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January 2009

Volume 1, Issue 1

2009! Building on a Strong Foundation.



Vivian D. Howell, MBA, SR/WA, R/W-RAC, R/W-NAC
Chapter 1 President

Chapter 1 is the founding chapter of the International Right of Way Association and we are turning 75 years old in 2009! It is humbling yet incredibly gratifying to know that our Chapter is the foundation that IRWA is built upon. It is because of our members and leadership that Chapter 1 is even stronger today.

Our membership make-up is over 300 professionals working in the public and/or private sectors of building roads, bridges, airports, railroads, electrical and water facilities, schools, government facilities and more. We are project managers, engineers, environmen-

talists, attorneys, surveyors, relocation and acquisition agents, title specialists, and property managers; if it has to do with infrastructure projects, then you will find a fellow member associated in that discipline. Our foundation is strong.

Your Board of Directors' is working to ensure that all members have the opportunity to learn new skills and/or refresh some old ones by offering educational courses and seminars throughout the year. Visit your website at www.irwa-chapter1.org to see what is scheduled. Working on a designation or certification? Here is your chance to fulfill a few requirements. Both the Valuation and Fall Educational Seminars are offered and there is a new seminar in May with case studies that emphasizes Right of Way and Legal Counsel. We are hoping that the spark to the economy of a stimulus recovery package will equate to new right of way projects and we want to assist you in building on your strong foundation.

If I may coin a phrase from IRWA President, Faith Roland "[IRWA] is quietly doing good and we are going to get louder about it."

Gung hay fat Choy! (Happy New Year!)

1st Qtr. Luncheons & Seminars

- 1/27— Membership Lunch
- 3/24— Joint SCCAI Membership Lunch
- 4/21— Valuation Seminar
- 5/19— R/W and the Law Seminar

Luncheons are held at Stevens Steakhouse and the Seminars will be held at Quiet Cannon.

**90-Day Look Course
Look Ahead**

- ◆ C-100; February 2nd—4th (4-Days)
- ◆ C-200; March 9-10, (2 Days)
- ◆ SR/WA Review Study Session, April 1-3 (2 Day Instruction & 1 Day Testing)
- ◆ C-506; April 6-7 (2 Days)

January 27th Meet our Distinguished Guest and Keynote Speaker



The Honorable Bernard Parks, Los Angeles City Councilmember, 8th District and Chair of the Budget & Finance Resource Committee

Allen Greer, MAI & Private Consultant, addressing Wall Street and Commercial Real Estate





2008 Awards and Nominations Committee

The 2008 Awards and Nominations Committee has been hard at work working behind the scenes with its difficult task of nominating individuals and employers for awards and recognitions.

Each member of the Committee is a past Chapter 1 President. Those committed to serving during

2008 were Bryan Riggs, MAI, SRWA, Gary Valentine, MAI, SRWA, Duncan Robb, SRWA, R/W-AMC, Holly Rockwell, SRWA, R/W-RAC, and Tom Hanley, SRWA.

During the January 27th Membership Luncheon, the very deserving Awardees' will be announced.

The categories are:

- Professional of the Year
- Small Employer of the Year
- Large Employer of the Year, and
- Professional Service Award.

Let's applauded all of the nominees!

Welcome New CHAPTER 1 MEMBERS

Chapter 1 is proud to welcome new members to this chapter. Each month, we continue to list those new members as their applications are completed, sponsors are noted and approved by the Board of Directors. Please contact the Membership Chair, Dan Kazden, at (805) 578-2400 X104

Updating your IRWA Membership Information is Easy and it Helps to Ensure That You Receive IRWA Mailings

Visit www.irwaonline.org

Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".

Click on Update Member Profile.

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 be sure to capitalize the first letter and leave the rest of the letters in lower case.



Professional Development Committee (PDC)

CONGRATULATIONS!

NEW SR/WAs— Join your fellow members in celebrating the extraordinary achievement of the following Chapter 1 members, who have earned IRWA's prestigious Senior Right of Way Agent professional designation and may proudly tout their SR/WA designation:

- Angela C. Wright, SR/WA, Metropolitan Water District of Southern California
- James L. Jacoby, SR/WA, Plains All American Pipeline, L.P.
- Kelly W. Nicholson, SR/WA, Department of Water and Power of the City of Los Angeles

Kelly, James and Angela, we thank you for your hard work, dedication and commitment in achieving this coveted designation.

2008 Chapter 1 Scholarship Awardee

- Linda Hamil, Los Angeles County Development Commission

To learn more about Chapter 1's Scholarship Award and / or PDC's individual Chapter 1 members' mentoring program, which offer guidance in achieving your SR/WA Designation and/or R/W Certifications, call anyone of the members below to start reaching your goals.


- | | |
|----------|--|
| Chair | Michael Popwell, SR/WA, Community Redevelopment Agency * 213.977.2620 Email mpopwell@cra.lacity.org |
| Co-Chair | Gary Valentine, MAI, SR/WA, Valentine Appraisal & Associates * 661.288.0198 Email gsv@valentineappraisal.com |
| Co-Chair | Gus Parcerero, SR/WA, City of Los Angeles * 213.847.5592 Email augusto.pacero@lacity.org |
| Co-Chair | Joyce Riggs, MAI, SR/WA, Riggs & Riggs, Inc. * 805.578.2400 Email jriggs@sbcglobal.net |
| Co-Chair | Vivian Howell, SR/WA, R/W-RAC, R/W-NAC, Los Angeles World Airports * 310.417.0450 Email vhowell@lawa.org |



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Case of the Month January 2009

“How Neutral Is Your Arbitrator?”
 Agri-Systems, Inc. v. Foster Poultry Farms
 Filed 12/01/08
 Cite as 2008 SOS 6498
 (California Court of Appeal , Fifth Appellate District)

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

“...The appellate court affirmed the judgment entered in favor of Foster Farms...”

Agri-Systems, Inc. challenged the superior court’s decision confirming an arbitration award to Foster Poultry Farms (Foster Farms), contending the award should have been vacated because the arbitrator violated his disclosure obligation. Agri-Systems argued that the arbitrator was required to disclose his law firm’s representation of Foster Farms, a company that owed the Agri-Systems over \$3 million.

The court records demonstrated that (1) another attorney in the arbitrator’s law firm represented Foster Farms at the beginning of a bankruptcy proceeding; (2) Foster Farm’s interests were adverse to Agri-Systems’ interests; (3) those adverse interests resulted in litigation between Foster Farms and Agri-Systems; (4) the arbitrator’s law firm had withdrawn from representing Foster Farms before the litigation between Foster Farms and Agri-Systems began; and (5) the arbitrator was appointed in the present case a year and a half after his firm’s withdrawal as attorney of record for Foster Farms in its bankruptcy proceeding.

Neither the California Arbitration Act (CAA), the ethics standards for contractual arbitration, nor the cases applying those provisions address specifically the disclosure of an arbitrator’s legal representation of a third party who has an adversarial relationship with a party to the arbitration. The court concluded that the applicable rule of law is the general requirement that a proposed neutral arbitrator “shall disclose all matters that could cause a person aware of the facts to reasonably entertain a doubt that the proposed neutral arbitrator would be able to be impartial.” (§ 1281.9, subd. (a).)

Applying this general requirement to the facts and issue presented in this case under the deferential substantial evidence standard, the appellate court concluded that the superior court’s determination that disclosure of the arbitrator’s Foster Farms relationship to Agri-Systems was not required and that the superior court’s findings were supported by substantial evidence. The appellate court affirmed the judgment entered in favor of Foster Farms.

Comment: The arbitrator (particularly an attorney) should have disclosed his law firm’s past work against Agri-Systems. Agri-Systems should have investigated the arbitrator more thoroughly to determine whether the arbitrator’s firm was adverse to Agri-Systems in the past. But absent the additional disclosure and investigation the issue of whether the arbitrator firm’s past adversarial relationship was “substantial” was instead left to the discretion of a randomly assigned judicial officer. The lesson learned is to maintain control of the situation by specifically asking the proposed arbitrator, particularly in binding arbitrations, to disclose all present and past “work” they’ve performed involving your client. So you can then evaluate the facts to determine whether the relationship was truly adverse, trivial or substantial, according to your standards and comfort level and not leave it for a random court to decide.



Chapter 1 2009 Education Schedule

IRWA Course	Date	Location	Coordinator/Facilitator
100 – Principles of Land Acquisition	2/2 to 2/5	Sempra/ Downey	Craig/Ralph Brown, SRWA
200 – Principles of RE Negotiations	3/9 and 3/10	Port of LA	Ken/Ralph Brown, SRWA
SR/WA review study session	4/1 to 4/3	Sempra/ Downey	Mark/Ralph Brown, SRWA
506 – Advance Business Relocation	4/6 to 4/7	Sempra/ Downey	Kirk/William Von Klug, SRWA, R/W-RAC
401 – Appraisals of Partial Acquisition	9/14 to 9/18	Port of LA	Ken/Ralph Brown, SRWA
205 – Bargaining Negotiations	10/5 to 10/6	Sempra/ Downey	Kirk/Ralph Brown, SRWA
900 – Principles of RE Engineering	10/29 to 10/30	MTA	Diane/Ralph Brown, SRWA

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OPPORTUNITIES

IRWA Events

Sponsorship Opportunities at the Region 1 Spring Forum

April 3-4, 2009

Chapter 1 is hosting the IRWA Region 1 Leadership Spring Forum that will be held at the Hilton Universal City, in Los Angeles CA.

For more information for this opportunity, you may contact Vivian Howell @ (310) 417-0450.

Two (2) volunteers needed to staff the IRWA Booth at the Urban Land Institute's Marketplace 2009 to be held at the Los Angeles Convention Center (for information on the event go to website www.uli-la.org/urbanmarketplace/)

When: March 18, 2009 from 9:30AM to 1:00PM.

Contact Andrew Thompson, SRWA, at (213) 244-5032.

Get involved with the Chapter!

Are you wondering how to become more involved? Well there are always opportunities and we invite you to look over the 2009 Board of Directors' Roster at the end of this newsletter. Contact any of the Chairs to lend your assistance and perhaps even volunteer as a speaker at one of the three seminars: Valuation, Law, or the Fall Education Seminar.

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celebrating 75 Years in
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Chapter 1 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 is not a winner.

MUST BE PRESENT TO WIN!

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For More Information
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**IRWA Chapter 1
2009 Officers and Executive Board**

<i>President and International Director</i>	Vivian Howell, SRWA, R/W-RAC, R/W-NAC Los Angeles World Airports	310-417-0450	vhowell@lawa.org
<i>President-Elect, International Director & 2009 Tri-Chapter Luncheon Liaison</i>	William Larsen Integra Realty Resources	818-593-7199 X19	wilarsen@irr.com
<i>Treasurer</i>	Konstantin Akhrem Paragon Partners, Ltd.	714-379-3375	kakhrem@paragon-partners.com
<i>Secretary</i>	David Graeler, Esq. Nossaman LLP	213-612-7800	dgraeler@nossaman.com
<i>Professional Development</i>	Michael Popwell, SR/WA Community Redevelopment Agency - City of LA	213-977-2620	mpopwell@cra.lacity.org
<i>Nominations and Awards</i>	Andrew Thompson, SR/WA Southern California Gas Company	213-244-5032	athompson@semprautilities.com
2009 APPOINTED BOARD CHAIRS			
<i>Education</i>	Keith Dang, MAI, SR/WA, Co-Chair AFI Valuation Group, Inc.	310-378-0309	afivaluation@aol.com
	Tom Hanley, P.E., SRWA, Co-Chair Paragon Partners	714-379-3376 X284	thanley@paragon-partners.com
<i>Engineering/Survey</i>	Art Cordero, PLS, SR/WA City of Los Angeles	213-482-7192	apcor75a@yahoo.com
<i>Environmental</i>	Mohammed Estiri, Ph.D Eco & Associates, Inc.	714-289-0995	mestiri@ecoinc.info
<i>Fall Seminar October 20, 2009</i>	David Graeler, Esq., Co-Chair Nossaman LLP		
	Kelly Kitasato, Co-Chair City of Pasadena	626-744-7356	kkitasato@cityofpasadena.net
<i>Historian</i>	Heather Riggs Riggs & Riggs, Inc.	805-578-2400	hnriggs@sbcglobal.net
<i>Right A Way and the Law Seminar May 19, 2009</i>	Michael Yoshiba, Esq., Co-Chair Richards, Watson & Gershon	213-626-8483	myoshiba@rwqlaw.com
	John E. Mackel, III, Esq. - Co-Chair Demetriou, Del Guercio, Springer & Francis, LLP	213-624-8407	JMackel@DDSFFIRM.COM
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<i>Liaison</i>	Holly Rockwell, SR/WA, R/W-RAC Epic Land Solutions	310-626-4848	hrockwell@epicland.com
<i>Luncheon</i>	Aaron Aftergut - Chair Integra Realty Resources - Los Angeles	818-593-7200 X18	aaftergut@irr.com
	Heather Riggs - Assist to Chair	818-578-2400	hnriggs@sbcglobal.net
	Cheryl DeMucci - Advisor to Chair	310-626-4849	CDEMUCCI@epicland.com
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<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC MTA - Retired	909-627-2590	duncary@msn.com
<i>Relocation</i>	Dionisio (Dio) Marquez Del Richardson and Associates	310-645-3729 X226	dionisio.marquez@drainc.com
<i>Title</i>	Teri Kortens	310-210-6741 cell	Teri.kortens@verizon.net
<i>Valuation Seminar April 21, 2009</i>	William Larsen Integra Realty Resources	818-593-7199 X19	wilarsen@irr.com
<i>Webmaster</i>	Mark Brusca Riggs & Riggs, Inc.	805-578-2400 X105	markbrusca@sbcglobal.net

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