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# The Ukiah Daily Journal

Partly sunny  
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**CITY OF UKIAH**

## Suit alleges arrest was unlawful

Independent investigation into UPD's use of force not yet completed

By Justine Frederiksen  
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A lawsuit recently filed in federal court alleges that Ukiah Police officers used excessive force and violated their department's policies during an "unlawful and discriminatory" arrest of Gerardo Magdaleno in Ukiah last year.

"No reasonable officer would reasonably believe that the force used against plaintiff was reasonable or necessary, or that it was in any way related to a legitimate law enforcement purpose," the complaint filed by Sebastopol attorney Izaak D. Schwaiger states.

The suit was filed Dec. 1 in the United States District Court for

the Northern District of California on behalf of Gerardo Magdaleno, "by and through his Guardian Ad Litem, Pedro Francisco Magdaleno." The suit describes Magdaleno as a "twenty-five-year-old mentally ill man who suffers from schizophrenia and bi-polar disorder. He has been hospitalized for his illness on several oc-

casions, is often homeless, and is well known to law enforcement in the city of Ukiah."

The defendants in the suit are the city of Ukiah, Justin Wyatt, who was the Ukiah Police Chief at the time of the April 1, 2021, arrest of Magdaleno, as well as four officers described as directly involved in the incident: UPD Lt. Andrew Phillips, Officer Saul Perez, Officer Jordan Miller and Officer Alex Cowan.

The lawsuit describes the incident as beginning when "Gerardo had run out of his medication, and was found naked in the parking lot of the Ukiah Bakery Outlet in downtown Ukiah. During the arrest of Magdaleno, the suit alleges, "these defendants Tasered Gerardo Magdaleno four times, sprayed him in the face with 20-25 applications of OC spray, kicked him in the head

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**MEDIUM GALLERY**

## REVERED UKIAH ARTIST EXHIBITING HER WORK

'Teach, Restore, Paint: The Works of Adele Pruitt' opens Friday



PHOTOS BY CHRIS PUGH — FOR THE UKIAH DAILY JOURNAL

Olivia Consterdine and Lillian Rubie, board members of the Deep Valley Arts Collective, ready the Medium Gallery for a show featuring the art of Adele Pruitt, opening this Friday.

By Carole Brodsky  
 Special to the UDJ

At 99 years young, Adele Pruitt is still going strong — still teaching numerous art classes and still creating and selling her catalog of paintings, which range in style from abstract to realist to hauntingly evocative landscapes.

On First Friday, Jan. 7, the Medium Gallery is displaying a large selection of Pruitt's paintings. Her exhibition, entitled "Teach, Restore, Paint: The Works of Adele Pruitt," represents a deep dive into her artistic styles and fluency, according to Chris Pugh, vice-president of the Deep Valley Arts Collective — the non-profit organization that runs the gallery.

"We at Medium are honored that the gallery is being utilized to celebrate one of the arts community's local heroines," says



Adele Pruitt prepares to restore a painting. Along with a comprehensive showing of her art, the exhibition will feature samples of restoration work.

Pugh. "We've been asked many times by visitors to the gallery if we were aware of her work. How could we not know about

Adele?" Pugh smiles. "It is long past time that Adele receive the accolades she clearly deserves from our community. This is a

great opportunity to get to see her work and meet her in person on Friday."

During an era when it was difficult for women to light out on their own and forge their own path, Pruitt attended San Francisco State and the University of the Pacific where she received her master's degree in Art Education. For the bulk of her adult life, she made her living as a working artist, a teacher and most unusually, as a restorer of paintings and picture frames.

Pruitt, a longtime Ukiah resident, became known by the community when she opened the Renaissance Gallery in the 1970s. The shop, located on Seminary Avenue, was the only place for locals to get paintings restored and framed. The gallery also afforded Pruitt the opportunity to teach and paint for herself. She is one of an elite cadre

**ARTIST » PAGE 3**

**FISH AND WILDLIFE**

## Habitat funding announced

By Mary Benjamin  
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The California State Department of Fish and Wildlife released their approved funding list for Fisheries Habitat Restoration Program projects. Of the fifteen projects approved in Northern California, seven are located in Mendocino County for a total funded amount of approximately \$4.9 million.

The projects will focus on salmon and steelhead recovery habitats at designated points along particular streams. Some sites have already benefited from earlier project phases. The following is a list of the approved projects. All dollar amounts are approximate.

Brandon Gulch Stream: \$250,000 was granted to the Mendocino Land Trust to improve Coho Salmon spawning habitat. Thirty-five new log structures will be installed using over 100 large wood pieces along a 3,885-foot stretch near the Egg Collecting Station. This is in addition to

**HABITAT » PAGE 10**

**CRIME**

## UPD: 3 teens arrested in shopping center with firearms

Ukiah Daily Journal staff

Three Ukiah teenagers were arrested Tuesday for alleged firearm possession after reportedly hiding from officers, the Ukiah Police Department reported.

According to the UPD, officers responded to the Pear Tree Shopping Center in the 500 block of East Perkins Street around 5:40 p.m. Jan. 4 when it was reported that "a vehicle appeared to be chasing four juveniles in the parking lot," and that the juveniles were last seen running toward Ford Street.

While searching the area, officers reportedly found three juveniles hiding behind a vehicle on Hamilton Street, and one of the teens, a 15-year-old Ukiah boy, was reportedly recognized as being involved in another incident reportedly involving firearms in November of 2021.

**TEENS » PAGE 10**

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**INSIDE**  
**Mendocino County's opinions on the issues**  
 Check out today's editorial columns and letters to the editor from our readers.  
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## TAXES AND FINANCE

# Make payroll taxes easy in 2022

By James Angell

Handling employment taxes can be complicated, especially when you're required to file important tax documents throughout the year.

Here's a quick recap of the most vital payroll tax forms and what you can do to make your payroll life easier heading into 2022.

## Important payroll tax forms

Form 941 — Employer's quarterly federal tax return. This form is used to report income tax withheld from employees' pay and both the employer's and employees' share of Social Security and Medicare taxes. Employers generally must deposit Form 941 payroll taxes on either a monthly or semiweekly deposit schedule.

Form 940 — Employer's annual federal unemployment tax return (FUTA). This return is due annually at the end of Janu-

ary. However, FUTA taxes must generally be deposited once a quarter if the accumulated tax exceeds \$500.

Form W-2 — Wage and tax statement. Employers are required to send this document to each employee and the IRS at the end of the year. It reports employee annual wages and taxes withheld from paychecks.

## Make payroll easier

Remind employees to review withholdings. Jan-

uary is a great time to remind your employees to check their paycheck's tax withholding amounts.

Various life events in the preceding 12 months can potentially lead to one of your employees owing a different amount of taxes in 2022 than they owed in 2021.

And no matter how hard you try, employees will ask for your help. So get ahead of the curve with this simple review reminder.

Create a payroll fore-

cast.

Be prepared for how much you'll spend on salaries and wages in 2022 by creating a payroll expense and benefit forecast.

In addition to base salaries and wages, include the following in total salary and wage expenses: Your share of an employee's Social Security and Medicare taxes; health insurance premiums paid on behalf of employees; and any other benefits you provide to employees.

Ask for help. Payroll compliance involves many moving parts at the local, state and federal levels.

Please call if you have any questions about your business's payroll tax compliance, and how to properly account for payroll expenses on your financial statements.

*James Angell is a Willits based Certified Public Accountant. His office is located at 461 S. Main St. and he can be reached at 459-4205.*

## Lawsuit

FROM PAGE 1

while he was on the ground, kneed him four times (once in the groin), and punched him fifty-four times."

At the time of the arrest, the UPD described the incident as beginning around 2:45 p.m. April 1, 2021, when a UPD officer near the 1400 block of South State Street responded to the area when the Mendocino County Sheriff's Office was dispatched to a report of a naked man in the roadway.

UPD Lt. Phillips said when the first officer contacted Magdaleno, he quickly became "aggressive and took a fighting stance. A Taser was deployed, which was ineffective, and a second Taser was deployed, which was also ineffective." Phillips said a third Taser and pepper spray were used on Magdaleno before he was taken into custody. He was also placed in a "Wrap restraint," which Phillips said immobilizes combative suspects.

Phillips said Magdaleno

appeared to be under the influence of a stimulant such as methamphetamine, and that it is "very common for people under the influence of meth to get very hot and take their clothes off. And he was taken to the hospital to make sure he wasn't suffering from meth psychosis."

According to a UPD press release, Magdaleno was then arrested on suspicion of resisting arrest, possession of drug paraphernalia and being intoxicated in public. In August of 2015, Magdaleno was arrested by the UPD after a reported disturbance in a motel room on South State Street and booked into county jail on suspicion of possession of a controlled substance and violating his probation.

MCSO Capt. Greg Van Patten said Magdaleno was booked into jail April 1, 2021, after being treated at Adventist Health Ukiah Valley, but several hours later he was taken back to the hospital. When asked whether jail staff were concerned about Magdaleno's health due to his mental status or possible injuries,



FILE PHOTO BY PETER ARMSTRONG

Suspect Gerardo Magdaleno is placed in a Wrap restraint by Ukiah Police officers in April 2021.

Van Patten said only that he was transported back to the hospital "due to concerns regarding his physical condition."

City Manager Sage Sangiacomo described the incident as beginning when officers "responded to a call reporting that an individ-

ual was exhibiting erratic behavior in a public setting. During the incident, a number of methods to subdue and restrain the individual were employed, prompting an investigation regarding the incident's escalation and whether Ukiah Police principles and protocols

were followed."

To that end, Sangiacomo said "the city also intends to seek an independent review of the existing policies to determine whether they could be augmented or otherwise improved. We believe in the importance of oversight and ac-

countability for our police department. Not only do they need the right policies, training, and tools, but they also need accountability if there are problems that arise. That is essential for keeping community trust in the officers who are on the front lines and responsible for keeping us safe."

The city then hired Independent Investigative Consultants, located in Windsor, to conduct an investigation into the UPD's actions during the arrest of Magdaleno. Paul Henry of Independent Investigative Consultants later confirmed that the firm was "conducting an administrative internal affairs investigation for the city of Ukiah."

When asked this week if the firm's investigation into the arrest had been completed, current UPD Chief Noble Waidelich said that "the administrative investigation has not been completed." When asked when the investigation was expected to be completed, Waidelich said that with "few exceptions, it needs to be completed within one year."

## Artist

FROM PAGE 1

of individuals who can evaluate and restore paintings, which regularly arrive at her studio in various states of disrepair.

"I didn't start doing restoration until after I moved to the Renaissance Gallery, when I kept getting orders for people needing their paintings cleaned. One of my employees suggested I go to the Academy of Professional Art Conservation and Science in Sonoma to learn to do this myself. That's what I did," she explains.

Jayed Scotti is one of Pruitt's longtime students who has spent two decades working side-by-side with Pruitt — he, focusing on the repair of broken frames, and Pruitt recreating art works damaged by falls, fires and the ravages of time.

"Adele is a very unique artist — capable of many different styles of painting with a unique ability to bring her own sense of individuality to everything she does. She is a wonderful person and a great mentor, and an example of an individual who has been able to continue and expand upon her vocation, throughout her entire life," Scotti notes. Like many local artists, she is probably most known for her paintings of local landscapes, but Pugh notes the exhibition will feature several dozen of her more adventurous, dynamic pieces including abstracts, seascapes and portraiture, created utilizing a wide variety of media including encaustics, starch, oils and batik. Every inch of her cur-

rent studio, Pruitt's Fine Art Restoration, is stacked with works in progress — her own, her students' work and paintings awaiting repair. For the first time, notes Pugh, a selection of work restored by Pruitt will be on display.

"The processes involved with art restoration and conservation are very important components of the art world," Pugh notes. "Adele is one of a very small number of people who can bring a damaged painting back to life and also teach the general public how to do it. It is extremely rare to find someone with these skills in a community of our size. It's great to be able to share some of her restoration work with our community," he continues.

"A while back, we restored a few pictures that were in a fire. The paintings had been in an attic," Pruitt notes, holding up a bent canvas that had been painted by the client. Some paintings only need cleaning to bring back their original color values. Others take many months to fully restore. Removing a painting's varnish and refreshing the painting with a new coat is a time-consuming, painstaking process. Pruitt displays a wooden box holding about a dozen small, glass bottles.

"We take large swabs and dip them in a liquid from this little kit, which contains chemical combinations created from my instructor's original formulas. When we start to clean a painting, I start with one of these bottles. They vary in strength. Some may remove just the varnish, and some might actually wipe the painting off the map," she smiles.



PHOTO BY CHRIS PUGH FOR THE DAILY JOURNAL

Deep Valley Arts Collective board member Olivia Consterdine and board president Lillian Rubie prepare a batik artwork created by Adele Pruitt for exhibition at the Medium Art Gallery.

"If a painting is torn, or is in really bad condition, we put it on a new canvas, which is called lining," says Pruitt. A formula of wax and resin is placed on the canvas with a hot iron, which allows the material to penetrate the cracks of the painting.

"Lining encapsulates and consolidates the friable, brittle, unstable paint layers, and adheres all the layers together. It makes the separate layers of a painting one layer," Scotti explains, creating the conditions for the real restoration work to begin.

Conservationists and restorers vary widely in their beliefs regarding how little or how much restoration should be employed.

"What we do is known as aesthetic restoration. I match things back up as best as I can," says Pruitt. "My customers want to put

their paintings back on the wall and enjoy them," she smiles.

What makes Pruitt's skillset so remarkable, notes Scotti, is that when she restores a painting, she has to "become" the artist who originally created the damaged work — painting in their style, with their color palate and imitating their brush strokes. "It's Adele's ability to maintain invisibility as an artist, working on other people's material that demonstrates her impressive artistic prowess — skills that clearly impacted her own personal work."

"Restoration work requires patience and attention to detail, of which Adele has in abundance. She has an amazing recall of the many components, compounds, and chemicals in paints and involved with restoration," says Pruitt's longtime student Polly Pal-

ceek.

"We're not supposed to do anything to a painting that can't be reversed. Somewhere down the road, someone else might have to work on the painting you're working on. I create a condition report so that the next person can see and understand what we did," Pruitt continues.

As an instructor, Pruitt has taught students of all ages and skill levels, and despite the pandemic, she has continued to offer small classes. Over the years, she has taught hundreds of courses. Along with teaching restoration techniques, Pruitt has offered a variety of subjects including Life Drawing, Clouds and Skies, Perspective Drawing, Palate Knife and Brush Work and "Artist's Choice" classes, attracting students from all over the country.

"Many years ago, I was

re-acquainted with Adele at the beginning of my retirement. Since then, Adele has been my gentle, kind teacher and muse. She has suffered through my many, many transitions and trials as I experience, experiment, and generally have fun painting," Palecek notes.

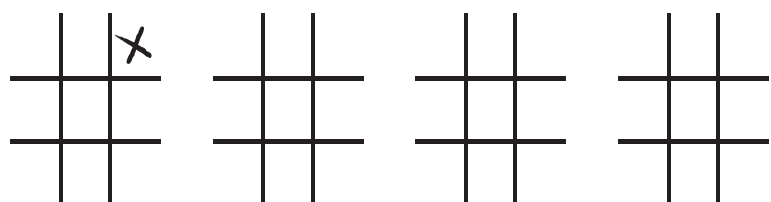
"The highlight of our twice-a-week studio time is lunch, which we consider carefully and never fail to enjoy," she laughs. "Other highlights are the retellings of Adele's vast personal experiences. One of her more accomplished works is her biographical painting — her personal history depicting her family, relatives, former homes, cars, and pets.

"Adele's life has been dedicated to creativity and art. All of this has not only enriched Adele's personal abilities but has enriched and enhanced the abilities of her many students, for which we are all grateful," Palecek concludes.

"As with all our shows, we do not charge any artist commissions, so 100 percent of sales will go directly to Adele," notes Pugh. "As a nonprofit run exclusively by volunteers, we are always grateful for any and all contributions," he concludes.

Per Mendocino County's ordinance, all visitors to the gallery are asked to wear masks. The Medium Gallery is located inside the Pear Tree Center at 522 E. Perkins St. in the former Radio Shack store. The gallery is open Fridays from noon to 8 p.m., Saturdays from noon to 6 p.m. and Sundays from noon to 4 p.m.

For more information, log on to <https://www.deepvalleyarts.org/medium> or visit Medium on Facebook.



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