

LOS ANGELES



April
2008

IRWA
CHAPTER 1

Upcoming Events

[April 23-25, 2008](#)

SR/WA Review Study Session

[May 20, 2008](#)

LA Infrastructure Seminar, Quiet Cannon



President's Message

By: Andrew Thompson,
SR/WA

As I write this month's message, the weather outside is a gloomy 62 degrees, which follows three consecutive days in the high 80's. It reminds me of "June

Gloom" which we experience in Southern California. The phenomenon occurs in the summer months when you are expecting warm sunny weather and are met with dreary overcast. On a more positive note, it is also reminding me that the IRWA Annual Education Conference is right around the corner. The 54th Annual Conference will be held June 22nd to the 25th, in Austin,

Membership Luncheon

[April 22, 2008](#)

Valuation Seminar

Quiet Cannon, 901 North Via San Clemente, Montebello (TG 636-A7)

TX and I highly recommend attending. There will be great speakers and excellent break out sessions intended to expand your knowledge of the Right of Way profession.

If you can't make the Annual Conference Chapter 1 is offering the following educational opportunities:

2008 Valuation Seminar

Last chance to sign up for the Valuation Seminar! The first of our 2008 seminars will be held on April 22nd at the Quiet Cannon in Montebello, CA. A flyer for the event is included in this newsletter and if you're interested in coming, applications will be accepted at the door. OREA, MCLE and SR/WA recertification credit is available for this course, an excellent value!

SR/WA Review Study Session

A change has been made to our SR/WA Review Study Session, which will be held April 23 through 25. A new facilitator, Ralph Brown, SR/WA,

2008 Los Angeles Infrastructure Seminar

A joint venture between IRWA Chapter 1 and the Southern California Chapter of the Appraisal Institute, the 2008 LA Infrastructure Seminar: PLANES, TRAINS, AUTOMOBILES and the FUTURE FOR SOUTHERN CALIFORNIA will be held May 20, 2008 at the Quiet Cannon in Montebello. The speaker line-up and topics make this an event not to be missed. Please see the attached flyer for details.

Information for all courses hosted by Chapter 1 is posted in this newsletter and on our website at www.irwa-chapter1.org. We are always trying to meet the needs of our Chapter members, so if there is a course that you would like to coordinate, please contact our Education Chair, Keith Dang at AFIValuation@aol.com.

New Members

Name	Company Name	Referred By
Michael Daniels	LACMTA	Bruce Whiting
Steven Dominguez	LACMTA	Lynn Bell
Pete Rutledge	Rutledge Consulting	Daniel Kazden
Gabriela Ocampo	Century Law Group	Edward Lear

**IRWA Chapter 1
2008 Officers and Executive Board**

<i>President and International Director</i>	Andrew Thompson, SR/WA Southern California Gas Company	213-244-5032	athompson@semprautilities.com
<i>President-Elect and International Director and Tri-Chapter Chair</i>	Vivian Howell, SR/WA, R/W-RAC, R/W-NAC LAWA	310-417-0450	vhowell@lawa.org
<i>Treasurer</i>	Bill Larsen Integra Realty Resources	818-593-7200	wlarsen@irr.com
<i>Secretary</i>	Konstantin Akhrem Paragon Partners, Ltd.	714-379-3376	kakhrem@paragon-partners.com
<i>Professional Development</i>	Michael Popwell, SR/WA LA Community Dev. Com.	323-890-7195	michael.popwell@lacdc.org
<i>Nominations and Awards</i>	Bryan Riggs, MAI, SR/WA Riggs & Riggs, Inc.	805-578-2400 ext 101	riggsinc@sbcglobal.net
<i>Education</i>	Keith Dang, MAI, SR/WA AFI Valuation Group, Inc.	310-378-0309	afivaluation@aol.com
<i>Membership</i>	Dan Kazden Riggs & Riggs, Inc.	805-578-2400 ext 104	dankazden@sbcglobal.net
<i>Luncheon</i>	Cheryl DeMucci Epic Land Solutions, Inc.	310-378-2061	cheryldemucci@epicland.com
<i>Webmaster</i>	Mark Brusca Riggs & Riggs, Inc.	805-578-2400 ext 105	markbrusca@sbcglobal.net
<i>Newsletter</i>	Natalie Michelson JPI Studios, Inc.	818-634-6932	aunttaliee@aol.com
<i>Law</i>	Michael Yoshiba, Esq. Richards, Watson & Gershon	213-626-8484	myoshiba@rwglaw.com
<i>Valuation Seminar</i>	Artemis Manos Southern California Gas Company	714-634-3141	agmanos@semprautilities.com
<i>LA Infrastructure Seminar</i>	Kelly Kitasato City of Pasadena		kkitasato@cityofpasadena.net
<i>Fall Seminar</i>	David Graeler, Esq. Nossaman, Guthner, Knox & Elliott LLP	213-612-7800	dgraeler@nossaman.com
<i>Historian</i>	Heather Riggs Riggs & Riggs, Inc.	805-578-2400	hnriggs@sbcglobal.net
<i>Engineering/Survey</i>	Art Cordero, PLS, SR/WA City of Los Angeles	213-482-7192	apcor75a@yahoo.com
<i>Environmental</i>	Mohammed Estiri, PhD Eco & Associates, Inc.	714-832-5427	mestiri@panenv.com
<i>Pipeline/Utility</i>	Gary Valentine, MAI, SR/WA Valentine Appraisal & Assoc.	661-288-0198	gsv@valentineappraisal.com
<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC	909-627-2590	duncary@msn.com
<i>Liaison</i>	Tom Hanley, P.E. Paragon Partners	714-379-3376 ext 222	thanley@paragon-partners.com
<i>Title</i>	Teri Kortens Land America Commercial Services	213-330-3084 310-210-6741 cell	tkortens@landam.com

Membership Drawing

At each chapter luncheon we draw a name from the Chapter 1 roster and if that person is in attendance, they win a cash prize. The drawing starts at \$100 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. April's drawing will be for \$130 so be sure to be there in case your name is drawn!

Case of the Month

Conflicting Laws: County v. State

RANDY TOSI v. COUNTY OF FRESNO

**Filed 4/1/08
2008 DAR 4655
(Fifth Appellate District)**

By: Michael F. Yoshiba, Esq., Richards Watson & Gershon, a Professional Corporation

Fresno County (County), its district attorney, and its sheriff appeal from a preliminary injunction prohibiting them from enforcing certain portions of the county's ordinances regulating scrap metal dealers because the ordinances are preempted by state law. The appellate court did not overturn the trial court's preliminary injunction because the state law preempted the enforcement of the new County ordinance.

State law regulates the conduct of "junk dealers." Business and Professions Code sections 21600 through 21609 require recordkeeping (§ 21606), record preservation (§ 21607), and cooperation with local law enforcement agencies in permitting inspection of the records (§ 21606.5). Other related sections provide definitions and exclusions to coverage. (See §§ 21601, 21604, 21605.) The Business and Professions Code provides that violation of these requirements is a misdemeanor (§ 21608); the code permits a peace officer who has probable cause to believe scrap metal is stolen to place a temporary hold on such property (§ 21609.)

In 2007, County enacted certain ordinances to further regulate junk dealers. Although there is no statement of legislative intent in the ordinances, declarations submitted in opposition to the motion for preliminary injunction state that thefts of metal wiring and irrigation parts from local farms were causing far more damage than the metal was worth.

Soon after the County ordinances were adopted, the State filed an action for declaratory and injunctive relief to stop enforcement of the County ordinances. Over County's opposition, the court granted a temporary restraining order prohibiting enforcement of the new ordinances, sections 6.24.120, subdivision 4, 6.24.125, and 6.24.135. Soon thereafter, the court also granted state's application for preliminary injunction. A County appeal and the appellate court's consideration followed.

The appellate court cited that "Our state Constitution allows cities and counties to enact and enforce local ordinances so long as they are 'not in conflict' with the state's 'general laws.' (Cal. Const., art. XI, § 7.) Any conflicting ordinance is preempted by state law and thus void." (0 'Connell v. City of Stockton (2007) 41 Cal.4th 1061, 1065 (0 'Connell).)

An ordinance can conflict with state law in any of several ways: A conflict exists if the local legislation duplicates or contradicts general law or if the local legislation attempts to enter an area fully occupied by general law. (0 'Connell, supra, 41 Cal.4th at p. 1067.) An area can be "fully occupied by general law" either because the Legislature has expressly prohibited further local legislation or because the state legislative scheme implies such a prohibition. (Ibid.) Nevertheless, "when local government regulates in an area over which it traditionally has exercised control, such as the location of particular land uses, California courts will presume, absent a clear indication of preemptive intent from the Legislature, that such regulation is not preempted by state statute." (Big Creek Lumber Cu. v. County of Santa Cruz (2006) 38 Cal.4th 1139, 1149.) In addition to land use regulation, licensing of local businesses is an area over which local government traditionally has exercised control. (See § 16100.)

The ordinance provisions at issue here do not involve licensing or location of recycling businesses. Instead, they impermissibly attempt to govern the purchase and sale of scrap metal, a subject comprehensively regulated by state law. As the trial court concluded, the ordinances duplicate and contradict state law and concern an area fully occupied by state law; the ordinances are therefore preempted.

In the present case, the County of Fresno apparently determined that the state legislation did not go far enough in regulating the conduct of scrap metal dealers. Because the ordinances regulate in a more restrictive manner the very conduct regulated in state law, the ordinances impermissibly conflict with state law.

The appellate court disagreed with County and concluded that the commercial activities--the purchase of scrap metal by recyclers--that are the focus of Fresno County's ordinances "are matters of statewide concern that our Legislature has comprehensively addressed through various provisions of this state's Penal and [Business and Professions] Codes, leaving no room for further regulation at the local level." (O'Connell, supra, 41 Cal.4th at p. 1076.)

The preliminary injunction was upheld and the County ordinance

JOB OPPORTUNITY:

Overland, Pacific & Cutler, Inc. has a contract to place an experienced Right of Way/Real Property Agent in a City's office on a PART TIME basis. This requires 2 full days per week (maybe more if all parties agree) in their office located just North of LA on the 5. This would be perfect for someone who has just retired, is thinking of it, or is re-entering the industry. The candidate would be the sole real estate representative for the City so must be well-versed in all aspects of public real estate. Candidate will be an employee of OPC. Please call Ray Armstrong, SR/WA at (562) 304-2000 if you are interested.

Updating your IRWA Membership Information

1. Visit www.irwaonline.org
2. Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".
3. Click on Update Member Profile.
4. Enter your User Name and Password and click on Login. Your User Name is your membership number (contained on your membership card and dues renewal notice) and the Password is your last name. The Password is case sensitive, so ensure you capitalize the first letter and leave the rest in non-caps.
5. Update your information and click on "Submit. A new page will come up and you can choose to "Exit" or "Logout".
6. That's it! Your information will be automatically updated on the headquarters master list, which is also the one the Chapter uses for communications. Going forward, Chapter 1 monthly newsletters will be sent out via e-mail so it's important to ensure your e-mail address is current.
7. If you do not have access to the Internet or have any questions about updating membership information, call Bonnie Gray at 310-538-0233.

Upcoming L.A. Infrastructure/Transportation Seminar

When is that commute going to improve? Is it perhaps time to consider an alternative form of transportation? How do these transportation issues affect the acquisition or appraisal I'm working on?

If you've ever asked yourself these questions, then you'll want to attend the PLANES, TRAINS, AUTOMOBILES and the FUTURE FOR SOUTHERN CALIFORNIA transportation seminar on May 20, 2008. IRWA is co-sponsoring this event with the Southern California Chapter of the Appraisal Institute. The seminar will cover timely updates on Southern California transportation plans by Caltrans, Metro, SCAG, ports and the L. A. World Airport. It will also address recent legal issues impacting these types of transportation corridors, all of which should be most helpful and of great interest to right-of-way professionals, appraisers and attorneys. Please mark your calendars and join us at 8:00 AM on May 20th for the Los Angeles Infrastructure Seminar at Quiet Cannon in Montebello. A continental breakfast and lunch will be included.

For further information including registration visit Chapter 1's link at irwa.chapter1.org/seminars.htm, or contact Kelly Kitasato at kkitasato@cityofpasadena.net or by phone at (626) 744-7356.



Recognition fair well to William Von Klug for the many years of IRWA Chapter 1 board services



Luncheon Speaker Paul C. Taylor, P.E., Deputy Chief Executive Officer, OCTA, speaking on transportation innovations in Southern California



Dan Kazden, Membership Chair, introducing new members of IRWA Chapter 1: (from left to right) Kirk Hsu, Michael Daniels, Steven Dominguez, and Gabriela Valentina Ocampo

IRWA CHAPTER 1

ANNUAL VALUATION CONFERENCE

Tuesday, April 22, 2008

*Quiet Cannon Montebello
901 North Via San Clemente, Montebello (TG 636-A7)*

CONFERENCE SCHEDULE

8:00 AM	CHECK-IN	12:00 PM	Chapter 1 Monthly Lunch Program & Keynote Address: EMINENT DOMAIN CASE LAW AND STATUTORY UPDATE Douglas J. Evertz, Esq. <i>Luce, Forward, Hamilton, & Scripps</i>
8:30 AM	ATTORNEYS' INSTRUCTIONS TO APPRAISERS IN EMINENT DOMAIN ACTIONS Brad Pierce, Esq. <i>McCormick, Kidman & Behrens</i> Brad Thompson, MAI, SR/WA <i>Mason and Mason, Inc.</i>	1:30 PM	ERRORS, LIABILITY, AND INSURANCE ISSUES FOR CONDEMNORS (CONTRACTOR LIABILITY) Morris L. Reynolds, SR/WA <i>Riverside County Flood Control and Conservation District</i> John C. Murphy, Esq. <i>Luce, Forward, Hamilton, & Scripps</i>
9:30 AM	CALIFORNIA SCHOOL DISTRICTS' PROPERTY ACQUISITION AND DISPOSITION UPDATE Andreas Chialtas, Esq. <i>Atkinson, Andelson, Loya, Ruud & Romo</i> Jerry Suich <i>Oxbridge Development, Inc.</i> John G. Ellis, MAI, CRE, FRICS <i>Integra Realty Resources – Los Angeles</i>	2:25PM	BREAK
10:40 AM	BREAK	2:40 PM	PUBLIC AGENCY REAL ESTATE MANAGERS' ROUNDTABLE: ACQUISITION APPRAISAL CRITERIA Andrew P. Nierenberg <i>CalTrans, Los Angeles</i> Uriel Jiminez <i>City of Los Angeles, Public Works Department, Bureau of Engineering, RE Group</i> Moderator: Michael F. Yoshiba, Esq. <i>Richards, Watson, & Gershon</i>
11:00 AM	LIABILITY AND COMPENSABLE BUSINESS DAMAGES DURING CONSTRUCTION David Girbovan, ASA <i>Girbovan, Inc.</i> Steven Chase, Esq., Assistant Chief Counsel (Ret.) <i>CalTrans, Los Angeles</i>	3:35 PM	DATES OF VALUE IN EMINENT DOMAIN APPRAISAL Allison E. Burns, Esq. <i>Stradling, Yocca, Carlson, and Rauth</i>
		4:30 PM	CLOSE

APPROVED - State of California, Office of Real Estate Appraisers for 7.5 Continuing Education Hours, 90% seminar attendance is required.

APPROVED -Minimum Continuing Legal Education (MCLE) credit of 7.0 Hours, 100% seminar attendance is required.

APPROVED - International Right of Way Association for Senior Designation Re-certification Credits (SR/WA) 7.5 Course Hours, 100% seminar attendance is required.

REGISTRATION FOR ANNUAL VALUATION CONFERENCE

Name _____ Chapter No./Member No. _____
Firm _____ Email _____
Address _____
Phone _____ Fax _____
California Appraisal License No. _____ SR/WA Recertification Credit Needed? Yes or No
(If applicable)

Make check payable to IRWA Chapter 1 and send to:

C/o Artemis Manos
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Anaheim, CA 92806-6114
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Phone: 714.634.3141
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\$85 Member; \$100 Non-Member
Lunch Only - \$25; Lunch is CHICKEN DIJONAISE
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Space is Limited, Please Register Early

7.5 HOURS OREA CONTINUING EDUCATION CREDITS **APPROVED**

7.5 HOURS SR/WA RECERTIFICATION CREDITS - **APPROVED**

7.0 HOURS MCLE CREDITS - **APPROVED**

******All refund requests must be in writing. 50% of the registration fee may be retained if the cancellation notice is postmarked less than 10 days before the program. ******

Below are the classes Chapter 1 has scheduled for 2008. If you would like to coordinate a class that you need (and get the class free, close to your work/home, and on a date you select!), please contact Keith Dang, the Education Chair for 2007-2008 at AFIValuation@aol.com.

Chapter 1 2008 Education Schedule

Course/Seminar	Date	Location	Coordinator
SR/WA Comprehensive Ex Review Course	April 2008	SCEC	David Guder
203 – Alternative Dispute Resolution	April 10-11, 2008	Sempre	Mark Bruska
SR/WA Review Study Session	April 23-25, 2008		Lynn Bell of MTA
400 – Principles of RE Appraisal	October 6-7, 2008	DPW	Colleen McKenna
502 – Business Relocation	September 4-5, 2008	MTA	Diane Dominguez
600 – Intro to Environmental Issues	September 22, 2008	MTA	Diane Dominguez
803 – Eminent Domain Law Basics	October 23-24, 2008	MWD	Lizeth Olague



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Register Online www.irwaonline.org or Fax this Entire Page to IRWA: 310-538-1471


Name: _____ Title: _____ Membership #: _____
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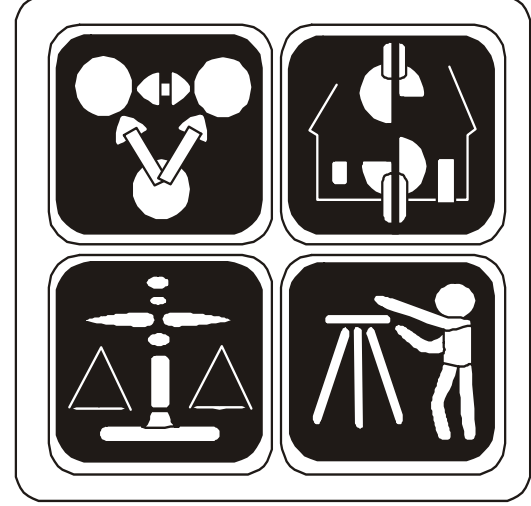
Registration Fees: Member Amount

Early Reg: \$545.00 \$ _____
After 04/11/2008: \$570.00 \$ _____
Exam fee: \$100.00 **Total: (plus exam fee)** \$ _____

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Tel: 310-538-0233




INTERNATIONAL RIGHT OF WAY ASSOCIATION

SR/WA Review Study Session

IRWA Course SR/WA

April 23-25, 2008

Los Angeles, CA

Sponsored by Chapter 1

Course Description:

This seminar is designed to prepare Candidates for taking the SR/WA comprehensive examination by reviewing the seven (7) core disciplines in the right of way profession.

The Comprehensive Exams (United States version), will be administered at the conclusion of the review session, covers the seven (7) core disciplines: Engineering, Law, Negotiation, Valuation, Environmental, Relocation, and Asset Management.

Although not required, students are encouraged to take the examination at the conclusion of the study session.

The completion of the education experience or core course requirements do not have to be completed in order to sit for the SR/WA examination.

IMPORTANT: The attendance at this Seminar does not guarantee successful completion of the SR/WA examination.

NOTE: YOU MUST FILL OUT A SR/WA CANDIDACY APPLICATION FORM AND BE APPROVED BEFORE ATTENDING THIS CLASS. IF YOU HAVE NOT, CONTACT FRANCIS VICENTE AT (310) 538-0233 EXT. 123

Sponsored By: Chapter 1

Date	Time	Days
04/23-25/2008	8am-5pm	3

PLEASE NOTE: The Study Session will take place on 4/23 and 4/24; exam to be administered on 4/25.

Location:

Gateway Building
One Gateway Plaza
Union Station Conference Room, 3rd Floor
Los Angeles, CA 90012
Phone: (213) 922-7359

Accommodations:

Kyoto Grand Hotel
230 S Los Angeles Street
Los Angeles, CA 90012
Phone: (213) 253-9215

Rates:

Single \$125.00 + 14% Tax

Please contact the hotel directly by April 14th and mention IRWA to get this rate. Ask for Rosalind or Nini. There is a \$24 per day rate for self parking.

Four Ways to Register:

Online: www.irwaonline.org
Fax: 310-538-1471
Phone: 310-538-0233 x134
Contact Coordinator

Mail to Course Coordinator:

Lynn Bell
One Gateway Plaza, MS 99-13-8
Los Angeles, CA 90012
Phone: (213) 922-7359 or (213) 922-2404
Fax: (213) 922-2440
E-mail: bella@metro.net

*Please make checks payable to:
International Right of Way Association*

About the Facilitator:

Michael Wolfe, SR/WA, graduated from Sacramento State University with a degree in Business Administration and earned his "Certificate in Real Estate," and a teaching credential from the University of California, Berkeley. He is a Right of Way Agent with Alameda County, California Public Works Agency who began his right of way profession with the California Division of Highways. Mr. Wolfe specializes in the acquisition of real property and real property rights for public use and has acquired real property for CalTrans, as well as for numerous counties, cities, town and districts throughout Northern California. He was selected as a member of the Service Employees International Union bargaining team four consecutive times to help facilitate contracts between the Union and the County of Alameda. Mr. Wolfe has instructed college classes in Public Speaking, as well as several business courses. He is a Certified Instructor of International Right of Way courses in communications, law and acquisition. He was selected in 2004 as the Region One Professional of the Year, and has made presentations at several International Right of Way Education Seminars.

Cancellation Policy

Written notification of cancellation must be received by class coordinator 15 days prior to start of class. A 75% refund will be made if written notification is received less than 15 days prior to start of class. No refund will be made after the start of class. A fee may be charged for registrations received after deadline and for those registering on day of class.



**LA INFRASTRUCTURE SEMINAR:
PLANES, TRAINS, AUTOMOBILES and the FUTURE FOR SOUTHERN CALIFORNIA**
Tuesday, May 20, 2008
Quiet Cannon – Montebello
901 N. Via San Clement, Montebello, CA 90640
323-724-4500

SEMINAR SCHEDULE:

- 8:00am CHECK-IN & CONTINENTAL BREAKFAST**
- 8:25am WELCOME and GENERAL INTRODUCTION:**
- 8:30am Goods Movement and Transportation Planning in the Southern California Region**
Speaker: Hasan Ikhata (Executive Director of Southern California Association of Governments)
- 9:30am Break**
- 9:35am METRO Infrastructure Expansion in Southern California**
Speaker: Diego Cardoso (Executive Officer of METRO Transportation, Development, and Implementation)
- 10:35am Break**
- 10:50am CALTRANS and Macro Infrastructure Expansion in Southern California**
Speaker: Doug Failing (CALTRANS District Director)
- 12:00pm Lunch**
Metro Gold Line Foothill Extension Project
Speaker: Jerry Sims (Administrative Manager and LA/Ontario International Airport Extension Study Project Manager of the Metro Gold Line Foothill Extension Construction Authority)
- 1:30pm Transportation Leasing: The Recent Decision in County of Ventura vs. Channel Island Marina**
Speaker: Jed Z. B. Springer (Partner at Demetriou, Del Guercio, Springer & Francis, LLP)
- 2:30pm Break**
- 2:45pm The Port of Los Angeles, Where Opportunity Docks**
Speaker: Michael Galvin (Director of Real Estate for the Port of Los Angeles)
- 3:30 p.m. Break**
- 3:45 p.m. LAX Modernization**
Speaker: Roger Johnson (Deputy Executive Director for Facilities and Environmental Planning at Los Angeles World Airports)
- 4:30 p.m. Close**



**REGISTRATION FOR LA INFRASTRUCTURE SEMINAR May 20,
2008 -CHAPTER 1**

Space is Limited, Please Register Early

Name _____ IRWA Chapter & Member No. _____
Firm _____ E-mail _____
Phone _____ Fax _____
Address _____

For Continuing Education:

7.0 HOURS OREA CONTINUING EDUCATION CREDITS [APPROVED](#)

8.0 HOURS SR/WA RECERTIFICATION CREDITS - [APPROVED](#)

6.25 HOURS MCLE CREDITS - [APPROVED](#)

OREA Certification No. _____
(If applicable)

SR/WA Recertification Credit Desired? Yes or No

SRWA No. _____
(If applicable)

CA State Bar No. _____
(MCLE) (If applicable)

\$100 Members; \$110 Non-Members
[Lunch Only](#) - \$25

Lunch is Chicken with Mushroom Gravy
Vegetarian Available Upon Request

Make check payable to IRWA Chapter 1 and send to:

IRWA Chapter 1
C/o Kelly Kitasato
City of Pasadena
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Pasadena, CA 91109
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