

The Carmel Pine Cone

Volume 101 No. 13

On the Internet: www.carmelpinecone.com

March 27 - April 2, 2015

TRUSTED BY LOCALS AND LOVED BY VISITORS SINCE 1915

Settlement ends fight over CLM restaurant

By KELLY NIX

AN UGLY lawsuit over control of a trendy Los Angeles restaurant has been settled after a March 20 meeting between David Bernahl and his partners in the business, Jeff and Cindy Troesh, according to Bernahl's attorney.

"At this time, I can only say that the parties have amicably resolved their dispute," attorney Scott Vick said Monday.

The resolution leaves Bernahl in control of Faith & Flower restaurant, but his culinary empire still faces mounting legal problems. At one time, Bernahl and his former partner, Rob Weakley, and their company, Coastal Luxury Management, owned Pebble Beach Food & Wine, Los Angeles Food & Wine and two Monterey restaurants, and operated a chic Las Vegas nightclub, but last year Weakley left the company. His departure was followed by a series of lawsuits and countersuits alleging fraud, conspiracy and other serious misdeeds.

Among them was a suit filed late last year by the Troeshes against Bernahl, accusing him of embezzling money for personal use and defaulting on Faith & Flower's \$20,000-per-month rent, claims Bernahl has strongly denied.

In turn, Bernahl filed a Dec. 9, 2014, countersuit in Los Angeles County Superior Court claiming Weakley and the Troeshes tried to seize the restaurant by crafting a fake promissory note. Weakley and the Troeshes, through their respective attorneys, have denied that charge.

Those lawsuits have both been settled now, according to Vick.

Sabotaging the company?

When Weakley left Coastal Luxury Management in July 2014, his severance agreement provided that neither he nor

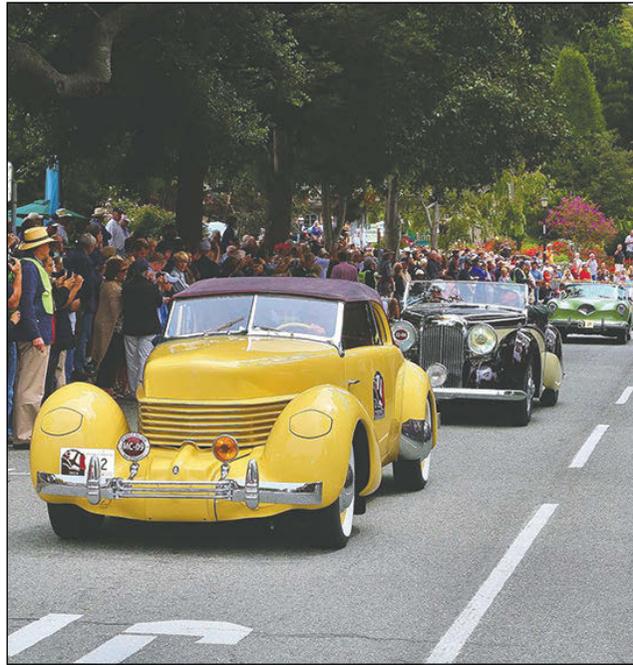
See **CLM** page 15A

City fees for car events put them in jeopardy

■ P.G. Auto Rally says 'no thanks' to \$12K charge, Tour d'Elegance will have to pay even more

By MARY SCHLEY

AFTER TWO decades of making its annual cruise through town during Concours Week, the Pacific Grove Auto



PHOTO/KERRY BELSER

Steep increases in city fees for special events could make scenes like this disappear. This week, the P.G. Auto Rally said it would no longer pass through town because its fee was increased to more than \$12,000.

Rally will drop Carmel from its route this year, rather than pay thousands of dollars in fees and apply to the city for a permit for the brief use of the beach parking lot. The announcement of the cancellation was made by library and community services director Janet Bombard at this week's community activities and cultural commission meeting.

In the past, organizers of the P.G. rally — a charity event for the town's youth center — weren't charged anything for their trek through town, but made an annual donation to the Carmel Police Department's DARE program each year as a show of gratitude for being able to bring the rally to Carmel, where hundreds of spectators line Ocean Avenue to watch them drive by.

But last month, the cultural commission decided the P.G. rally should be charged the fees charged to all other events — including overtime for police officers, the placement of barricades and signs, and other expenses.

Bombard told The Pine Cone she advised Jeanne Byrne, longtime organizer of the P.G. rally, she would have to pay \$155 for a permit, \$1,340 for barricades and signs, \$5,840 for street closures, \$690 for 10 hours of public works overtime, plus overtime for seven police officers, at a cost of \$3,094, among other fees. She was also told she'd have to apply for a Coastal Development Permit to take over the parking lot at the foot of Ocean Avenue for staging the cars after they exit Pebble Beach via the Carmel Gate. The application fee for that would be \$361.65, and the permit would require a hearing by the planning commission. All told, the city fee estimate totaled \$12,386.65.

At the March 24 meeting, Bombard updated the commis-

See **CARS** page 25A

Judge: Grand jury will have to prove it needs records

By MARY SCHLEY

A MONTEREY County Superior Court Judge said Wednesday that she won't be able to decide whether the county's civil grand jury can have access to personnel files for Carmel employees until the grand jury explains why it wants them.

"The court must balance the constitutional privacy rights of the city employees against the right of the grand jury to investigate," Monterey County Superior Court Judge Lydia Villarreal wrote in her March 24 ruling on the City of Carmel's efforts to quash a Monterey County Civil Grand Jury subpoena demanding the records of 10 current and former city employees. The grand jury is seeking the files in its investigation of city operations under former city administrator Jason Stilwell.

To do so, Villarreal concluded, the grand jury must present evidence to the judge's chamber and show sufficient cause why it should have access to the documents. The meeting will be conducted in her chambers and will be held *in camera*, the judge said, which means "in secret."

The decision followed last week's court hearing, in which chief assistant county counsel Leslie Girard argued state law empowers the civil grand jury — which is obligated to keep confidential all its records and discussions, and is overseen by the presiding judge — to see any records it wants, while Carmel city attorney Don Freeman countered that the California Constitution guarantees the employees a right to privacy that cannot be violated by the civil grand jury.

In her ruling, Villarreal gives credibility to both sides.

See **JUDGE** page 15A

Lawsuit filed because county says you can't have 499 roosters

By KELLY NIX

THREE MEN are crying foul over a Monterey County ordinance that limits the number of roosters county residents can have on their property.

In a lawsuit filed March 16, James Leahy, Heriberto Perez and Miguel Angel Reyes Robles challenge a Dec. 16, 2014, ordinance passed by the Monterey County Board of Supervisors that decreases the number of roosters or "crowing fowl" one can have from 499 to only four.

The county contends the purpose of the law isn't to interfere with anybody's rights, or even to keep crowing to a tolerable level. Instead, it's to prevent the keeping of roosters for illegal cockfighting, to ensure their humane treatment and address "adverse effects" that unregulated rooster-keeping

See **ROOSTERS** page 31A

Mystery solved: Carmel Valley 'ruins' identified as MJ Murphy's hideaway

By ELAINE HESSER

THE MYSTERY of the ruins at Peter Coniglio's Carmel Valley property — including some aging stone buildings, a large deck and a pool — has been solved.

After our story appeared in last week's In Your Dreams special section, several readers stepped up with information that the complex was built by and belonged to famed Carmel builder MJ Murphy.

His grandson, Tom Gladney, of MJ Murphy Lumber and Hardware in Carmel Valley, has many happy memories of weeks spent there. Gladney's family lived in northern California, but they'd make family visits to "Grandpa's grill" — or just "The Grill." Murphy lived at Ninth and Monte Verde, so the family piled into the car with plenty of food and headed for the secluded hillside spot.

Gladney said Murphy chose the location for privacy and that it took about five years to build the patio, kitchen and grill.

"It was something he enjoyed doing," said Gladney.

See **RUINS** page 26A



PHOTO/COURTESY TOM GLADNEY

Visitors to MJ Murphy's Grill between the 1920s and the 1950s could enjoy a splash in the pool (right) or gather for a splash of something more potent (above).

