

MEDIATE THIS!

THE RENTAL UNIT WITH DOWN-AND-DIRTY APPLIANCES

BY STEVEN P. DINKIN

Dear Mediator:

My roommates and I are working in our first jobs and renting our first apartment, and we are having trouble with the appliances in our unit. The dryer takes two hours to dry a medium-sized load, and the oven takes 25 minutes to reach 150 degrees. The property manager, a young guy like us, sent technicians who couldn't fix the problem, and he keeps promising to send other technicians. He also says the appliances are old and asks if we've done anything to break them. Should we start withholding our rent?

In Need of Repairs in Chicago

Dear In Need:

Renters have reasonable expectations that a housing unit will include the accouterments of what is called "habitability": heat and ventilation, indoor plumbing, doors with locks. Landlord-tenant laws across the nation share those expectations, as do most landlords.

But some property owners see things differently because their focus is on their balance sheets.

These proprietors feel distressed if revenues from units they lease or manage don't substantially exceed maintenance costs.

From their peculiar vantage point, paying for repairs subverts the natural order of commerce and should be avoided by any means necessary.

In mediation, when we sit down with people who aren't playing by the rules, we begin by assuming that they need to be enlightened.

Your first task in that effort involves research into state and local laws governing landlord obligations and tenant rights. And if you haven't already, study your rental lease to see if it contains any surprises.

Most states do not require landlords to supply the appliances you've described, which are considered "amenities." But if a unit comes with appliances, and your lease doesn't indicate otherwise, the law assumes the landlord owns them and is therefore required to repair them.

Your property manager isn't playing the "not my problem" amenities card. He hasn't refused to fix the appliances. He just doesn't share your sense of urgency about having clothes that are dry and food that is thoroughly cooked.

What he needs is a dose of one of the strongest conflict resolution tools we have: a feeling of empathy.

You can supply that by asking for an in-person meeting to dis-



GETTY IMAGES

This week's problem deals with tenants struggling with poorly working, old appliances.

cuss your situation. For the most part, you are faceless senders of vexed emails and phone calls. He needs to know you as real people who have the same desire for a functional living space as he does.

In fact, you are just like him, young adults launching careers

who need to be presentable and can't afford to eat out all the time. Invite him to stop by for coffee. Be sure to straighten up the place before he comes.

If the empathy card doesn't work, withholding rent is an option, but it means going nuclear.

You never want to use it, and you shouldn't threaten it. But you can prepare for it by employing a best practice for all renters. Document the condition of your apartment. Start a log of problems that occur during your tenancy. And keep track of the timeliness of your monthly rent payments.

A written record of ongoing issues with photos, dates and impacts can be compelling. But don't wield it as a weapon. You will be more persuasive if you present it as evidence that your distress is genuine and your need for relief is demonstrable.

You want your appliances to work, and you also want to stay on good terms with your property manager for the duration of your stay. So offer an olive branch. Tell him you welcome his advice about the proper use of appliances, and ask if he has any tips about that.

Steven P. Dinkin is a professional mediator who has served as president of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Share your story with The Mediator via email at mediate@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous. If you have questions, email lora.cicalo@suniontribune.com

NOTEBOOKS

From Union-Tribune reporting staff

OUTDOORS: ERNIE COWAN

Mystic power of the Grand Canyon

Memories of a mystic encounter more than 20 years ago swept over me last week as I stood at the wild edge of the Grand Canyon waiting for the moon to rise.

My hands were jammed into the pockets of a down jacket as a gentle breeze made the 34-degree temperature seem colder than it was. It was a replay of similar events from years ago, but so far without the nocturnal encounter.

Like my previous visit, I had come to photograph the beauty of the Grand Canyon by moonlight. On that trip years ago, I had driven several miles away from Grand Canyon Village to avoid lights of passing cars or other tourists.

I parked at a wide spot and hiked off through the juniper forest until I came to the edge of the yawning canyon. It was early March and there was snow on the ground and a bite to the chilly air.

The sky was clear, and a heaven filled with stars hung over my head.

The full moon began to creep above the eastern horizon.

Anyone who has been out in the wild during a full moon knows how bright it can be, but with snow on the ground, the lunar glow seemed magnified.

My tripod was set and camera mounted. I began taking long-exposure photographs and in the chilly darkness just gazed out over a breathtaking landscape. I understood why the Grand Canyon is one of the seven natural wonders of the world.

Before me was the history of Earth's creation, cut away by millions of years of wind and water. How humbling to be there as a speck of humanity in a vast universe displayed all around me.

As I gazed off into creation, I sensed a presence.

Without a sound, a young man had approached and was standing right next to me. For some reason I was not startled or felt a sense of alarm. He, too, seemed focused on this moment of grand cosmic design.

He was a 21-year-old Navajo who worked at the famous El Tovar Hotel in Grand Canyon Village. He had spent his day off hiking to the Colorado River, 4,000 feet below.

I asked him what trail he had taken. "It's a pathway of the ancients and not on any map," he told me.

I also commented that he didn't seem to be carrying much for a full day of hiking. "I get everything I need from the land," he said.



ERNIE COWAN

Incoming clouds at the Grand Canyon, one of the world's wonders.

For a while we stood silently gazing out over the canyon. It's hard to describe how beautiful it was on this crisp, clear winter night by the whispering light of the full moon.

There certainly was a shared reverence for this place and as he spoke of his connection to the land, I was touched by the deep spirit of the Navajo.

A few minutes of silence passed, and he softly said, "I see that you love this place as much as I do."

I assured him that I did. A moment later I turned, and he was gone.

What are the odds that two people from completely different backgrounds would meet in a snow-covered wilderness at the rim of the Grand Canyon?

That encounter from two decades ago is etched in my mind and while I knew it would never happen again, the memory still played clearly as I returned to the canyon rim with hopes of capturing a moonlight photograph.

The image was not to be this time. Cloud cover and canyon fog killed any chance for moonlight photos. Standing again at the canyon rim hopefully waiting for skies to clear, there was not another encounter with a visitor in the night.

I did return for one last canyon look early the next morning.

As I turned to go, I heard the caw, caw of a passing raven.

Looking up, I saw him flying ahead of me. In Native American culture the raven is a messenger from the cosmos.

Perhaps I was again visited by the spirit of the Navajo.

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READERS' REPRESENTATIVE: ADRIAN VORE

The story behind Cox, Newsom Q&As

Balanced coverage of candidates and issues is always important during election seasons. It's why reader Roy Winter from Escondido emailed the Readers' Rep earlier this month.

Winter wanted to know why did Democrat gubernatorial candidate Gavin Newsom have a solo Q&A on almost a full page of the opinion section Oct. 7, and Republican candidate John Cox have a Q&A at the bottom of B1 Oct. 8. Winter added that the accompanying picture of Newsom was a "glamour shot" (it was taken at the Union-Tribune offices by a staff photographer), and the picture of Cox was a "snapshot" (it was an Associated Press photo that ran two columns wide).

Those are good questions. The answers, I think, are enlightening.

Cox chose not to participate in the opinion section's interview. Matthew T. Hall, the U-T's editorial director, said his team tried time and again to get Cox to come in for a Q&A. On some occasions the Cox camp didn't respond. Others times the campaign said it was trying to find a time.

Finally, Hall said, publication of the Q&A with Newsom could no longer be delayed. This explanation was included in the introduction of the Newsom piece: "Only Newsom accepted despite a series of requests and multiple conversations over several months with the Cox campaign."

It's important that readers know that the newsroom and the editorial department operate independently. Reporters and editors in the newsroom have nothing to do with the content produced by the opinion staff and vice versa.

The Cox piece that ran on the news pages was done by politics reporter Charles T. Clark. He had attended a campaign stop by Cox at Father Joe's Villages in San Diego on Oct. 1. While covering the event, a Cox representative asked Clark if he would like to come aboard the campaign bus and have a sit-down with the candidate. Sure, Clark replied.

After writing his story on the event itself (it ran on A4 Oct. 2), Clark wondered what he was going to do with the material he gathered during the one-on-one interview. Clark and his editor, Ricky Young, decided on a Q&A, which was then offered for the B section and slated to run in Monday's paper.

That's how the Cox piece ended up running Oct. 8 on B1. It was pure happenstance that it all came about. There was no coordination between the editorial team and the opinion group.

Later, Newsom made a campaign stop in San Diego. He visited a homeless veterans organization, Veterans Village of San Diego, on Oct. 12.

Clark covered that (the story ran on A4 Oct. 13), and asked Newsom for a one-on-one interview. Clark was hoping to do a Q&A with Newsom, since he did one on Cox. Newsom, however, said he did not have time that day. Clark said they left open the possibility of doing an interview another day, but with the Nov. 6 election fast approaching, it might not be possible.

Requests to see stories before publication

In an ongoing effort to tell readers how things operate in the newsroom, I'm focusing this time on a request reporters receive occasionally. A source will ask a writer if he can see a completed story before publication.

Reporters almost always decline. Although there is a plus side in double-checking facts, granting the request can lead to sources wanting the story changed into a publicity piece rather than an objective news story.

Reporters can still check facts by emailing a source or reading back information. They can also describe the gist of the piece to the source.

"Journalists are cautious about sharing their stories before publication, and many outlets forbid it," said Jeff Light, the U-T's publisher and editor.

"We don't have a hard rule at the U-T. Our belief is that reporters are ethically bound to ensure that people they write about critically have complete line of sight to everything being said about them and have the fullest opportunity to respond. But we have an equally important obligation to ensure that no third party has undue influence on our work. An absolute rule in either direction advances one goal at the expense of the other."

U-T Watchdog reporter Morgan Cook said, "From time to time, sources (especially sources who are lawyers) ask if they can read the story ahead of time. I almost always tell them no, but I'm happy to check facts and quotes I have attributed to them before I file."

"If I really trust the source who is asking to read the story, I might email them those chunks of info so they can send it back with corrected facts and suggested changes. We can then talk about their proposed changes, and I can relay that information to my editor so he and I can decide what to do," Cook said.

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FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

TRAINING STATION DEDICATED HERE ON NAVY DAY

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Sunday, Oct. 28, 1923

In 1923 the Navy formally dedicated a training facility in San Diego. Nearly 75 years later the base was closed in 1997, after training more than 1.75 million recruits.

Today the former Naval Training Center at Loma Portal has been rebuilt as the mixed-use complex called Liberty Station.

Here are the first few paragraphs of the story:

\$4,000,000 NAVAL TRAINING STATION DEDICATED

SAN DIEGANS VOICE PRAISE OF SEA BASE

Ceremonial at Loma Portal From Invocation to Tree Planting Is Carried Out Without Single Hitch.

SAN DIEGO'S \$4,000,000 naval training station, consecrated to the training of American youths in not only the attributes of citizenship, but of sterling patriotism and undying loyalty to their country, was formally dedicated with inspiring ceremonies yesterday afternoon.

The dedicatory exercises, held in one of the most scenic points along the bayshore, probably formed the outstanding picturesque spectacle of San Diego's observance of Navy day.

CRADLE OF NAVY HERE

Mayor John L. Bacon, one of the several speakers, struck the keynote of the day's significance to the citizens of San Diego and of the nation in the double observance of Navy day and the anniversary of Theodore Roosevelt when he declared that when the government erected the training station here it placed a great responsibility upon the citizens of the community.

The mayor related how the youths, hailing from all sections of the country, receive



their first training in American citizenship at the hands of the able officers of San Diego's superb station, and how this training was reflected in their conduct during their subsequent travels in foreign lands. The mayor, in closing his remarks, referred to the training station as the "cradle of the Navy."

Former Congressman William A. Kettner delivered the dedicatory address. He traced the various phases that led up to the selection of San Diego as the site for naval training and praised the work of the chamber of commerce, William D. Stephens, A. J. John-

son and Franklin Roosevelt in bringing the training station plans to fruition.

Captain David Sellers, commandant of the station, said he was proud to accept and publicly acknowledge the honor of being a citizen of San Diego. He cited the fact that it was the citizens of this city that donated the land on which the training station is located. "It is particularly gratifying to us that the land came to us in this manner," said Capt. Sellers, "as it showed conclusively that we were wanted."

Rear Admiral Ashley Robertson, commandant of the 11th naval district, declared that the station was credit to the government and one that will make a lasting impression upon the youths who are fortunate to receive their elementary sea training there. "When this station is completed," said the admiral, "it will be the finest of its kind in the country." He declared that the nation's sea fighters are entitled to the best that the government can give them and that he was "proud of having these fine types of American boys trained in this fine institution."

SWING AND GOULD SPEAK

Congressman Phil Swing said that the city of San Diego is proud of the Navy and that the government can be proud of the training station. "We have just that kind of a Navy, that the public will support," said Swing, amidst hearty applause from the crowd. Swing elicited further applause when he declared that "the people of San Diego never failed the government in any reasonable demand and that they never will."

ONLINE: View this and other anniversary front pages online at sandiegouniontribune.com/150-years.