

**MAY-JUNE 2012**

**INSIDE THIS ISSUE:**

PDC Update	3
Case of the Month	4
Education Calendar	7
Member Spotlight	8
Online Courses	9
Photo Report	14
Board Roster	16

**EDUCATION COURSES:**

June 27-28, 2012: **C-200**  
[Principle of Real Estate Negotiation](#)

July 19-20, 2012: **C-801**  
[United States Land Titles](#)

Aug 16, 2012: **C-802**  
[Legal Aspects of Easements](#)

Aug 27-29, 2012  
[SRWA Review & Exam](#)

Sep 6-7, 2012: **C-215**  
[Right of Way Agent's Development Program](#)

Sep 27, 2012: **C-400**  
[Integrating Appraisal Standards](#)



**President's Message — Konstantin Akhrem**

*Summer Greetings!*

I hope you are enjoying the summer. The New Fiscal Year is around the corner.

On May 22, the chapter held its Annual General Membership Meeting, at which new officers, who will service in the next fiscal year were elected and installed.

Effective July 1 the torch of the chapter's leadership will be passed to the new Executive Board under the leadership of the following elected offices:

**David Graeler, Esq.**, President;  
**Kenneth Stanberry, SR/WA**, President-Elect;  
**Theresa Armistead**, Treasurer;  
**Norman Eke**, Secretary; and  
**Andrew Thompson, SR/WA**, PDC Chair.

CONGRATULATIONS TO THE NEW OFFICERS! These leaders will undoubtedly take the chapter to the new heights!

Also, at the General Membership Meeting, the **Nominations and Elections Committee**, chaired by **William Larsen, SR/WA**, has presented the following awards:

Professional of the Year: **Kelly Kitasato, R/WA-AMC**  
Large Employer of the Year: **Overland, Pacific & Cutler, Inc.**  
Small Employer of the Year: **Integra Realty Resources—Los Angeles**



**Congratulations**  
**to**  
**Kelly Kitasato, R/WA-AMC**  
**On receiving**  
**Professional of the Year**  
**Award!**



*"Every man owes some of his time to the up-building of the profession to which he belongs."*

*- Theodore Roosevelt*

### *As the New Fiscal Year 2012-2013 is approaching...*

*Serving as the President of IRWA Chapter 1 during the fiscal year 2011-12 has been an honor and a privilege. I want to commend the members of the Executive Board who served during the Fiscal Year 2011-2012 for volunteering their valuable time and making their generous contributions to ensure continued delivery of high quality educational and networking opportunities and service to the members. Thanks to their tireless service the chapter has achieved a remarkable 90% member retention as well as gained new valuable members. Well done!*

*Below is the list of these volunteers and the committees they chaired/co-chaired:*

#### *Elected Officers:*

*David Graeler, Esq., Nossaman, LLC - President Elect*

*Kenneth Stanberry, SR/WA, Port of Los Angeles – Treasurer*

*Theresa Armistead, Overland Pacific & Cutler – Secretary*

*Andrew Thompson, SR/WA, Semptra Utilities - Professional Development Committee, Chair*

#### *Chairs and Co-chairs of Committees:*

*Aaron Aftergut, Integra Realty Resources - Los Angeles (Luncheons)*

*Art Cordero, SR/WA, PLS, City of Los Angeles (Engineering & Surveying)*

*Andrew Thompson, SR/WA, Semptra Utilities (Utilities)*

*David Graeler, Esq., Nossaman, (Fall Seminar)*

*Dionisio Marquez, Del Richardson & Associates, Inc. (Relocation)*

*Diane Dominguez, Los Angeles County Metropolitan Transportation Authority, (Valuation)*

*Darryl Root, JD, R/W-RAC, Paragon Partners Ltd. (Transportation)*

*Duncan Robb, SR/WA, R/W-RAC, Epic Land Solutions, Inc. (Asset Management)*

*Gary Valentine, SR/WA, MAI, ASA, Valentine Appraisal Services (Pipeline)*

*Kelly Kitasato, R/W-AMC, City of Pasadena (Local Public Agency)*

*Michael Popwell, SR/WA, Popwell & Associates, Inc. (Membership)*

*Marilyn Stuart, SR/WA, LACSD, (Governance; Membership)*

*Michael Yohiba, Esq., Richards Watson & Gershon LLC, (Law)*

*Natasa Lenic, Relocation Planning Consultant (Communication)*

*Norman Eke, Converse Consultants, (Environmental)*

*Thomas Hanley, P.E., Paragon Partners Ltd, (Education)*

*William Larsen, SR/WA Integra Realty Resources - Los Angeles (Valuation)*

**THANK YOU FY 2011-2012 TEAM FOR YOUR COMMITMENT, DEDICATION, AND SERVICE! ♦**

## PDC Update...

Professional Development Committee Update

**By Andrew Thompson, SR/WA**  
PDC Chair,



On behalf of the IRWA Chapter 1 Board and the Professional Development Committee, I would like congratulate the individuals for obtaining new Generalist Career Path designations since January of 2012.

**William Larsen, Maria Valenzuela** and **JoAnn Kishi** have attained the designation of **SR/WA**.

The **SR/WA** (Senior Right of Way Professional) the highest designation that is granted by the International Right of Way Association to individuals that have achieved professional status through experience, education and examination.

**Ross McClintock** has attained the designation of **RWA**.

These individuals have obviously dedicated themselves to the Right of Way profession and value education and professional development. They join approximately 70 other active Chapter 1 members who have attained Specialist or Generalist designations through the IRWA.

***Congratulations!...***



*New SR/WA's, **William Larsen, Maria Valenzuela, JoAnn Kishi**, flanked by Andrew Thompson, PDC Chair and Konstantin Akhrem, receiving the coveted SR/WA plaques.*



For those interested in professional designations offered by the IRWA please visit their website at [www.irwaonline.org](http://www.irwaonline.org) and select the path for "Credentialing."



**Michael F. Yoshiba, Esq.**  
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## Legal Update: Case of the Month

FILARSKY v. DELIA

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 10–1018. Argued January 17, 2012—Decided April 17, 2012

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

The U.S. Supreme Court, in a unanimous decision, ruled that a private attorney hired by a local government to conduct an investigation into possible employee misconduct may assert qualified immunity. The court reversed a Ninth U.S. Circuit Court of Appeals ruling that allowed a Rialto firefighter to sue a Manhattan Beach attorney hired to assist in the City of Rialto investigation in this matter that the plaintiff alleged was an unconstitutional search of the plaintiff’s residence.

The Ninth Circuit panel held that “fire department officials” who conducted the search—which was prompted by suspicion that the firefighter’s claimed ailment was inconsistent with alleged renovation work at home while he was on extended sick leave—were protected because they did not have notice that their conduct violated the Fourth Amendment. **But they denied immunity to temporary attorney Steve Filarsky because he was not a government employee.**

The firefighter, Nicholas Delia, was diagnosed with an ulceration of the esophagus in 2006 and received a series of off-duty work orders from his doctor. Although his doctor did not place any activity restrictions on him, the city opened a formal internal affairs investigation to confirm whether Delia was off-work on false pretenses after he was seen buying several rolls of fiberglass building insulation at a home improvement store.

The city retained attorney Filarsky to conduct an administrative interview of Delia as part of the investigation. At the onset of the interview, attorney Filarsky warned Delia that he was obligated to cooperate or he could face disciplinary action, including termination.

*Continued on next page*

*Continued from page 4*

During the interview, Delia admitted to purchasing rolls of insulation but denied installing them. When Delia declined to allow department officials to enter his home to confirm his statement, or to produce them outside of his home for the officials' inspection, attorney Filarsky presented him with a written order to do so, signed by the fire chief, and concluded the interview.

Immediately thereafter, two department officials followed Delia, in a city vehicle, to his home. They remained seated in their vehicle at the curb in front of Delia's house while the rolls were brought out to the lawn, and then thanked Delia and left. Delia later filed a 42 U.S.C. § 1983 action against the city, various fire officials and Filarsky claiming he had been subjected to an unconstitutional warrantless search. The defendants moved for summary judgment and U.S. District Judge Manuel L. Real of the Central District of California granted their motion.

While the Ninth Circuit panel disagreed, citing circuit precedent declining to extend protection to private parties in § 1983 cases, Roberts said the district judge was correct. He explained that "an individual hired by the government to do its work" had the same immunity as a public employee at common law at the time § 1983 was enacted, and that immunity has not been abrogated by Congress. Attorney Filarsky drew amici support from the American Bar Association and the California League of Cities. ♦.

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Beth Finestone, MAI, FRICS  
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818-290-5455

William Larsen  
Valuation Seminar Chair  
IRWA Chapter No. 1  
wlarsen@irr.com  
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[myoshiba@rwglaw.com](mailto:myoshiba@rwglaw.com)

## Upcoming Education Courses:

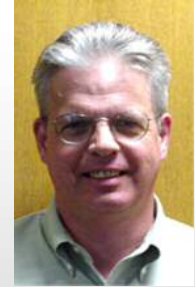
Date	No.	Title	Instructor	Coordinator
July 17 - 19, 2012	# 801	United States Land Titles -	Joe Pestinger, SR/WA	<b>William Larsen</b> 818-290-5428 wlarsen@irr.com
Aug 16, 2012	# 802	Legal Aspects of Easements	Joe Pestinger, SR/WA	<b>Natasa Lenic</b> 310-720-9517 Natasa.Lenic@yahoo.com
Aug 27-29, 2012	SRWA	Review & Exam	Joe Pestinger, SR/WA	<b>Natasa Lenic</b> 310-720-9517 Natasa.Lenic@yahoo.com
Sept 6-7, 2012	# 215	Right of Way Agent's Development Program	Fred Clark, SR/WA	<b>Konstantin Akhrem</b> 310-617-0251 konstantin@irwa-chapter1.com

## Other courses coming up this this year...

### Course #    Course Title

- # 409 - Integrating Appraisal Standards - Sept 20, 2012
- # 410 - Reviewing Appraisals in Eminent Domain - Sept 21, 2012
- # 504 - Computing Replacement Housing Payments - Oct 17-18, 2012
- # 505 - Advanced Residential Relocation Assistance - Oct 19, 2012
- # 506 - Advanced Business Relocation Assistance - Oct 24-25, 2012
- # 400 - Principles of Real Estate Appraisal - Nov 8-9, 2012
- # 603 - Understanding Environmental Contamination in Real Estate - 12.6.12
- # 604 - Environmental Due Diligence and Liability - Dec 7, 2012

For additional information, current status and to register, log on to [www.irwa-chapter1.org](http://www.irwa-chapter1.org) and click "COURSES"



**Tom Hanley, P.E.**  
Education Chair

#### Note:

Series 500 courses are not available online.

See list of [online](#) courses on page 12.

#### News!

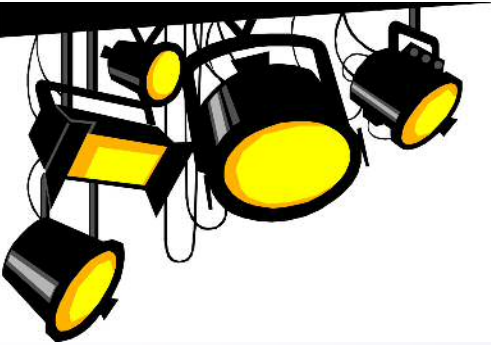
**Course 100** (Principles of Land Acquisition) will soon be available **online**

*If you did not find the course you need to meet your professional education goals, we want to hear from you!..*

Please contact **Tom** at (714) 379-3376, Ext. 284

COURSES

## Member Spotlight: Cheryl DeMucci, *Business Development Manager, Project Manager*



I consider myself to be among those who love what they do. As the Business Development Manager, and as one of the Project Managers for Epic Land Solutions, I enter each day with a strong commitment to expand Epic's business opportunities. In order to cultivate an increasingly stronger position as a full service right of way consulting firm, I manage all proposals, marketing operations, and assist in the development of strategic plans firm wide. As my managerial duties entail a balance between organizational and fiscal responsibilities, I also prepare cost proposals and provide budget estimates for projects. Additionally, as a Project Manager, my tasks become just as varied as our industry, including feasibility studies, preliminary acquisition activities, acquisition and relocation.

Looking back at my six amazing years with Epic, I am reminded of how it all started. As successful careers often require a strong foundation, I was blessed to have joined a smaller firm that not only values quality client service, but also, the development of its staff. I was at Epic for only a couple of months when, Epic President, Holly Rockwell suggested that I should join the IRWA, adding that it would be a great way to establish a strong networking circle within the industry. Eager to absorb each learning opportunity that presented itself, I became an IRWA member and also volunteered to become the Chapter 1 Luncheon Chairperson, a position I held for two years.

IRWA has provided me with resources to advance my career at Epic. In addition to the wealth of seminars, conferences, and meetings that offer an abundance of information, it is the relationships I have made within these events

that have proven to be invaluable to my experience. As referenced in a famous poem, taking this road has meant all the difference!

In my experience, having met IRWA members from all chapters within Southern California, I am constantly touched by the level of willingness and eagerness of each member to share their knowledge and experience.

Building on my passion for continuous education, IRWA's generous learning opportunities have allowed me to expand on my expertise and fortify my understanding of the many disciplines that make up the breadth of our industry. A mere visit to the IRWA website is a testament to a vast body of information; including articles, newsletters, links to resources and every archived magazine edition! On a day to day basis, as unanticipated challenges arise and some of the more common obstacles become more complex, being able to rely on such resources is particularly critical in order to succeed. Between such resources and the experts at my office, I am able to navigate through any project challenge.

By the time that I arrived at Epic, I had spent 15 successful years developing a diverse business background, including high-level management, operational, and marketing positions in real estate as well as other industries. Most notably, I was a co-founder of a post-production editing company where I managed technical support departments, improved work-flow process to increase profitability, and developed relations with dynamic clients. Born and raised in Wisconsin and receiving my Bachelor of Arts Degree in Journalism from the University of Wisconsin-Madison, my first professional experience came as a news reporter for a talk radio station in the St. Petersburg/Tampa, Florida area, an experience that opened my eyes to the public-relations aspect of business development.

I am currently active in various industry associations besides IRWA, including Railway Association of Southern California (Board Member), The American Public Works Association, and Women in Transportation Association. When I'm not working, I try to keep up with my 10 year old daughter, and enjoy my dog and cats ♦.

## Online Education:

### Courses Available ONLINE!..

#### **Basic Right of Way Disciplines:**

- 100 - Principles of Land Acquisition (coming soon!)
- 103 - Ethics in the Right of Way
- 104 - Standards of Practice for the R/W Professional
- 105 - The Uniform Act—Executive Summary

#### **Communication/Negotiation:**

- 200 - Principles of Real Estate Negotiation
- 203 - Alternative Dispute Resolution
- 205 - Bargaining Negotiations
- 213 - Conflict Management
- 215 - Right of Way Agent's Development Program

#### **Management :**

- 303 - Managing the Consultant Process
- 304 - When Public Agencies Collide

#### **Appraisal:**

- 400 - Principles of Real Estate Appraisal
- 402 - Introduction to the Income Capitalization Approach
- 403 - Easement Valuation

#### **Environment:**

- 600 - Environmental Awareness
- 606 - The Environmental Process

#### **Asset/Property Management:**

- 700 - Introduction to Property/Asset Management

#### **Real Estate Law:**

- 800 - Principles of Real Estate Law

### COMING SOON ONLINE!..

- 100 - Principles of Land Acquisition
- 900 - Principles of Right of Way Engineering

The following series are **not available online:**

- 500 series** (Relocation)
- 900 series** (Engineering)

## Benefits of Membership:

### IRWA Members receive reduced rates on:

- ◇ All IRWA training courses.
- ◇ Chapter Educational Conferences and events
- ◇ Annual International Educational Conferences
- ◇ Federal Agency Update Conference
- ◇ Six issues of Industry's leading publication, the Right of Way Magazine

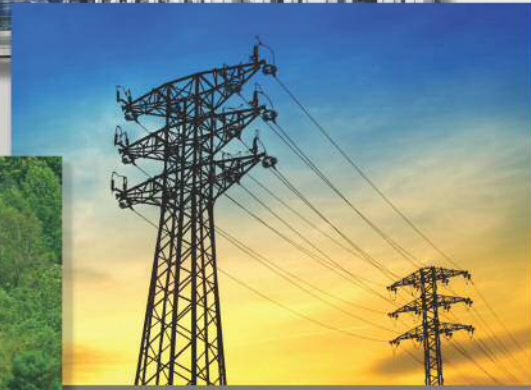
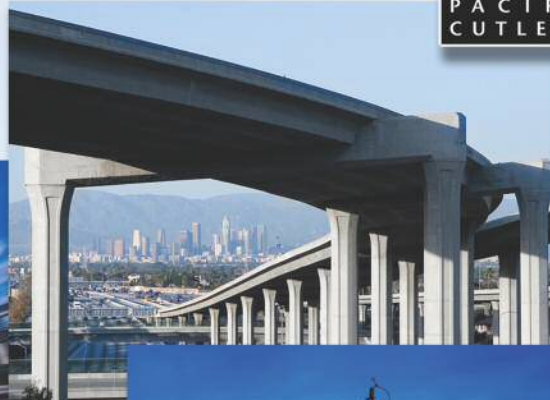
### Other Fantastic Benefits:

- ◇ Listing in the Member Director and Access to powerful referral network
- ◇ Chapter's announcements and updates via e-mail
- ◇ Headquarters' Announcements and Updates via e-mail
- ◇ Access to Online Right of Way Handbook, IRWA's essential body of knowledge
- ◇ Opportunities of publicity in the chapter's newsletter and the Right of Way Magazine through publication of News Releases, Publicity Releases, and Professional Articles.
- ◇ Maintaining valid professional designation and/certifications.



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- Due Diligence
- Asset Management

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Senior Vice President/Managing Officer  
neke@converseconsultants.com

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# PHOTO REPORT



## May 25, 2012 Luncheon



### ***FY 2012-2013 Officer Installations.***

Newly elected officers are taking an oath administered by **William Larsen**, Chair, Nominations and Elections Committee. Officers taking the oath, left to right: **David Graeler, Theresa Armistead, Norman Eke, Andrew Thompson**



Officers Elected by the General Membership to serve in FY 2012-2013 **David Graeler, Theresa Armistead, Norman Eke, Andrew Thompson** will begin their service effective July 1, 2012.

# May 25, 2012 Luncheon – Photos

*Continued*



*Barry McDaniel and Ray Armstrong SRWA, Overland, Pacific & Cutler.*



*Daniel Stekol presented the Chapter with the new chapter banner.*



*Marilyn Suart SRWA and Diane Dominiguez*



*Gary Valentine and Richard Hodges*



*Ken Stanberry, SRWA, David Graeler, Esq. and Kelly Kitasato, RW-AMC*



*Daniel Stekol, IRWA and Val Hatley, SRWA, Percheron Acquisitions, LLC*

**FY 2011 – 2012 Officers and Executive Board (7/01/2011—6/30/2012)**

<b>President</b> IRWA International Director - 2nd year	<b>Konstantin Akhrem</b> Relocation Project Manager	(310) 617-0251	konstantin@irwa-chapter1.org
<b>President-Elect</b> IRWA International Director - 1st year	<b>David Graeler, Esq.</b> Nossaman LLP	(213) 612-7800	dgraeler@nossaman.com
<b>Treasurer</b>	<b>Kenneth Stanberry, SR/WA</b> Port of Los Angeles	(310) 732-3525	kstanberry@portla.org
<b>Secretary</b>	<b>Theresa Armistead</b> Overland, Pacific & Cutler, Inc	(951) 207-7890	tarmistead@opcservices.com
<b>Professional Development</b>	<b>Andrew Thompson, SR/WA *</b> Southern California Gas Company	(213) 244-5032	athompson@semprautilities.com

**FY 2011 – 2012 Appointed Committees (Alphabetically)**

<b>Asset Management</b>	<b>Duncan Robb, SR/WA, R/W-AMC</b> Epic Land Solutions	(310) 561-3900	duncanrobb@epicland.com
<b>Communication</b>	<b>Natasa Lenic</b> Relocation Planning Consultant	(310) 720-9517	nlenic@irwa-chapter1.org
<b>Education</b>	<b>Tom Hanley, P.E.*</b> Paragon Partners Ltd	(714) 379-3376, x 284	thanley@paragon-partners.com
<b>Engineering/Surveying</b>	<b>Art Cordero, SR/WA, PLS,</b> City of Los Angeles	(213) 482-7192	apcor75a@yahoo.com
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