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Jurors listen to Malone on tape

San Diego council aide also recorded discussing job

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David Cowan
San Diego City
Council aide

Jurors on Thursday reheard a taped conversation in which former Clark County Commissioner Lance Malone discussed getting a San Diego City Council aide's brother a job with Republic Services of Southern Nevada in 2003.

Jurors in a San Diego political corruption case returned to their deliberations after listening to the recorded conversation between council aide David Cowan and Malone, who was acting as a lobbyist for strip club mogul Michael Galardi.

In the conversation, Cowan told Malone his brother and a friend of his brother expected to be hired as "swampers," but were later informed their job would be driving trash trucks, a higher position.

"They think you had a hand in that, so they, they can't stop talking about it," Cowan, who worked for Councilman Charles Lewis, told Malone.

"Well, dude, I tell you, Vegas, it, it's a big town but it's very small," Malone said. "And here, it's not what you know; it's who you know."

Malone then told Cowan: "Now I need a big favor."

Malone then pushed Cowan to get Lewis to support a provision that would increase the required distances between strip clubs.

Prosecutors say that proposal was simply a cover to get the issue of strip clubs before the council. Three council members who had received money from Galardi then would seize the opportunity to repeal a ban on contact between strippers and customers, prosecutors say.

"We're just talking about extending the distance," Malone told Cowan. "It's a good issue."

"Yeah, definitely, it definitely is," Cowan replied.

Malone faces charges he bribed Lewis and Councilmen Michael Zucchet and Ralph Inzunza to repeal a no-touch ordinance, which remains in effect. Zucchet and Inzunza also are on trial. Lewis died last year.

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Cowan is accused of lying to federal agents about his knowledge of the plan to get rid of the no-touch ordinance.

Attorney **Michael Crowley**, who represents Cowan, said his client believed Malone was only pursuing changes to the distance requirement.

When Malone mentioned his intent to get rid of the no-touch portion of the law, Cowan replied, "Yeah" or "Uh huh." **Crowley** said that indicates he wasn't listening closely to Malone.

In a taped conversation in 2003, Malone told Cowan he had a close relationship with Steve Kalish, who was president of Republic Services, then called Silver State Disposal Services. Kalish resigned from the company, which has the contract to haul trash in Clark County, in 2004.

"You make, you make one little call like I did and you know, like I told 'em, he knows that I'm tight with Steve Kalish 'cause I was a county commissioner. Steve Kalish is the president, so, hey. ..."

But Malone's connection to Kalish might not have been as tight as he thought. Cowan's brother and his friend paid \$60 in union dues when they arrived in Las Vegas but were later told they were not guaranteed the job.

Jurors began deliberating Wednesday. Later that day, they asked to listen again to recorded conversations between Malone and Cowan. The tapes were played Thursday.

Also on Thursday, prosecutors and defense attorneys huddled with Judge Jeffrey Miller about a poll expected to be published in the San Diego Union-Tribune next week. The poll asks San Diego residents whether they believe Zucchet and Inzunza are innocent or guilty.

Although jurors are deliberating in a private room adjacent to the courthouse, they are not sequestered. Malone attorney Dominic Gentile expressed concerns that jurors might hear the poll results during weekends are in the evenings after they leave the courthouse.

"It's so irresponsible to engage in that during deliberations," Gentile said.