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Park hits brakes on propane haul ban

Monument chief quickly lifts order on hazardous loads

By **GARY HARMON**
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A pending ban on the transportation of propane and other hazardous materials on the east end of Rim Rock Drive was lifted Monday, soon after the two federal legislators considering redesignating of Colorado National Monument as a national park questioned the measure.

Superintendent Lisa Eckert rescinded the ban, citing concerns over the process by which she announced the ban. A new round of meetings with residents is to be announced soon, Eckert said. "I understand clearly that there are concerns by some about the process that led to our decision," Eckert said in a statement.

Many Glade Park residents at a public meeting June 16 said they became aware only this month that Eckert had instituted a ban on hazardous materials effective July 1. Eckert soon after extended the effective date of the ban to Aug. 1.

Most, if not all, the residences and ranches on Glade Park are heated with propane that is delivered up the east end of the monument. Diesel and gasoline are also delivered via that route. Trucks hauling fuel and other

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Photos by **DEAN HUMPHREY**/The Daily Sentinel

Tracy Johnson, a family and veterans case manager for Homeward Bound, walks through the new temporary shelter for the organization at 29 Road and North Avenue, site of the former Mesa County Workforce Center. Renovation is being done on the regular Homeward Bound shelter, which is nearby on North Avenue in Grand Junction.

Lives in transition

Homeless shelter occupies former job center for now

By **AMY HAMILTON**
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All the beds are made and the linens are washed. White folding tables and chairs are set up for the breakfast and dinner meals. Even the military veterans who stay nights at the homeless shelter have some separation to eat, watch some television and sleep in an area blocked off by rows of lockers.

It wasn't too long ago that the building at 2897 North Ave. housed scores of workers in cubicles, helping to connect employers with potential employees at the former site of the Mesa County Workforce Center.

Now that building, which is owned by Hilltop Community Resources, is a temporary home to Homeward Bound of the Grand Valley, the nonprofit group that operates the Grand Junction Community Homeless Shelter, while its current facility at 2853 North Ave. receives a needed makeover.

"It's working ... it's working," Homeward Bound Director Doug Karl said, exhaling and looking out over the make-

shift shelter after nearly two weeks of coordinating the move.

Homeward Bound's current facility is expected to reopen in September with new flooring, bathrooms and showers, improved administrative work space and a renovated intake area to get people inside faster, instead of having long lines in the parking lot. New energy-efficient lighting could help save the facility up to \$5,000 per year in electricity costs, Karl said.

There are no showers or kitchen at the temporary site, but organizers have that deficiency covered.

Single men are showering at the current Homeward Bound facility because the bathrooms haven't been torn up yet. Women and families are showering in the mornings at Lincoln Park Pool before the pool is open to the public.

Dinners and breakfasts are served "picnic style" with disposable plates and plastic cutlery, Karl said.

Fewer people typically seek shelter in

See **SHELTER**, page 10A >



"It's working," said Doug Karl, director of Homeward Bound, of its temporary shelter at 2897 North Ave. The regular shelter will have new flooring, bathrooms and showers and improved administrative work space when it reopens at 2853 North Ave.

Schools worker snared in sting

2 men accused of trying to have sex with girl, 14

By **MIKE WIGGINS**
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Two men, including a long-time School District 51 employee, have been arrested on suspicion of attempting to have sex with someone they thought was a 14-year-old girl.

John Patrick Pomaski, 48, of Grand Junction, and David Shawn Prephan II, 25, who recently moved to Mesa County from Ohio, were arrested less than three hours apart Friday night in conjunction with an Internet sex sting conducted by the FBI, the Western Colorado Drug Task Force and the Grand Junction Police Department.

Pomaski, who has worked for District 51 for 22 years, was placed on paid administrative leave on Monday, District 51 spokeswoman Christy McGee said.

For the past three years, he has worked as a grant writer and in dropout

retrieval for the district, McGee said, noting he had no contact with students during that time.

Prior to that, Pomaski was the coordinator of District 51's English Language Learners program in 2010-11 and worked in the English as a Second Language program, initially at Wingate Elementary School and then at the district level for 19 years. His first job in the district was as a teacher at Bookcliff Middle School in 1992, Mc-

Geoff Middle School in 1992, Mc-

cliff Middle School in 1992, Mc-

See **STING**, page 10A >



JOHN PATRICK POMASKI
 Has non-teaching job for District 51; responded to online ad, talked to officer acting as teen girl, affidavit alleges



DAVID SHAWN PREPHAN II
 Recently moved from Ohio; met undercover officer at hotel, investigators allege

Investment fraud figure wants early release



By **GARY HARMON**
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The man who ran a \$30 million Ponzi scheme in Grand Junction that bilked more than 400 people wants out of prison even though 379 months of his 405-month sentence remain to be served.

Philip Rand Lochmiller, 66, has sought a compassionate release from his sentence and the U.S. Bureau of Prisons is seeking public comment on the request.

Lochmiller is serving his sentence in Missouri after he was found guilty by a federal court jury

"I cannot conceive of any circumstances that would warrant 'compassionate release' for Mr. Lochmiller. He is responsible for the financial devastation of over 200 victims."

JANE QUIMBY

FBI special agent who investigated Valley Investments

in Denver and sentenced by U.S. District Judge Philip A. Brimmer. A notice from the warden at the federal prison in Springfield, Missouri, sent to victims cites federal statutes allowing the Bureau of

Prisons to ask that an inmate's sentence be reduced in light of "extraordinary or compelling circumstances."

The notice doesn't identify the circumstances prompting Loch-

millier to seek an early release, but did note that the bureau "only exercises this authority on behalf of inmates suffering from life-threatening or terminal medical conditions, or who are severely and permanently mentally or physically debilitated."

Lochmiller's request sparked a sharp response from the FBI special agent who investigated Lochmiller's Ponzi scheme, which was operated from his Valley Investments office in Grand Junction.

"I cannot conceive of any cir-

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In letter to Obama, investigator says VA downplays poor care

By **THE ASSOCIATED PRESS**

WASHINGTON — A top federal investigator has identified "a troubling pattern of deficient patient care" at Veterans Affairs facilities around the country that she says was pointed out by whistleblowers but downplayed by the department. "The problems went far beyond the extraordinarily long wait time

for some appointments — and the attempts to cover them up — that has put the department under intense scrutiny."

In a letter Monday to President Barack Obama, Carolyn Lerner of the U.S. Office of Special Counsel cited canceled appointments with no follow up, drinking water contaminated with the bacteria that causes Legionnaires' disease

and improper handling of surgical equipment and supplies. One veteran was admitted to a long-term mental health facility but didn't get a comprehensive psychiatric evaluation for eight years.

Acting VA Secretary Sloan Gibson said he had launched a departmental review due to be completed within 14 days. "I am deeply disappointed not only in the substantia-

tion of allegations raised by whistleblowers, but also in the failures within VA to take whistleblower complaints seriously," he said in a statement.

Lerner said the VA consistently acknowledges problems but says the quality of patient care is not af-

See **INVESTIGATOR**, page 10A >



Sloan Gibson, acting secretary of Veterans Affairs, said he is "disappointed in the failures within VA to take whistleblower complaints seriously." **THE ASSOCIATED PRESS**



STING: Arrests part of probe that included massage parlors

Continued from Page One

Ge said. A message left for Pomaski wasn't immediately returned. Pomaski is at least the fourth District 51 employee to be investigated by law enforcement in the last seven months for having inappropriate contact with young females. All but one were arrested and prosecuted.

According to an arrest affidavit, Pomaski responded to an Internet advertisement for a 19-year-old woman Friday evening and spent a couple of hours talking and texting with an undercover police officer acting as the woman. During the conversation, the undercover officer identified herself as a 14-year-old girl who was staying at a hotel in the 2700 block of Crossroads Boulevard. The two exchanged pictures to each other before Pomaski began describing sexual acts he wanted to perform on the officer. He then accepted her offer to meet her at her motel room.

Officers conducting surveillance observed Pomaski drive into the hotel parking lot. The

undercover officer told Pomaski to come up to her room but he refused and later told her he would pick her up and take her back to his place, the affidavit said.

Eventually, Pomaski left the area and texted the officer that he thought she had bailed on him. He then asked her to text a picture of her genitals and refused to come up to the room until he received the picture, the affidavit said.

Officers later stopped Pomaski's truck on Orchard Mesa and arrested him. In an interview with police, Pomaski said he knew the purported girl was 14 and admitted to asking for a lewd picture from her and describing sex acts with her, the affidavit said.

Hours later, an undercover officer working out of the same hotel was contacted by a man — later identified as Prephan — who wanted to have sex with a 14-year-old girl. Prephan asked for two photos of the girl and agreed to pay \$80 to have sex with her, according to a second arrest affidavit.

The undercover officer gave

Prephan the address and room number of the hotel where he could meet the officer and the 14-year-old girl. Prephan showed up at 11:15 p.m. and agreed to give the officer, who was acting as a pimp, half of the money upfront. Officers then entered the room and arrested Prephan. They searched his wallet and found the other \$40 and two condoms, the affidavit said.

Pomaski and Prephan made their initial appearances in court Monday, where Pomaski was advised he could be charged with felony counts of Internet exploitation of a child and Internet luring of a child, and Prephan was advised he could be charged with felony counts of soliciting for child prostitution and Internet luring of a child.

Mesa County Judge Gretchen Larson granted Pomaski a \$30,000 personal-recognition bond at the request of District Attorney Pete Hautzinger, though Hautzinger said he didn't make that recommendation "without misgivings." Even though Pomaski has no criminal history in Mesa County,

Nationwide effort

FBI officials in Denver rescued more juveniles as part of a nationwide crackdown on child sex trafficking than any other FBI division office.

FBI officials said Monday they recovered 18 of 168 juveniles as part of the annual initiative known as Operation Cross Country. As part of the same effort, authorities also arrested 281 pimps, 11 of whom were in Denver. —AP

Hautzinger said he was "somewhat concerned" by the fact that Pomaski works for District 51.

Prephan was ordered held on a \$25,000 secured bond after Hautzinger noted that Prephan moved to Mesa County just three months ago after living in Ohio for 21 years.

SHelter: Homeward Bound also planning second shelter

Continued from Page One

the summer, but the temporary shelter is mostly full, Karl said. All 105 beds are accounted for and the facility is using between 15 and 20 of its 40 mattresses reserved for overflow that folks place on the floor to sleep.

"Maybe it's the carpeting, but things have been really calm here for some reason," Karl said about the normally bustling atmosphere at the shelter. Noting the contents of a shelter is no small feat because many of the items had to be moved the same day. To do that, a number of organizations volunteered their time or moving trucks to haul beds, couches, tables, chairs and other necessary items.

Last week, staff members got the phones hooked up and the Internet rolling. Grand Valley Transit drivers and taxi cab companies were notified of the new location just in case people attempted to go to



ROBERT GARCIA/The Daily Sentinel

the current facility.

Construction work on the current facility, pegged at a cost of \$200,000, is being paid for by several grants. Homeward Bound has obtained land off 29 Road to build a family shelter, administrative offices and respite for women with medical problems. After that is completed, Homeward Bound on North Avenue will be a shelter for only single men, Karl said.

BAN: Tipton, Udall say residents must be consulted

Continued from Page One

hazardous substances should use Little Park Road instead, Eckert said in the original announcement.

"The Mesa County Commission had asked that Eckert reconsider the ban and work with the county.

"If we have a cooperating agreement" with the monument, commission Chairman John Justman said on Monday, "I'm waiting for the Park Service to start cooperating."

U.S. Rep. Scott Tipton, R-Colo., whose district includes the monument and U.S. Sen. Mark Udall, D-Colo., who has led the park-study effort, both said on Monday that they had doubts about the origins of the ban.

"It's deeply concerning that local government officials and Glade Park residents were not consulted in advance of this far-reaching, and legally questionable, decision that has significant implications for the Grand Junction and Glade Park communities," Tipton wrote to Eckert.

Udall, who leads the Senate subcommittee on national parks, said the commissioners and Glade Park residents "deserve answers from Colorado National Monument Superintendent Lisa Eckert and the National Park Service on this decision," Udall said in a statement. "I strongly urge

"If we have a cooperating agreement ... I'm waiting for the Park Service to start cooperating."

JOHN JUSTMAN

Mesa County commissioner

Superintendent Eckert to start a dialogue to publicly address this controversy and reach a collaborative, community-driven resolution that protects public safety and ensures the people of Glade Park continue to have affordable access to life for their homes and businesses.

"The National Park Service already has conducted meetings with Grand Valley and Glade Park residents aimed at developing a visitor activity and commercial services plan.

Eckert began planning to rescind the ban after the Glade Park meeting on June 16, her statement said.

"The Glade Park community's concerns are valid and I hope to build on the collaboration and mutual support we identified last summer by working again with our friends and neighbors to address all of our concerns," Eckert said.

INVESTMENT: Comments can be sent to prison

Continued from Page One

stances that would warrant "compassionate release" for Mr. Lochmiller," Jane Quimby, now retired from the FBI, said in an email. "He is responsible for the financial devastation of over 200 victims. Many of those victims were retired or elderly and will never recover from their losses. People's lives were ruined because they trusted this man. He deserves every discomfort prison can provide for the rest of his 30-year sentence."

Anything short of Lochmiller serving a full sentence "would be a travesty of justice and slip in the face to all of his victims," Quimby wrote. In his scheme, Lochmiller sold investors lots in "affordable housing" projects in Colorado, Utah and Idaho. He frequently "stacked" mortgages on supposedly prime lots in those projects and on many occasions failed to record deeds to the affected lots.

Witnesses testified at his trial that Lochmiller converted investor money for personal use and paid old investors their promised returns of as much as 18 percent with the money from new investors.

Comments on Lochmiller's request for release can be made to Warden Linda Sanders, U.S. Department of Justice, Federal Bureau of Prisons, BOP — MCFP Springfield, 1900 West Sunshine St., Springfield, MO 65807-4000.

The bureau is accepting comment on Lochmiller's request through Monday.

Continued from Page One

ected, which she referred to as "the VA's typical harmless error approach."

"This approach has prevented the VA from acknowledging the severity of systemic problems and from taking the necessary steps to provide quality care to veterans," Lerner wrote to Obama. "As a result, veterans' health and safety has been unnecessarily put at risk."

Complaints about a lack of access to VA health care have prompted a national outcry that led to VA Secretary Eric Shinseki's resignation. The most startling allegations have arisen out of the VA's medical center in Phoenix, where a VA inspector general's investigation found that about 1,700 veterans in need of care were "at risk of being lost or forgotten" after being kept off an official, electronic waiting list.

Lerner says the office is reviewing more than 50 complaints alleging threats to patient health and safety and has referred 28 of them to the VA for investigation.

Her office is an independent investigative and prosecutorial agency that protects federal workers from prohibited personnel practices, especially reprisals for whistleblowing.

Lerner said two cases highlight her concerns. In Fort Collins, Colorado, the VA's Office of Medical Inspector confirmed multiple violations of policy to deny appointments, scheduling and cancellations that masked true wait times. Nearly 3,000 veterans were unable to reschedule canceled appointments, and one nurse practitioner alone had 975 patients unable to reschedule ap-

"We have a veteran we warehouse for eight years. That's a national tragedy."

U.S. REP. TIM WALZ

D-Minnesota

ointments. However, the same office did not substantiate that the failure to properly train staff resulted in danger to public health and safety.

Lerner said the VA's conclusion "is not only unsupported on its own, but is also inconsistent with reports by other VA components examining similar patient-care issues."

In a second case, a VA psychiatrist disclosed concerns about patient neglect in a long-term mental health care facility in Brockton, Massachusetts. One veteran who was a resident of the facility between 2005 and 2013 had only one psychiatric note written in his chart. Another was admitted to the facility in 2003, yet his first comprehensive psychiatric evaluation did not occur until 2011.

Despite the findings, the VA said there was no impact on patient care. A follow-up was requested, and the VA again said it did not feel that the patient's rights were violated.

"Such statements are a serious disservice to the veterans who received inadequate patient care for years after being admitted to VA facilities," Lerner wrote. "Unfortunately, these are not isolated cases."

At a hearing Monday night examining patient care, lawmakers said they were particularly disturbed about the allegations in Brockton.

"One note in eight years?" asked Rep. Jeff Miller, R-Fla., the chairman of the House Committee on Veterans' Affairs.

"That is unacceptable sir," responded Dr. Thomas Lynch, an assistant deputy secretary for the VA.

"We have a veteran we warehouse for eight years," added Democratic Rep. Tim Walz of Minnesota.

"That's a national tragedy," Miller said. "That's a national tragedy." Miller said Obama needs to reiterate to each VA employee the need to solve problems rather than downplay them.

"It's impossible to solve problems by whitewashing them or denying they exist," Miller said.

Lerner cited other cases in Buffalo, New York; Little Rock, Arkansas; Harlingen, Texas; Jackson, Mississippi; and San Juan to bolster his position that the VA is downplaying the impact of deficient care.

The VA said Gibson had reiterated to staff earlier this month that whistleblowers must be protected.

Both the House and Senate have passed legislation that would require the VA to pay private providers to treat qualifying veterans who can't get prompt appointments. Each chamber has appointed a committee to iron out differences between the two bills, with the lawmakers meeting Tuesday.

Both bills would make it easier to fire or demote senior agency officials, and both would end bonuses to regional VA officials and other administrators based on meeting patient scheduling goals — a practice investigators say led some officials to create phony waiting lists to "game" the system.

The 57th Annual THE DAILY SENTINEL GRAND JUNCTION, COLORADO

CGA Competitive Junior Golf Tournament

The Western Chapter of the Colorado Golf Association has joined The Daily Sentinel again this year to produce the largest and finest junior golf event in the state.

Monday, July 7 at Bookcliff Country Club, 1:00 p.m. shotgun

Tuesday, July 8 at Tiara Rado, 8:00 a.m. shotgun

Colorado Junior Golf Association Division Entrants must have an active GHIN number and an established USGA handicap index. The field is limited to 100 players. If the number of entrants exceed 100 boys and girls, the highest handicap players will be dropped.

36-Hole Tournament Separate flight for boys and girls Age 14-15: 18 holes each day ENTRY FEE \$50 Age 16-18: 18 holes each day ENTRY FEE \$50

No late entries will be accepted. Entries must be made on official entry form and mailed to the Colorado Golf Association, P.O. Box 322, Grand Junction, CO 81502. Entries must be received before noon, July 1, 2014. NO EXCEPTIONS. No registration by phone or at local golf courses. Fees check payable to the Colorado Golf Association

OFFICIAL ENTRY FORM FOR THE DAILY SENTINEL GOLF TOURNAMENT

Boy _____ Girl _____ Please print clearly

Name _____

Address _____

City/State/Zip _____

E-mail address _____

Age (As of 7/1/13) _____ Home Course _____

Competitive Division: GHIN# _____

USGA Handicap _____

Parents: Check here if you can be a scorekeeper

Make checks payable to: Colorado Golf Association

Mail entries to: Colorado Golf Association P.O. Box 322, Grand Junction, CO 81502

BUSINESS

Stocks of local interest

Stock	Div	PE	Last	Chg	% Chg
Argus	1.99	23.25	106.58	-23	-21
Amplic	0.77	22.45	53.07	-29	-54
ArchCoal	0.07	N/A	3.64	-0.22	-55
BBarrett	0.00	N/A	26.52	-35	-127
Chico	2.27	16.41	53.07	-29	-53
CS&I	3.00	18.67	99.31	-18	-18
CP&W	4.07	12.86	152.88	-64	-42
ChryslFin	7.5	23.72	46.98	-29	-62
Omarea	5.8	20.11	142.10	-78	-56
USPerm	0.00	N/A	27.40	0.00	0.00
EnCana	41	23.14	24.54	+01	+04
Habitat	5.8	22.48	70.37	+13	+19
Hanson	0.00	N/A	27.40	0.00	0.00
Hevisp	60	12.95	54.52	+30	+88
HowellInt	1.76	19.00	94.27	-55	-58
Kaiser	65	16.87	46.40	-44	-88
LockHill	5.14	17.10	163.95	145	+88
McQuDN	3.98	19.71	74.70	-116	-155
Ni Inc	2.9	N/A	6.60	-0.44	-66
Norfolk	63	N/A	25.19	-33	-133
AgriStar	77	24.33	33.33	-30	-88
StarMed	00	N/A	7.38	-13	-173
TherMeFS	60	30.12	119.10	+16	+13
AgriStar	77	24.33	33.33	-30	-88
UtahMud	1.00	17.12	53.00	+14	+277
ValMet	1.25	63.60	76.36	+80	+106
WaldGrp	2.25	12.16	61.48	-48	-77
WireSoc	1.58	96.74	58.86	+120	+206
XcelErg	1.16	20.20	30.44	-15	-47
ZionBldg	1.8	19.93	30.04	-07	-23

Prices are futures from the New York Mercantile Exchange.

Commodities

Energy	Mon.	% Change
Light crude oil	106.17	-0.66
Heating oil	3.03	-0.02
Natural gas	4.45	-0.09
Unleaded gas	3.08	-0.02

Prices are futures from the New York Mercantile Exchange.

Agriculture	Mon.	% Change
Lean hogs	128.98	-0.18
Live cattle	146.92	-0.60
Feeder cattle	207.30	-1.63
Corn (bu)	3.45	-0.10
Soybeans (bu)	12.34	-0.02
CRW (wheat, Du)	7.14	+0.07

Prices are futures from the Chicago Mercantile Exchange except Kansas City wheat.

Market watch

June 23, 2014

Dow Jones Industrials	-9.82
Nasdaq composite	0.64
Standard & Poor's 500	-0.26
Russell 2000	-3.48
NYSE diary	Advanced: 1,513
Declined: 1,569	
Unchanged: 141	
Volume: 2.7 b	
Nasdaq diary	Advanced: 1,146
Declined: 1,497	
Unchanged: 134	
Volume: 1.7 b	

Ruling sets hurdle for securities claims

By THE NEW YORK TIMES NEWS SERVICE

WASHINGTON — The Supreme Court on Monday made it harder for investors to band together to pursue claims that they were misled when they bought or sold securities. But the justices did not accept a broader challenge, one that could have put an end to most class actions for securities fraud.

Business groups expressed concern that the ruling would make it harder for investors to sue, calling it a small step. "While today's decision inches toward bringing securities law back in line with the ordinary rules for proving fraud cases, much more can and should be done," said Lily Claffee, general counsel of the U.S. Chamber of Commerce.

The 6-3 decision, in a case involving the oil services company Halliburton, will cut back on suits that can involve enormous sums. Companies facing class actions prefer to address as many issues as they can before judges decide whether to certify a class. Once a class is certified, they say, the damages sought are often so enormous that the only rational calculation is to settle on the chances of losing at trial are small.