweights Dick Durban and Chuck Schumer to get “comprehensive immigration reform” done in the 113th Congress.

The Senate probably won’t listen to us — again. But the House will. And I hope they are paying attention.

No matter how crude or inarticulate immigration reform opponents are made out to be, this



is the bottom line. We won’t support changing perfectly workable laws that have been utterly ignored unless we are guaranteed we won’t be in this same predicament 20 years from now.

“Border security” describes the issue in a nutshell. That doesn’t mean a fence, per se. Or a checkpoint on Interstate 5 in Oceanside. It means that immigration law will be enforced completely and without prejudice by all law enforcement authorities.

Until the politicians from D.C. to Bakersfield convince us that the law will be consistently, completely and equitably enforced we will remain passionately skeptical of their motives for making so-called comprehensive change.

So, rather than blame the Tea Party or

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LLEWELLYN: Politicians in Congress are to blame

CONTINUED FROM B1

the Kern Coalition for Citizenship, let's put the blame right where it belongs.

The people charged with establishing a uniform rule for immigration have failed us. Foreigner or citizen, we are tossed to and fro by the political winds. We deserve a reliable and stable process for admitting immigrants. Our senators and representatives in Washington should be ashamed of their failure in this regard.

The people charged with enforcing immigration law have failed us. It is the purview of the federal government to enforce the rules the legislature has established and they have miserably failed.

I will be quick to unequivocally support the agents on the frontline of enforcement. But the bureaucrats have ruined their honorable work. Because the bureaucrats are indecisive, unreasonable and prejudiced, the work of law enforcement is more difficult and less effective.

It drives those who are not authorized to regulate immigration to take matters into their own hands. Local governments and service groups find themselves taking what they believe to be humanitarian action on behalf of undocumented immigrants. Other organizations and governments take action they believe supports enforcement of federal laws.

Then, we the people, find ourselves factionalized based on our own sensibilities

about immigration as they relate to the miasma of current immigration policy. It is not necessary nor is it effective to protest and counter-protest the views of opposing factions.

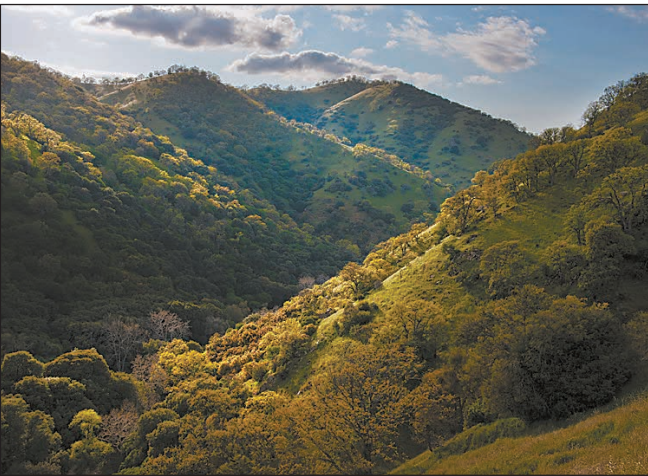
We are only distracting ourselves from the task of demanding fair, consistent administration of reasonable and effective immigration law.

Columnist Inga Barks recently opined that nothing would be done — again. If we leave immigration reform to Congress, she is right.

I don't think the activists representing either opinion are capable of simply discussing immigration policy and legal reform. But we have smart people here in Kern County who could spend time building a comprehensive understanding of the problems we face and develop a framework for dealing with immigration now and into the future.

If we want a real comprehensive solution to the immigration mess we're in, we can't leave it to rabid special interests and fainthearted politicians. We need to propose our own solutions that are the fruit of honest deliberation.

— Ric Llewellyn is one of three community columnists whose work appears here every Saturday. These are the opinions of Llewellyn, not necessarily The Californian. You can email him at llewellyn.californian@gmail.com. Next week: Heather Ijames.



CALIFORNIAN FILE

A view of the site of Tejon Mountain Village, Tejon Ranch's proposed residential/resort community, which will be nestled in the hillsides and canyons of the Tehachapi Mountains.

TEJON Attorney calls conservation plan 'joke'

CONTINUED FROM B1

development partner, DMB Pacific Ventures LLC. It complements a 2008 accord preserving 240,000 acres, or 90 percent of the ranch, in exchange for several environmental groups' pledge not to oppose the company's development plans on the other 10 percent of the property.

Fish and Wildlife officials said that while many details remain to be worked out, the important thing is that condors and other species will be protected, and that the federal government will get a "seat at the table" as Tejon and DMB move forward with their development plans.

Tejon Ranch, a publicly traded company traditionally focused on farming and ranching, has become increasingly involved in real estate development. Its Tejon Mountain Village project in Lebec is fully entitled and ready for construction as soon as the company decides that market conditions are right.

While federal and ranch officials hailed the plan for increasing protection to two

dozen species, critics say it doesn't address the loss of condor habitat with the planned development. They contend the biggest threats to condors are lead poisoning and the loss of foraging and roosting spaces on the ranch.

Adam Keats, an attorney for the Center for Biological Diversity, which sued to prevent development, called the plan "a joke."

"There's no habitat conservation happening. It's a habitat destruction plan," he said.

Pushed nearly to the brink of extinction in the 1980s, California condor numbers increased after the last wild ones were trapped and taken to zoos for a breeding program. Many of the California condors in the state use Tejon as a foraging ground.

Besides the California condor, species covered under the plan include the least bell's vireo, Southwestern willow flycatcher, Western yellow-billed cuckoo, Tehachapi slender salamander and bald eagle.

The Associated Press contributed to this story.

We Salute

Zachary Mayo of Bakersfield and a fourth-grader at Veterans Elementary School, recently won top prize and \$150 for his winning efforts in the 14th annual Farm Water Poster Contest, which was sponsored by the California Farm Water Coalition. Mayo's winning entry featured food products atop a farm scene with water flowing across a field.

Navy Petty Officer 3rd Class Jacob J. Salazar, son

of David and Gloria Cotter of Bakersfield, has graduated from the U.S. Navy's Nuclear Power School at Naval Nuclear Power Training Command in Goose Creek, S.C.

Air Force Airman 1st Class David A. Garcia, a 2009 graduate of Bakersfield High School, graduated from basic military training at Joint Base San Antonio-Lackland, San Antonio, Texas.

Blowing smoke



ALEX HORVATH / THE CALIFORNIAN

Kern County Platoon Chief Steve Pendergrass walks away from getting sprayed by water during exercises. The Kern County Fire Department hosted a positive pressure attack class. The class is comprised of 31 firefighters representing firefighting agencies from across California, Seattle, Spain and Canada. Positive pressure attack is a tactic used to remove smoke and heat from a burning building through an exit designated by firefighters by placing a power fan in place. In doing this, the survivability of trapped victims is greatly increased, and the damage to the inside of the structure, both by smoke and heat, can be greatly decreased.

LAWSUIT: Lopez remains sworn sheriff's deputy

CONTINUED FROM B1

ed an investigation.

Prosecutors filed charges of assault under the color of authority, sexual battery and false imprisonment.

Lopez has pleaded not guilty to all of them. The cases involving the two women are pending.

Lopez has made no public comment on the charges against him. His attorney did not immediately respond to a request for an interview Friday.

The Kern County Sheriff's Office referred calls about the lawsuit to the county's counsel. An attorney for the county did not return telephone calls to her office.

Lopez remains a sworn sheriff's deputy pending the outcome of the legal matters but is not working the streets. He was hired Sept. 24, 2011, and completed field training March 8, just two weeks before the two women made allegations of misconduct against him.

The lawsuit paints a disturbing picture of events on the night of March 25. According to the complaint:

Lopez and another deputy entered her home without permission and found her guest was in possession of drugs.

The man was handcuffed and patted down, and when asked if anyone else was in the apartment, he indicated the woman was asleep in the bedroom.

The other deputy then went into the bedroom, turned on the light and woke the woman. He ordered her to the living room where she, too, was patted down and then placed in handcuffs.

The deputy then left briefly to move his parked patrol vehicle.

While the other deputy was out, Lopez searched the bedroom and came across a red chest secured by a padlock. He told the woman to come back to her bedroom and open the chest.

When she got there, Lopez asked the woman if the other deputy had patted her down. She said that he had, and added that he found nothing and she'd done nothing wrong.

Lopez nevertheless commenced another pat down while the woman was still handcuffed, groping her along the inside of her legs, underneath her T-shirt and on her crotch both inside and outside of her shorts,



ALEX HORVATH / THE CALIFORNIAN

David Cohn speaks in regards to his client, a young woman from Tehachapi, and the civil rights claim against Sheriff's Deputy Gabriel Lopez, the Kern County Sheriff's Office and the County of Kern.

all in violation of longstanding department rules that require female deputies to conduct personal body searches of female detainees.

A few minutes after the second deputy returned to the apartment, Lopez uncuffed the woman and walked her into the living room without having her unlock the chest that he had earlier asked her to open.

The two deputies then left the apartment with the male suspect. About 10 minutes later, the woman's dog started barking and she walked into her living room to find Lopez had returned and was sticking his head

through the door.

She secured her dog and asked Lopez what he wanted. He told her he needed her driver's license so he could verify that there were no outstanding warrants for her.

The woman went back to her bedroom to get her license, and Lopez followed her there and told her he had to do a body cavity search. He then ordered her to remove her clothes and bend over the bed, and went on to touch her inappropriately while she sobbed. Then Lopez left without saying anything or finishing the records check.

ACTION: If you didn't order it, call to let them know

CONTINUED FROM B1

sure you are wondering how it came to land in your mailbox and now you are probably wondering if you are going to receive a bill.

Magazine sales generally come in two forms, a door-to-door salesperson or through a telemarketing company. If the solicitor comes to your door:

Ask to see the solicitor's license and identification. Door-to-door salespersons are required by law to have a solicitor's license in the city that they are soliciting in.

Ask the solicitor for the name, address, and telephone number of the company they are soliciting for.

We recommend that you check out the company with the BBB first. Don't be pressured by a salesperson who won't allow you to check the company or the offer.

If you decide to buy from them,

never pay a door-to-door solicitor with cash. Always pay by check and never make the check out to the solicitor, but to the company itself.

If you buy from a door-to-door salesperson in your home, and the purchase is more than \$25, you're protected under the FTC's "cooling-off" rule. The rule gives you three days to cancel your order and receive a full refund. The seller must tell you that you have a right to cancel, and give you a summary of your cancellation rights and two copies of the cancellation form. Ask to see the required cancellation notice before you agree to buy. If the salesperson doesn't have it, do not place an order; the company is breaking the law.

If the solicitation comes by phone, and you are not interested in the offer, simply hang up. If you are interested, tell the caller you will call

him back after you have checked the company with the BBB. If you are still interested after checking, ask to receive a written copy of the sales agreement before you orally agree to anything.

If you did not order the magazine, simply write or call the magazine company to let them know that you did not order the magazine and do not want to continue to receive it. You can usually find contact information inside the magazine.

— Blair Looney is president and CEO of the Better Business Bureau serving Central California. Send your consumer concerns, questions and problems to Action Line at the Better Business Bureau, 1601 H St., Suite 101, Bakersfield, CA 93301 or joey@cencal.bbb.org. These are her opinions, not necessarily those of The Californian.