

DECEMBER 2011



President's Message – Konstantin Akhrem

Seeing so many friends and familiar faces at the Tri-Chapter Holiday event at **The Grammy Museum** on December 6 was the best Holiday present for me!

Those of you who took part in the event already know this was a successful and exciting event. Those of you who could not join us — we missed you and we hope to see you at other events soon.

I want to thank our **sponsors** for their generous support (see page 13) and the Board of Directors (see page 21) for approving the venue. Huge thanks go to each member of the event committee led by David Graeler, Esq.: Kelly Kitasato, R/W-AMC, Marylyn Stuart, SR/WA, Natasa Lenic, Aaron Aftergut, who contributed endless time, attention, and energy to make every detail of the event possible.

This committee did a super job to assure the success of the event.

The raffle game was truly a lot of fun! You had to be there to experience it!.. See the pictures inside.

Wishing everyone a Happy, Healthy, and Successful New Year!



For your calendar:

Details at www.irwa-chapter1.org

- **01/12/12**— Practical Negotiations for U.S. Federal Funded Land Acquisitions (Course #207)
- **01/24/12**— Networking Luncheon & Guest Speaker presentation
- **02/08/12**— Conflict Management (Course #213)
- **02/09/12**— Alternative Dispute Resolution (Course #203)
- **02/24/12**— Property Descriptions (Course #902)

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Kenneth Stanberry, SR/WA, Port of Los Angeles, received his SR/WA plaque from Mark Rieck, Executive Vice President of the International Right of Way Association. It was presented to him at The Grammy Museum.

Congratulations Ken!...



Mr. Stanberry is presently volunteering as the Chapter's Treasurer. Thank you, Ken!..

January 24, 2012 – Quarterly Luncheon

First Luncheon in 2012 – Free for Chapter 1 Members



Connect...

Learn...

Grow...

*Join us
on January 24, 2012
for
the first luncheon
of
the year!*

“Attending a chapter meeting is like swimming in a sea of business contacts.”

Randy A. Williams,
SR/WA, MAI, FRIC

International President
of IRWA.



David Graeler, Esq.
President-Elect

Aaron Aftergut
Luncheon Chair

You are cordially invited to *the first luncheon of 2012* on **Tuesday, January 24, 2012**, at **Steven's Stake House** in Commerce, which is free to all current Chapter 1 members. This event typically attracts more than 100 people, and is a great networking opportunity. We hope to see you there!

Guest Speaker

Invited by David Graeler, Esq., the chapter's President-Elect, the guest speaker, **A.J. Hazarabedian, Esq.** of **California Eminent Domain Law Group**. Mr. Hazarabedian has extensive experience in handling eminent domain cases for property owners, business owners, and public agencies, and has worked on cases involving tens of millions of dollars. He has been interviewed on the topic of eminent domain by CNN Headline News and Fox News Channel. In addition to his law practice, Mr. Hazarabedian serves as a court-appointed mediator in eminent domain matters on the Los Angeles Superior Court mediation panel.

Admission and Lunch

FREE to all members of Chapter 1 (\$16 for all others).

Doors open at 11:30, program begins at 12:00, and ends at 1:00.

RSVP

To reserve a seat contact **Aaron Aftergut** at **818-290-5434** or aaftergut@irw.com.

Be there!..





CONGRATULATIONS!

Designations and Recertifications achieved in 2011

New SR/WA Designations:

Kenneth Caughlin, SR/WA
Morton Bernstein, SR/WA
Kenneth Stanberry, SR/WA
Charles Thomas, SR/WA
Vivian Epperson, SR/WA

SR/WA Recertifications:

Bryan Riggs, SR/WA
Michael Popwell, SR/WA
Bob Thorpe, SR/WA
Tina Van Breukelen, SR/WA
Francis Impert, SR/WA
Kim Pasquariello, SR/WA

Certificate Recertifications:

Vivian Howell, SR/WA — R/W RAC, R/W NAC
Holly Rockwell, SR/WA — R/W NAC



Upcoming IRWA Courses:

Date	No.	Title	Coordinator	Instructor
Jan 12-13, 2012	# 207	Practical Negotiations for U.S. Federal Funded Land Acquisitions	Konstantin Akhrem 310-617-0251 konstantin@irwa-chapter1.org	Michael Heineke, SR/WA
Feb 8, 2012	# 213	Conflict Management	Natasa Lenic 310-720-9517 natasa.lenic@yahoo.com	Carol Brooks, SR/WA
Feb 9-10, 2012	# 203	Alternative Dispute Resolution	Natasa Lenic 310-720-9517 natasa.lenic@yahoo.com	Carol Brooks, SR/WA
Feb 24, 2012	# 902	Property Descriptions	William Larsen 818-290-5428 wlarson@irr.com	Ralph Brown, SR/WA



Tom Hanley, P.E.
Education Chair

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thanley@paragon-partners.com

For Instructors' Bios, details, and updates visit www.irwa-chapter1.org -> courses



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

The anti-SLAPP statute allows a defendant to file a motion to gain an early dismissal of causes of action that are designed primarily to chill the exercise of First Amendment rights.

The court concluded that although the disclosure was unauthorized, it could not be characterized as criminal conduct.

Case of the Month:

Someone Had to Lose

Real Estate Disclosure of Megan’s Law Offenders and anti-SLAPP motions

CROSS v. COOPER

Filed 07/11/11

[No. H033164. Sixth Dist. July 11, 2011]
(California Court of Appeal, Sixth Appellate District)

Sandra Cross (“Landlord”) leased a house to Stephen and Laura Cooper (“Tenant”). As the lease was about to expire, Landlord put the house up for sale and entered a contract of sale with prospective buyers. After the prospective buyers backed out, Landlord sued the Tenant for interfering with the sale and causing it to fail. In her complaint, Landlord asserted several claims based, in part, on allegations that the Tenant disclosed, or threatened to disclose, information that a Megan’s law registered sex offender lived nearby.

In response to the lawsuit, the Tenant filed the anti-SLAPP (“Strategic Lawsuit Against Public Participation”) motion defense. The anti-SLAPP statute allows a defendant to file a motion to gain an early dismissal of causes of action that are designed primarily to chill the exercise of First Amendment rights. Here, Tenant contends that the “threat” to disclose the location of the offender constituted an act in furtherance of his First Amendment right of free speech. Tenant claimed that he disclosed the offender’s location because the buyer’s real estate agent said that the buyers might have children and because the risk to children posed by a nearby registered offender. And besides, Tenant was a real estate agent and knew that the Landlord did not disclose this offender’s information to the prospective buyers as required by real estate disclosure laws.

Tenant allegedly demanded a waiver of rent in exchange for his silence on the offender’s nearby presence and location. Landlord argued that the Tenants’ disclosure constituted the criminal act of extortion and therefore an unlawful use of otherwise protected information under the anti-SLAPP statute. The court concluded that although the disclosure was unauthorized, it could not be characterized as criminal conduct. In the court’s view, the Megan’s law statute authorizes disclosure not only when one provides the information to a mother who is

standing in front of her house with a small child in her arms but also where one provides information with a reasonable and good faith belief that doing so will help protect another person and intending that the information do so. The court went further to find that Landlord did not conclusively establish the Tenant's acts were illegal as a matter of law and, therefore, not entitled to anti-SLAPP protection. Tenant prevailed in the appeal.

But was it Landlord's failure to disclose this information a result of greed, neglect or something else. Or was Tenant improperly motivated by prospective monetary gain in using his knowledge about the location of the offender against Landlord? It seems as though neither Landlord nor Tenant acted reasonably, responsibly or ethically in this situation. Landlord could and should have disclosed the offender's location to the prospective buyers. Tenant used his knowledge of the Landlord's predicament to advance his own improper motives. And although the court appeared to find contempt for both sides, Tenant prevails by the narrowest margin only because somebody had to lose.



**This summary was prepared by
Michael F. Yoshiba, Esq.
Chair,
Law Committee**



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Craig S. Keys, Principal Consultant, Keys Consulting Group

Member Spotlight: Craig S. Keys

As the Principal Consultant, Craig is responsible for providing strategic leadership, governmental relations and business outreach building services to the KCG clients and their project objectives. He provides community economic development and business management services in four distinct industry clusters concerning alternative fuels development, solar power initiatives, green jobs development, green manufacturing, imports and logistics. Craig's training in environmental law and experience as an economic policy advisor and lobbyist enable him to perform these services with distinction. He is also actively involved with NextAid Inc, a nonprofit he founded to provide housing to children impacted by HIV/Aids in Africa. NextAid currently houses 19 children on 7 hectares of land in Dennilton, South Africa.

Keys Consulting Group has provided business development services to the Los Angeles City Council Offices of Martin Ludlow and mixed use project development reuse and community outreach consulting to the Los Angeles Community Redevelopment Agency. In his experience in working with business assistance entities he has had the opportunity to create successful programs as well as manage them. He developed the Legal Services for Entrepreneurs Program to respond to the lack of access to profession services among minority and woman owned businesses. Craig helped design the LA OPS program for Los Angeles which is responsible for large increases in local business activity and implementation of highly successful minority and women outreach programs for the City for Los Angeles. Under Craig's watch, the City increased rates of contract participation from targeted communities by more than 100%.

Craig studied the planning and legal aspects of land development before spending the past ten years working on economic development and environmental policy challenges. A 1990 graduate of U.C. Berkeley's field major in Urban Studies and a 2004 graduate of USC's executive business program in real estate development, he continuously increases his understanding of established and emerging land use principles. Craig has also studied urban development practices through graduate law and urban planning programs at Columbia University, U.C. Hastings, and UCLA (Ph.D program), receiving joint JD-MA degrees in 1996. He spent two years reviewing regulation of emerging technologies as a research associate for Columbia Business School's Institute for Tele-information Studies.

After receiving his advanced degrees Craig worked in environmental policy and litigation matters for several private practice law firms including Hancock Rothert Bunshoft LLP, Weston Benshoof Rochefort Rubalcava & Macquish LLP, and Green Briolette Taylor & Wheeler LLP. He also worked as a consultant to municipalities, non-profits and private sector developers seeking to redevelop or revitalize urban areas. He counts among his prior clients, National Economic Development and Law Center, Loeb & Loeb LLP, Los Angeles Community Redevelopment Agency. During his career in local government Craig served as an Economic Development Director, City Planner, Legislative Policy Manager, and Senior Redevelopment Manager.

Craig recently joined the Los Angeles Chapter of IRWA to enhance relationships formed during his professional career with local government agencies and to expand his network in the right-of-way industry.

In his experience in working with business assistance entities he has had the opportunity to create successful programs as well as manage them.

Craig recently joined the Los Angeles Chapter of IRWA to enhance relationships in the right-of-way industry.



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Photos: Tri-Chapter Luncheon Holiday Event – December 6, 2011



Chair of the Tri-Chapter Holiday Luncheon event, **Mr. David Graeler, Esq.**, a partner at Nossaman LLP and the Chapter's President-Elect.



David's elves >>> **Members of the Tri-Chapter Holiday Luncheon event committee:**

Members of the Tri-Chapter Holiday Luncheon event committee: Marilyn Stuart, SR/WA, Kelly Kitasato, R/W-AMC, Konstantin Akhrem, Natasa Lenic, Aaron Aftergut, Maria Valenzuela.

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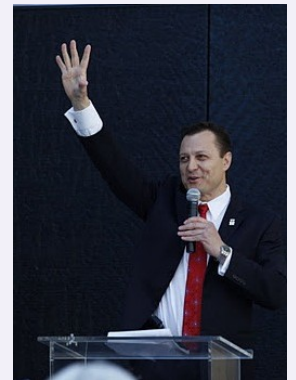
Check our record: www.nossaman.com/eminentdomain

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Photos from Tri-Chapter Holiday Event – December 6, 2011 (continued)



<<< Past Presidents **Tom Hanley** and **Brad Bassi** honored the event by holding the flag for the Pledge of Allegiance.



Konstantin Akhrem welcomes the members and guests,



Mr. Mark Rieck, Executive Vice President of the International Right of Way Association, a special guest, came to wish every one Happy Holidays and share news on the growth of the Association.



Mr. C. Michael Giliam, Parsons Brinckerhoff, Deputy Program Director—South California High Speed Rail Project, discussed the recently published CHSR *Business Plan*.

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William Larsen
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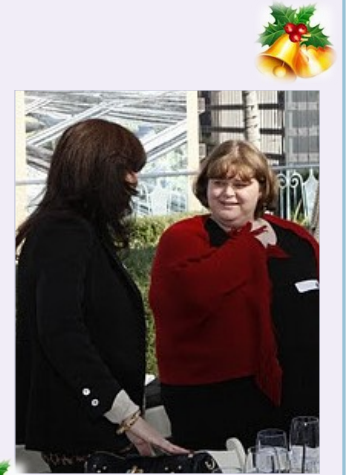
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Aaron D. Amster, ASA
President

Photos from Tri-Chapter Holiday Event – December 6, 2011 (continued)



Photos from Tri-Chapter – December 6, 2011 (continued)



Photos from Tri-Chapter – December 6, 2011 (continued)




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Photos from Tri-Chapter – December 6, 2011 (continued)



Meet The New Members:



Mel Barosay, Epic Land Solutions, Inc.

With more than 10 years working with real property and over 5 years in right of way, Mel’s management experience represents an instrumental piece for project success. After Mel joined the Department of Public Works with Clark County, he earned both a Masters Degree and a Graduate Certificate in Public Management from the University of Nevada, Las Vegas. Mel acquired real property for the construction of CI Projects, flood control facilities, roadway improvements, and parks. For the past year, Mel has worked as an Assistant Project Manager with Epic Land Solutions. He has been an active IRWA member since 2005, continuously expanding on his networking and educational opportunities to remain highly competitive. Mel has discovered acquaintances in Los Angeles that share common ground with him from his right-of-way experience back in Las Vegas. Mel is also an honorary Scholarship Recipient and Advisory Board Member with the *American Society of Public Administration*.



Michael Popwell, SR/WA
Membership Chair

Adriana Raza, The County of Los Angeles

After 10 years as a Staffing Solutions Consultant in the temporary employment industry, Adriana left that career to explore the many interesting facets of Real Estate. By mid-2006 she was a licensed residential real estate agent confronted with a poor economy. Still she wasn’t going to give up so easily. The following year she landed a position with the Sanitation Districts of Los Angeles County in their Facilities Planning Department. The department handles land acquisitions, so she was very eager to learn more about their processes. This was her first exposure to right-of-way. Although the processes were dramatically different to the residential real estate industry, she instantly knew this was a field she wanted to pursue. She quickly recognized joining the IRWA would be a valuable resource. The structure offered by IRWA through the certification process will facilitate her professional growth and the interaction with members will greatly assist in her career. Joining IRWA proved to be the right choice!



IRWA members benefits are numerous and the connections formed with other members are priceless.



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- Temporary Relocation
- Utility Relocation
- Property Management
- Demolition & Clearance
- Excess Land Disposal
- Franchising/Permitting
- Site/Route Selection
- Due Diligence
- Asset Management

Qualifications

- Licensed Real Estate Brokers
- Licensed Real Estate Sales Persons
- Senior Right of Way Members (SR/WA)
of the International Right of Way Association
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Some of the Inspirational Quotes read by Martha Bryan at the Tri-chapter Holiday event on December 6, 2011:

- ◇ *Take 100 % responsibility for YOU.*
- ◇ *Remember . . . that "Someday Isle" is now!*
- ◇ *Develop a mission / purpose.*
- ◇ *Dream big dreams.*
- ◇ *Warm up to your job or find a new one.*
- ◇ *Become a learning machine.*
- ◇ *Focus on strengths.*
- ◇ *Master the art of communication.*
- ◇ *Lose yourself to serving others.*
- ◇ *Surround yourself with winners.*
- ◇ *Visualize accomplishing your goals and plans.*
- ◇ *Form partnerships with those who can help you reach your goals.*
- ◇ *Use no alibis.*
- ◇ *Avoid comfort zone ruts.*



Martha N. Bryan,
Bryan & Bryan Associates,
in Everett, WA shared price-
less advice on life and career
management

***Form partnerships
with those who can
help you reach your
goals.***

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IRWA Course # 207

January 12-13, 2012, Downey, CA

Practical Negotiations for U.S. Federal Funded Land Acquisitions



This two-day course teaches highway-oriented negotiators and land acquisition agents how to improve settlement rates for acquisitions with adequate consideration to significant right of way elements involved in the location and design of the project, including possible social, economic, and environmental effects, with an emphasis on U.S. federally funded land acquisitions.

Course Description

This course reviews the FHWA requirements that apply to negotiators, analyze those requirements in the context of individual personal negotiating style and provide practical approaches and tips to improve settlement rates for right of way acquisition.

This Essential Course is Designed For:

- DOT employees and other highway oriented negotiators
- Land acquisition agents who have less than 5 years negotiation experience
- More experienced agents desiring a refresher
- Individuals seeking improved settlement rates for acquisition

Who Should Take This Course

Ideal for both executive and entry-level professionals, this course teaches highway-oriented negotiators and land acquisition agents how to improve settlement rates for acquisitions.

To Register Contact Course Coordinator: *Konstantin Akhrem*
(310) 617-0251
konstantin@irwa-chapter1.org

For more info visit www.irwa-chapter1.org **and click** [COURSES](#)

IRWA Course # 207

January 12-13, 2012, Downey, CA

**Hurry -- Seating is Limited.
Register Today!**

Practical Negotiations for U.S. Federal Funded Land Acquisitions

Learn about the following Basic Policies...

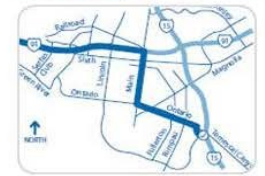
- Expeditious acquisition
- Notice to owner
- Appraisal and invitation to the owner
- Appraisal waiver
- Establishment and offer of just compensation
- Summary statement
- Basic negotiation procedures
- Updating offer of just compensation
- Coercive action
- Administrative settlement
- Payment before taking possession
- Uneconomic remnant
- Inverse condemnation
- Fair rental
- Conflict of interest

Discuss the Following General Requirements...

- Adequacy of real property interest
- Right to occupy
- Appraisal and appraisal review
- Establishment and offer of just compensation

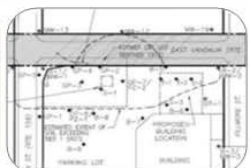
Learn about...

- Negotiation Processes...
- Negotiation Procedures...
- Individual negotiating styles...
- Conflict Management Styles...
- Practical Approaches...
- And much more...



To Register Contact Course Coordinator:

Konstantin Akhrem
(310) 617-0251
konstantin@irwa-chapter1.org



2011 – 2012 Officers and Executive Board

President International Director	Konstantin Akhrem	(310) 617-0251	konstantin@irwa-chapter1.org
President-Elect International Director	David Graeler, Esq. Nossaman LLP	(213) 612-7800	dgraeler@nossaman.com
Treasurer	Kenneth Stanberry, SR/WA Port of Los Angeles	(310) 732-3525	kstanberry@portla.org
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Professional Development	Andrew Thompson, SR/WA * Southern California Gas Company	(213) 244-5032	athompson@semprautilities.com

2011 – 2012 Appointed Committees (Alphabetically)

Asset Management	Duncan Robb, SR/WA, R/W-AMC Epic Land Solutions	(310) 561-3900	duncanrobb@epicland.com
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Education	Tom Hanley, P.E., SR/WA * Paragon Partners Ltd	(714) 379-3376 ext. 284	thanley@paragon-partners.com
Engineering/Surveying	Art Cordero, PLS, SR/WA City of Los Angeles	(213) 482-7192	apcor75a@yahoo.com
Environmental	Norman S. Eke Converse Consultants	(626) 930-1260	neke@converseconsultants.com
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Local Public Agencies are welcome to submit news releases, RFP/RFQ, and announcements relevant to the sphere of public real estate and right-of-way practices. Your news will be published on the chapter's web site and/or this Newsletter.

Members can easily update their contact information simply by sending it to **Natasa Lenic**, Communication Chair:

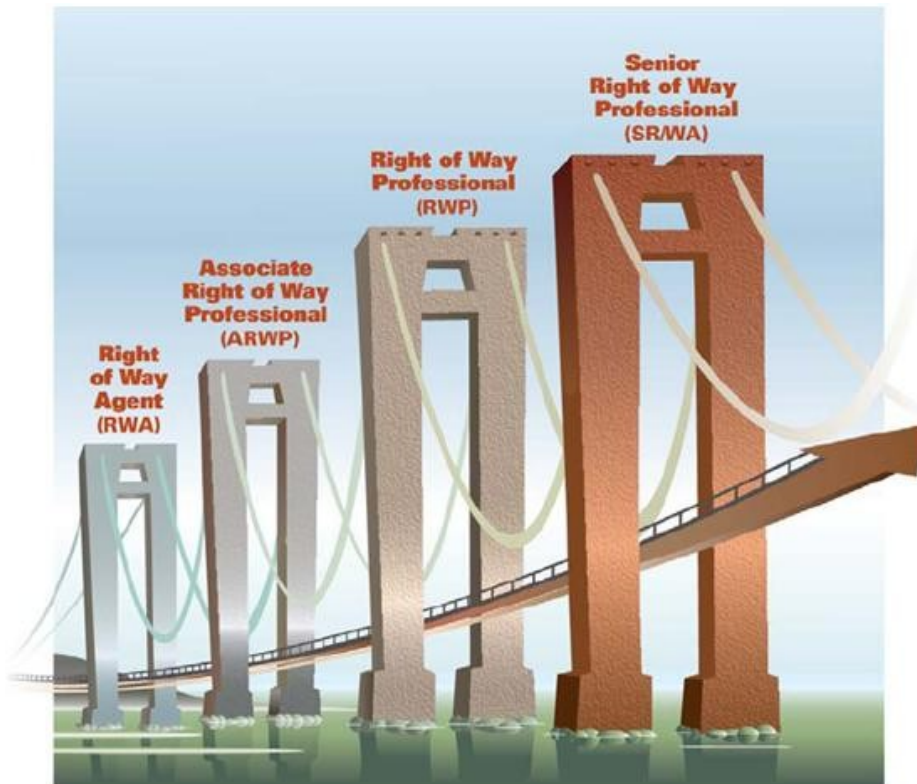
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Members' contributions to the website and newsletter are welcome as are suggestions for improvements, photographs to be shared with other members and any other ideas we could all benefit from.



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