

## L.A. Now

California: This just in

# Judge rules park ranger was wrong to use stun gun on dog walker



By **HECTOR BECERRA**

OCTOBER 10, 2014, 12:57 PM

Part of the Golden Gate National Recreation Area. (Gina Ferazzi / Los Angeles Times)

**M**ore than two years ago, a Northern California man gave National Park Service ranger Sarah Cavallaro an attitude and was generally uncooperative as they discussed his off-leash dogs.

As Gary Hesterberg turned to leave, Cavallaro pulled the trigger on a stun gun, sending electric charges coursing into his back and buttocks.

On Thursday a federal judge ruled that the park ranger's response to Hesterberg's apparent intransigence was inappropriate, according to the San Francisco Chronicle.

At the time, Hesterberg was arrested by San Mateo County sheriff's deputies and booked for investigation of failing to obey a lawful order, but charges were never filed.

Although the presiding judge, Jacqueline Scott Corley, found that Hesterberg was not following Cavallaro's directions, she ruled that he didn't pose an immediate threat to her or anyone else — and that the park ranger didn't give him proper warning that she would shoot him with the stun gun if he turned to leave.

Corley awarded Hesterberg \$50,000 in damages for physical and mental suffering.

The Jan. 29, 2012 incident at a park that is part of the Golden Gate National Recreation Area drew a rebuke from U.S. Rep. Jackie Speier (D-Hillsborough), who said the use of the stun gun appeared to be unwarranted.

The area where Hesterberg was walking a beagle named Jack and a rat terrier named JoJo, called the Rancho Corral de Tierra, had until the December tolerated off-leash dogs. But when the National Park Service took over the following month, that changed.

According to the San Francisco Chronicle, Cavallaro stopped Hesterberg to talk to him about the new rules, but the conversation became increasingly testy. Hesterberg testified that he gave the park ranger a fake name because "I don't want to be placed on some offending dog walker ... list."

When Hesterberg told Cavallaro that he was leaving, the ranger pulled out the stun gun and called for backup. About four minutes later, she shot Hesterberg with the stun gun.

In a statement one of Hesterberg's attorneys, Michael Haddad, said: "Tasers can kill. They should never be used against a non-threatening person as the ranger did here."

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**Asbestos scare: Huntington Beach elementary school closed indefinitely**

The Ocean View School District announced Thursday that a Huntington Beach school will remain closed indefinitely so a full abatement of asbestos materials can be completed.

By **HANNAH FRY**

OCTOBER 10, 2014, 12:41 PM

**A**n asbestos scare has forced the indefinite closure of a Huntington Beach grade school and an examination of every campus in the district, leaving parents frustrated and some unsure where their children will go to school.

School officials estimated that Lake View Elementary will be closed five to 10 weeks as asbestos is removed from classrooms.

The campus is one of three schools in the Ocean View School District that had been closed this week because of asbestos concerns. District Supt. Gustavo Balderas' decision to close Lake View indefinitely comes on the heels of test results that showed widespread asbestos in several classrooms.

Parents of Lake View students said they are waiting for the district to come up with an alternate school site for their children.

"The district is currently drafting its plan going forward," Ocean View spokesman Bruce Auld wrote in an email Thursday. He said it would likely be posted on the district's website and Facebook account sometime late Friday.

The district declined to state how many Lake View classrooms have been affected by the asbestos, but officials said they would notify teachers.

Lake View Elementary has a large number of English as a Second Language students and low-income families, many of whom receive free or reduced-price meals at school, according to data collected by the California Department of Education.

District trustees voted during a special meeting Tuesday night to close Lake View, Hope View and Oak View elementary schools for the week, while classrooms could be cleaned and tested to make sure they were free of potentially carcinogenic asbestos dust. Only Lake View has been indefinitely closed.

Ocean View officials have said they were aware that asbestos has been in their schools for decades. However, parents became upset when they learned the district may have been removing the

material as part of a large-scale modernization project while students were present.

Parent Michelle Morales has kept her two children home from school since news of the asbestos issue broke last week.

"I'm not against modernization," she said. "I'm against the way it was handled. The district isn't giving us a whole lot of answers."

In response to mounting concerns from parents, the district hired Sierra Environmental Consulting to test the air and surfaces at Oak View, Lake View and Hope View for asbestos last weekend.

Of the 56 wipe samples collected at Hope View, one sample taken in Classroom 6 contained a single asbestos fiber. It was collected under a tile that appeared to have been drilled into in order to run television wires into the classroom, said Cary Ruben, a certified industrial hygienist.

Test results from Oak View came back inconclusive, officials said.

The district said it will test for asbestos during the next several weeks at all 11 schools in the district where construction has taken place.

Asbestos is a mineral fiber that until the 1970s was widely used in building products and insulation materials. The fibers can be released into the air during demolition work, repairs and remodeling, according to the U.S. Consumer Product Safety Commission.

When Lake View, Oak View and Hope View schools were built decades ago, asbestos was used as fireproofing on metal beams above the ceiling. Over time, the dust began to fall from the beams and settle on top of classroom ceiling tiles, district records show.

Though coming into contact with asbestos that hasn't been disturbed isn't harmful, it becomes a hazard when the dust becomes airborne, said Steven Viani, a registered civil engineer and engineering contractor with experience in asbestos and other hazardous materials.

"The classical theory is pretty much that a single asbestos fiber is enough to cause harm," Viani said. "There's really no safe level of exposure."

Teachers have expressed concern that they weren't notified about the asbestos above the tiles and said the district should have placed signs restricting access to limit the risk of the dust becoming airborne.

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