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Dones Jones

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## The man who knew - and said - too much

### Caltrans tries a third time to evict 'Pot-Stirrer' Don Jones from his home in the 710 corridor

By [Kevin Uhrich](#) 03/25/2010

Don Jones identifies pretty strongly these days with characters portrayed in those old mystery thrillers directed by Alfred Hitchcock, stories which always feature “this one guy who the government is oppressing and he’s the only one who knows the truth ... the real truth,” said the onetime public interest lawyer and tenants’ rights advocate.

Jones has good reason to see some of his own circumstances in those dramas, thanks largely to his landlord: Caltrans, one of the state’s largest bureaucracies and its biggest, most neglectful and apparently most vindictive property owner. He is justifiably paranoid, now that the massive state agency is trying for a third time in less than two years to evict the 64-year-old and his wife, Gloria Lucio, from the Madeline Drive home the couple’s been renting for nearly two decades.

Citing pending litigation, Caltrans spokeswoman Deborah Harris refused to discuss the case, which hinges on a verbal altercation between Jones and a Caltrans construction worker nearly four years ago. Harris said other Caltrans officials — property manager Linda Wilford, who is responsible for having

Jones evicted and openly calls the longtime political activist a “pot-stirrer” in internal memos, and attorneys Amanda DeJesus, who lost the first eviction proceeding, and Paul Brown, who lost the second case and filed the third eviction notice telling Jones that he can either get out in a reasonable time or face a lengthy trial — also cannot comment.

“That’s our policy,” Harris said.

### **Empty nests**

Jones is certainly not the only person to have problems with Caltrans. The irreproachable mega-agency owns more than 18,000 homes, apartment buildings and even entire farms around California, all seized through eminent domain in order to make way for freeway construction. Jones and his wife and son live in Pasadena in one of nearly 500 homes that Caltrans owns in what is known as the 710 Corridor, a stretch of land cutting through portions of western Pasadena, South Pasadena and the working-class Los Angeles neighborhood of El Sereno. It was here that the state seized properties in the 1960s to make way for a connector road that — due to the federal government’s reticence to fund the project — will likely never be built between where the Long Beach (710) Freeway ends at Valley Boulevard in Alhambra and the Foothill (210) Freeway.

Plans to tear down those homes and build a surface freeway connector have been all but dead since 2003, when federal transit officials withdrew financial support for the idea. But another proposal is in the beginning stages, one that would require \$3.6 billion to bore tunnels deep underneath the area containing the homes. Many of the houses have been emptied and rehabilitated at considerable taxpayer expense, but nevertheless sit empty, a fact that Jones finds curious considering the urgent need for affordable housing in the region.

Of the 486 Caltrans-owned homes — 122 of them in Pasadena — 85 remain vacant, some too dilapidated to rent and others refurbished, but unoccupied, according to 2009 figures. One such home sits directly next door to Jones. After Caltrans contractors tore up his kitchen floor four years ago to lay new linoleum, little other work had been done on his home, while other houses have been completely rehabilitated with new electrical wiring, new plumbing, carpeting, fresh paint and landscaping. And today the house next door sits vacant, as do a number of homes in Jones’ neighborhood.

In 1999, Jones said Caltrans estimated repairs to his two-story home would total more than \$300,000. To relocate the couple to another rental home during six months of reconstruction would have cost the state another \$50,000, Jones said he was told. It now appears to Jones that it is cheaper for the agency to simply get rid of him and his wife.

And there seems to be something to those suspicions, because no sooner does Caltrans either lose or evict a tenant than the home is refurbished, but it isn’t rented. Consequently, many homes in the 710 Corridor — many of them modest but good-looking middle-class dwellings — have remained vacant for several years.

### **The Roberti Bill**

Although some of the Caltrans homes in Pasadena and South Pasadena would easily fetch \$500,000 or more on the open market, under state law they cannot be sold until they are declared “surplus.” Until then, they can only be rented to eligible low-income tenants or nonprofit organizations. Also according to state law, those homes could not be sold at market rates if they were occupied by longtime renters, like Jones and his wife.

According to provisions of the Roberti Bill, authored in the 1980s by former Senate President Pro Tem David Roberti, low- to moderate-income occupants for two or more years have the opportunity to

purchase the property for a price below market value, but no less than what Caltrans paid for it back in the '60s. And if people have lived in a Caltrans home for five or more years and their household income does not exceed 150 percent of the county's median income, they would be offered the house at an affordable price.

Jones, who had always hoped to buy the home that he and his family live in, believes the agency is really trying to oust him because of his attempts to stop the 2008 eviction of a friend, his well-known advocacy for other renters, his organizing efforts to stop plans to bulldoze a path for the proposed 4.5-mile freeway extension and his opposition to boring twin-barrel tunnels.

Just before his troubles started in mid-summer 2008, Jones personally went to bat for a family in El Sereno that was being evicted from one of the 265 homes that Caltrans owns there. Jones sought out former Caltrans District 7 Director Doug Failing at his office in downtown Los Angeles and talked to him about the situation, but to no avail. The agency went ahead and evicted 30-year renter Manuel Morales and his wife and daughter, who has cerebral palsy.

But apparently this practice by Failing — who in October left Caltrans to become executive director of highway programs for the LA County Metropolitan Transportation Authority (MTA) — of speaking with tenants under Caltrans' Right of Way real estate division irked Property Manager Wilford, who complained to other Caltrans officials that Failing was far too chummy with “pot-stirrer” Jones and other renters.

“I know that Doug would like to declare all the properties surplus because he believes the calls, complaints and general opinion of Caltrans would improve,” Wilford wrote of Failing. “I think that Doug believes that if he can be seen as a ‘friend’ to the tenants, the tenants won't oppose the tunnel concept.”

According to Jones, however, Caltrans has concerns about tenants beyond just those who oppose the tunnels. “Their idea of urban renewal is Chicano removal,” said Jones, who is of Latino descent and speaks Spanish fluently. “I think it's all how they [Caltrans] see the tenants. You go from being a pot-stirrer to an impediment to being an obstacle, like a physical object that needs to be removed. I have offered to meet with them. I offered to talk with them about it, but the people we meet with have no skin in the game.”

### **A chilling effect**

This particular “game,” as Jones put it, has been going on since summer 2006, when state contract workers did a poor job of repairing his kitchen floor and drains on the roof of the Jones home. Jones complained and even yelled at one of the men, but a California Highway Patrol report on the incident shows no indication of violence. Since that time, the home's kitchen floor had remained a work in progress — with bare wooden floorboards and exposed openings along the molding — until just eight months ago, when linoleum was finally laid. But neither the drain nor the roof and ceiling have been repaired.

In the first eviction proceeding, Caltrans attorney DeJesus changed her original story to the court. In a subsequent declaration, DeJesus added the inflammatory words “threatening” and “harassing” to the initial charges against Jones, who admits to being frustrated with the subpar work and telling an allegedly abrasive state contract construction worker to “get the fuck out of my house.”

Nevertheless, in mid-2008, Caltrans started eviction proceedings against Jones soon after he spoke up for the Morales family, basing their action on that 2006 incident. The only problem was that the agency had accepted Jones' rent payment, and a judge later threw the case out of court. The agency sued again,

and that time a judge sided in favor of Caltrans, but again the agency accepted rent and was forced to withdraw its complaint. In September, Caltrans once again filed a lawsuit to evict Jones and Lucio, which they are currently fighting.

If they decide to move in a “reasonable” time, Brown, the other Caltrans lawyer, wrote that four months of rent would be forgiven. If not, the lawsuit would proceed and subpoenas would be issued to state and local officials whom Jones has known for years and turned to for help in his fight against Caltrans. Among those officials is state Sen. Gilbert Cedillo’s chief of staff, Arturo Chavez.

“During Mr. Jones’ deposition he has identified several individuals who he claims will be testifying at the time of trial about comments made by the Department of Transportation personnel that would support his affirmative defense of retaliation,” Brown wrote in the latest court filing. “Those individuals are high-placed employees of various local politicians, including a state senator. Subpoenas are in process of being served and the depositions scheduled.”

Chavez said he was in contact with Jones when his problems with Caltrans began in 2008, and that he tried to help settle the issue. But now, it’s a different story. “Once it becomes a legal issue, all doors are closed to everyone. It’s all up to the attorneys and there isn’t anything we can do,” Chavez said. For his part, Cedillo, who did not return a call for comment, supports the tunnel idea and has proposed using the sale of the homes in the 710 Corridor to help fund it. For that to happen, the Roberti Bill would either have to be amended or those properties would have to be deemed “surplus.” And if that happened, under existing law, Jones and Lucio would be eligible to buy their home at 1960s prices, that is, if they are still living there.

Another local pol who could be called to testify is LA Mayor and MTA Board member Antonio Villaraigosa, also an old friend of Jones and his wife, in addition to members of his staff. Villaraigosa was told of the first eviction by Jones in July 2008, three days after it happened. Although at the time he said he would help, Jones said Villaraigosa has since backed away, also citing pending litigation as the reason.

“Unlawful detainer hearings usually take 10 to 15 minutes. Here, they are talking about a seven- to 10-day trial,” Jones said. “If I lose, we’re looking at 60 grand in legal expenses,” he estimated. “This is a threat. They are saying if you just be a nice boy and leave now, the back rent, forget about it. All the other stuff — forget about it.

“The bottom line is they are trying to resurrect this [incident] to create an aura of me being an unstable person, a threat to the workers,” Jones said. “They can’t talk about it because now it’s pending litigation. What they’ve done with this tactic is cut me off from a political base of support. It’s a violation of the First Amendment.”

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