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**President's Message**

Monday, March 16, 2020

I had a different message prepared for this issue of our newsletter. As of last Friday, we were still celebrating another great success of our Valuation Chair, Bill Larsen, SR/WA who worked tirelessly for months and offered valuable educational and networking opportunity to over 100 participants on February 25<sup>th</sup> at Quiet Cannon. Carrying on Bill's success, we were coordinating a joint luncheon with SCCAI. SCCAI president Casey Merrill and I joined forces in selecting a dynamic presentation and speakers for the occasion. Thank you Mike Yoshiba, Shareholder with Richards Watson Gershon and Guy Lammers, Property Manager with LADWP for all the time and effort you dedicated to our chapter and the anticipated luncheon presentation, as well as Julia Miranda, our Luncheon Chair, Amy Betonte, our Communication Chair and Ann Kulikoff, our President-Elect, who contributed in organization and promotion of the joint luncheon - I appreciate you.

Then on Friday afternoon, SCCAI and IRWA Chapter 1 canceled our joint March luncheon to allow for social distancing amid the novel coronavirus scare.

I believe that to be a prudent and reasonable reaction - let's not tempt fate and spread the virus especially to the most vulnerable: seniors and children. Everything else that followed, however, is out of a nightmare film: people hoarding essentials like disinfecting wipes, toiler paper, water and food - that goes against anything I have ever seen or experienced. We had pandemics before, like H1N1 virus 10 years ago, or natural disasters (earthquakes, flooding, fires) but there was not the fear and panic that is surrounding us today. I do not want to downplay the seriousness of this virus, and I urge everyone to act responsibly but I want us to keep things in perspective and maintain some sense of calm and normalcy - this, too, shall pass.



Natasa Lenic, Ch. 1 President

Back to Chapter business, our Education Chair, Alexandra Nguyen-Rivera, SR/WA recommended that we cancel our remaining four classroom courses scheduled for March, April and May and the Board of Directors voted in favor of the cancelations. If you were registered to attend, please contact the respective Course Coordinator, and we will facilitate a refund. Similarly, the board voted for cancellation of our ½ day Pipeline Seminar scheduled to be paired with the May 21<sup>st</sup> general member-

ship elections and awards meeting. My sincere thank you to our Pipeline Committee Chair, April Harvey, SR/WA, President-Elect, Ann Kulikoff, and Past President, Neilia LaValle who have spent hours recruiting speakers and organizing and promoting the seminar. Our members want to participate, and we are looking forward to learning of the new date when the seminar can be presented.

I asked our NEC Chair, Artin Shaverdian, to be prepared to run general elections for the next year Chapter 1 officers via electronic votes. We hope that the coronavirus-related social distancing will not be lasting too long, and we will be able to schedule an in-person meeting sometime in May or June. In case that "no gatherings" are still in effect in May, Artin and his committee will be conducting elections via electronic votes.

This past week has been a learning experience that I could have done without - a most heartfelt thank you goes to my friends and Board Members who called, texted and emailed during this trying time and offered kindness, advice and laughter to me personally and to our chapter organization. I mentioned at our first meeting in July - and it is true today - this year's Board of Directors is the best ever. Enjoy the articles and committee updates in this newsletter and stay well, Chapter 1!

## President-Elect's Message



Ann Kulikoff,  
Ch. 1 President-Elect

It was a great turnout at our January Chapter luncheon by both members and guests.

The panel gave very candid insights on top agency challenges at Federal and local levels. The speakers included Lisa Sandoval, Civil Works Branch Chief, US Corps of Engineers; John Kalish, (retired) Chief, Office of Renewable Energy Coordination, Bureau of Land Management, US Department of the Interior; John Potts, Executive Officer, LA City Metropolitan Transportation Authority; and Dayna Rothman, Head of Real Estate, LA County Department of Public Works. More details and great pictures of the luncheon were included in Volume 4 Weekend Update email from Natasa and Amy.

Thank you to Dayna Rothman for recommending that we start with introductions of all in attendance. It was a reminder of the importance of best use of the limited time we have together. Allowing for more networking opportunities. It is helpful for all of our members and guests to feel a part of and see the value of attending.

I asked those in attendance if there is an interest in scheduling an additional event to hear more about processes and permitting. I felt it best to start with an agency topic that would be of interest and could be done during a luncheon. With the idea in mind that if the luncheon was well attended, we could look to possibly expand to a 1/2 day forum.

A great suggestion by Ray Mehler was to get a show of hands before ending. Almost everyone expressed interest in a 1/2 day forum with a focus on agency processing and permitting. John Potts our speaker from Metro offered to support the effort by hosting at Metro if it can be coordinated well in advance.

I genuinely felt the sincerity and support from our agency speakers to help us understand their challenges and looking for ways to help each other where we can. Similar to what I have experienced in being a member of the IRWA.



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## Newsletter Chair's Message



**Doug Harman,**  
Newsletter Chair

We Chapter 1 members are fortunate to have great elected officials and committee chairs who possess a wealth of knowledge and experience. The best part is their willingness to share their knowledge and experience with others. This particular issue of the newsletter is filled with a plethora of articles and content provided by Chapter 1 Board Members. Well over half of the elected official and committee chairs have contributed to this publication.

I strongly believe in the practice of *help others help others*. All of us can benefit from lessons learned from others and be of benefit to others by passing along lessons we've learned in life so far. I am grateful to all those who have poured their wisdom, knowledge, support, etc. into me and I attempt do the same by pouring into others.

IRWA Chapter 1 provides a great network where right-of-way professionals are able to share with each other the invaluable

lessons they've learned. The newsletter is one specific avenue where these lessons and insights can be passed along from one to another.

I encourage you to thank (at least) one person who has been a mentor to you and/or shared their knowledge and wisdom with you. Also, to take it a step further, I encourage you to think of someone you can invest some of your time in. The hope is that in due time, that person will continue the chain and will invest their resources in someone else. Obviously, this doesn't have to be limited to the right-of-way industry; it can be applied in every aspect of life.

Please enjoy the read while being conscious of those who have dedicated their precious time for the benefit of others.

*Doug Harman, SR/WA, is a Real Property Agent at the Los Angeles County Sanitation Districts. He can be reached at [DougHarman@LACSD.org](mailto:DougHarman@LACSD.org).*

Want to contribute an article? Have any comments or suggestions? We would very much like to hear from you. Please email [newsletter@irwa1.org](mailto:newsletter@irwa1.org)

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# ALL UPCOMING CHAPTER 1 COURSES & EVENTS HAVE BEEN CANCELED

## Upcoming Chapter 1 Education



Alexandra  
Nguyen-Rivera,  
Education Chair

Course Dates	Course No.	Course Name	Location (with link to map)	Instructor	Link
Mar. 15, 2020	213	Conflict Management	<a href="#">Metro - Gateway Plaza Conf. Room 3rd Floor</a>	Steve Kiley	<a href="#">click here</a>
Apr. 1 & 2, 2020	501	Residential Relocation Assistance	<a href="#">Public Works Small Dining Room</a>	Darryl Root	<a href="#">click here</a>
Apr. 15 & 16, 2020	205	Bargaining Negotiations	<a href="#">Metro Water District Conf. Room 2nd Fl.</a>	Steve Kiley	<a href="#">click here</a>
May 13 & 14, 2020	400	Principles of Real Estate Appraisal	<a href="#">Public Works Conference Room B</a>	Larry Castellanos	<a href="#">click here</a>

## Upcoming Events—Save the Date

Date	Time	Event	Location (with link to map)	Link
Tue., March 24, 2020	10:00am - 1:30pm	Joint Luncheon with the Appraisal Institute	<a href="#">Quiet Cannon, Montebello</a>	<a href="#">Flyer</a>
Thur., May 21, 2020	11:30am - 5:00pm	Luncheon and Half-Day Pipeline Seminar	<a href="#">Quiet Cannon, Montebello</a>	<a href="#">Flyer</a>

Weekend Update (1 of 13)



# IRWA Chapter 1 Weekend Update January-February 2020 Volume IV

Amy Betonte, Communications Chair

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## JANUARY LUNCHEON

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On January 23, 2020, IRWA Chapter 1 held its January Luncheon at Luminarias in Monterey Park. Approximately 60 people attended the January luncheon with many new faces among the attendees.

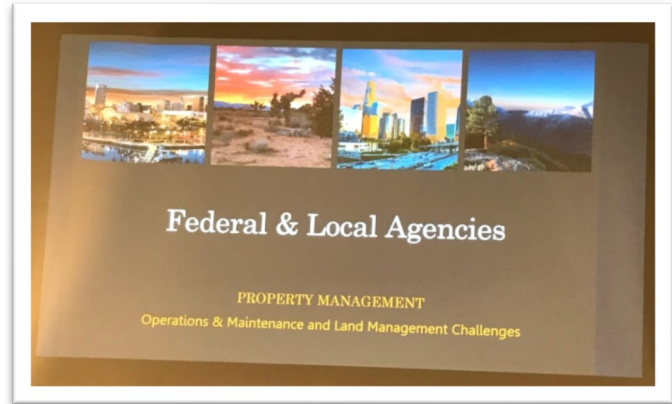


## Weekend Update (2 of 13)

## LOCAL AND FEDERAL AGENCY CHALLENGES

The Topic for the **January Luncheon** was: **Local and Federal Agency Challenges**

Speakers included **Lisa Sandoval, Civil Works Branch Chief, US Corps of Engineers; John Kalish, (retired) Chief, Office of Renewable Energy Coordination, Bureau of Land Management, US Department of the Interior; John Potts, Executive Officer, LA City Metropolitan Transportation Authority; Dayna Rothman, Head of Real Estate, LA County Department of Public Works, and IRWA Chapter 1 President Elect, Ann Kulikoff.**



Dayna Rothman indicated that they are attempting to streamline some of their processes and procedures as they pertain to CEQA and outgrants. She indicated the importance of early planning and coordination as processing real estate items and project needs may take six months to a year depending on the entities that need to be involved.

Lisa Sandoval relayed that projects that our local Army Corp deems necessary are in competition with projects that all other Army Corp across the nation are putting forth as necessary. They are working on presenting

their packages to tell compelling stories to increase their ability to obtain funding for their projects. As engineering becomes more familiar with real estate and the presentation of their projects continues to improve, the better their packages will become.

The Agencies also spoke of a lack of qualified people to assume roles of retired agency employees, as well as, new roles to handle complex projects. Although there is a wealth of talent for these roles, the disconnect between the salaries that public agencies are prepared to pay in comparison to private sector salaries makes luring qualified professionals from the private sector to work in the public sector.

Similarly, construction companies are experiencing a shortage of experienced workers to construct the projects which results in project delays. Homelessness issues also impact their projects. Employees are experiencing acts of violence on project sites, and as most projects don't have a line item to deal with homelessness, those funds have to be diverted from other project line items.

Weekend Update (3 of 13)

## RAFFLE RESULTS:




Luncheon Chair, **Julia Miranda** of LACAL Consulting was the emcee of the January Luncheon Raffle.

*Thank you Julia Miranda for organizing yet another beautiful luncheon.*

**Laura Soloman** won a hot chocolate tower donated by an anonymous IRWA member and an Amazon gift card from LACAL Consulting. She inherited some of her tickets

when a coworker had to leave early and scored big with this raffle.



Education Chair, **Alexandra Nguyen-Rivera** of LA Department of Public Works won the Valentine inspired cupcake raffle prize donated by Interwest Consulting Group. LA Department of Public Works and head of real estate, **Dayna Rothman** won wine, generously donated by Nossaman. Not to be outdone, **Alan Sanchez** of LA Department of Public Works won the \$100 Member Attendance money. LADPW is one lucky group. 

## THANK YOU RAFFLE SPONSORS:



Weekend Update (4 of 13)

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## VALUATION SEMINAR

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On February 24, 2020, IRWA Chapter 1 held its Annual Valuation Seminar at Quiet Cannon in Montebello. Organized by Bill Larsen of Integra Realty Resources, LA and team, the Valuation Seminar was attended by 114 participants.



### THANK YOU TO PARTICIPANTS:

Metro; Integra Realty Resources; Alvarado Smith; County of Orange; Murphy & Evertz; Donna Desmond Associates; Desmond, Marcello & Amster; City of Los Angeles; David S. Mason Inc.; Nossaman LLP; San Bernardino County; Burke, Williams & Sorensen; MWD; California Eminent Domain Law Group; Demetriou, Del Guercio, Springer & Francis

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### THANK YOU TO PLATINUM SPONSOR:



Weekend Update (5 of 13)

**SESSION 1:**

**PROJECT BENEFITS AND SEVERANCE DAMAGES:  
WOULD CONTINENTAL DEVELOPMENT BE DECIDED DIFFERENTLY TODAY?**

Russ Babbitz, MAI Principal RE Officer, Metro  
John G. Ellis, MAI, CRE FRICS, Integra Realty Resources-Los Angeles  
Robert M. Lea, MAI, Integra Realty Resources-Los Angeles  
Keith E. McCullough, Esq. Alvarado Smith



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Weekend Update (6 of 13)

**SESSION 2:**

**ROAD WIDENING CASE STUDY: ACQUISITION, APPRAISAL AND LEGAL ISSUES**

David Cops, SR/WA, Acquisition Agent, County of Orange  
Ryan Hargrove, MAI, SRA, AI-GRS, RW-AC, R.E. Valuation Svcs. Manager, County of Orange  
Emily Madueto, Esq., Murphy & Evertz  
Thomas "Mat" Miller, Esq., Chief R.E. Officer, County of Orange



**SESSION 3:**

**DEFINITIONS AND DATA: PERSPECTIVES AND IMPACTS ON GOODWILL LOSS  
OPINIONS**

Donna Desmond, ASA, Donna Desmond Associates  
Madeleine Mamaux, CFA, ASA, Desmond, Marcello & Amster

Moderator: Uriel Jimenez, Chief Real Estate Officer II, Bureau of Engineering, City of Los Angeles

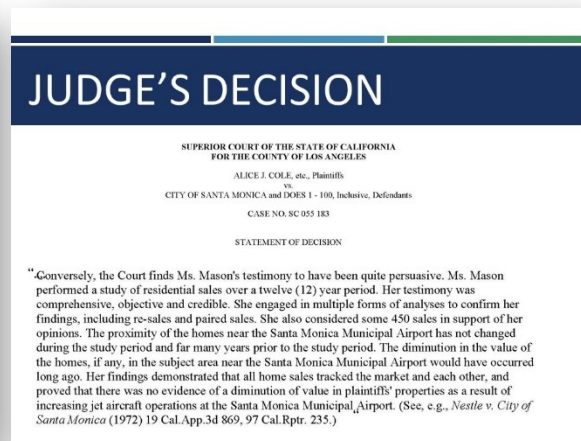


Weekend Update (7 of 13)

**LUNCH SPEAKER:**

**TEDIOUS RESEARCH = WINNING VERDICTS**

Frances Wolfe Mason, MAI  
David S. Mason Inc.



**THANK YOU TO SILVER SPONSORS**



Weekend Update (8 of 13)

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The IRWA Chapter 1  
Joint Buffet Luncheon with the  
Appraisal Institute is  
Tuesday, March 24, 2020  
at QUIET CANNON

**EVENT CANCELED**

Board Meeting Begins at 10:30 am  
Buffet Luncheon will take place between 11:30 am-1:30 pm

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**The topic, Deed Restrictions and Values: "Past, Present & the Future", will be presented by Guy Lammers, Property Manager for LADWP and Michael F. Yoshida, Attorney with the Law Firm of Richards Watson & Gershon, Los Angeles and will include:**

- Interests in the estate and deed restrictions
- What happened when they changed (Racial Covenants & Rumford Act)
- Definitions of Value - How many Values in a Day
- Impacts on Value
- What about "no alcohol sales" or "seniors only" restrictions?

2 BRE credits and 2 SR/WA credits are in process

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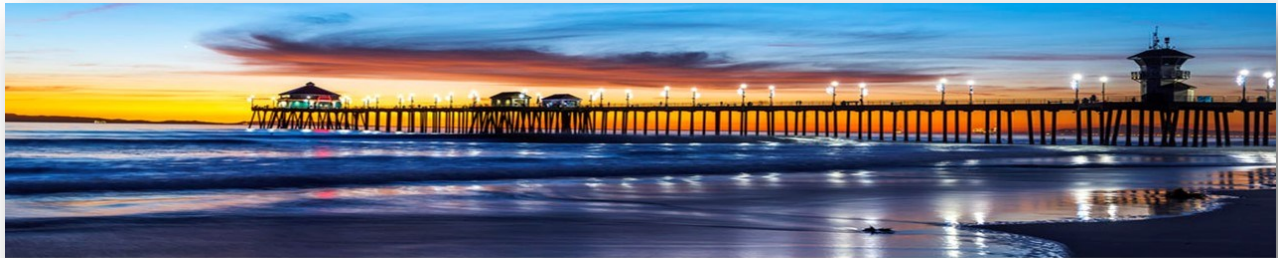
THANK YOU TO BRONZE SPONSORS



Weekend Update (9 of 13)

**SESSION 4:**  
**RISING SEA LEVELS-FINANCIAL LIABILITY ISSUES TO CITIES & LEGAL ISSUES**

John Erskine, Esq., Nossaman LLP  
 Benjamin Ruben, Esq., Nossaman LLP



**Eminent Domain and Sea Level Rise**

John P. Erskine | Partner, Nossaman LLP  
 Benjamin Z. Rubin | Partner, Nossaman LLP



Table A-1. Sea Level Rise Projections for the San Francisco Bay Area<sup>1</sup> (2012-2016)

Projected Sea Level Rise (in feet) San Francisco

Year	Low Rise Projection (Probability: 20%)	Medium High Risk Projection (Probability: 50%)	High Rise Projection (Probability: 20%)
2040	0.7	0.8	0.9
2050	0.8	1.1	1.4
2060	1.0	1.4	1.7
2070	1.3	1.8	2.1
2080	1.6	2.2	2.5
2090	1.9	2.6	2.9
2100	2.2	3.0	3.3
2100	2.5	3.3	3.6
2100	2.8	3.6	3.9
2100	3.1	3.9	4.2

Notes: 1. This table is derived from the National Oceanic and Atmospheric Administration's (NOAA) Sea Level Rise Technical Report (NOAA Technical Report NOS NGS 2012-02). The data in this table is for informational purposes only and is not intended to be used for any other purpose. The data in this table is based on the best available science and is subject to change as more data becomes available. The data in this table is based on the best available science and is subject to change as more data becomes available.




Weekend Update (10 of 13)

**SESSION 5:**

**PEOPLE V. SANCHEZ, HEARSAY AND EXPERT OPINIONS IN EMINENT DOMAIN CASES: PARADIGM SHIFT?**

Mitchell Norton, Deputy County Counsel, San Bernardino County  
Alan A. Sozio, Esq., Burke, Williams & Sorenson

Moderator: Janella I. Cordova, Senior Real Estate Representative, MWD



**HEARSAY**

- evidence of a "statement"
  - may be either oral or written
- made other than by a witness while testifying at the hearing
- that is offered to prove the truth of the matter stated.

In other words:

- A factual assertion out of court that the witness seeks to rely on to prove that an assertion is true



Weekend Update (11 of 13)

SESSION 6:

R.E. LITIGATION SETTLEMENT: CONSIDERATIONS & ISSUES

Glenn L. Block, Esq., California Eminent Domain Law Group

Craig Justesen, Director of Real Property Management & Development, Metro

Jed Springer Esq., Demetriou, Del Guercio, Springer & Francis LLP

Moderator: Stephen E. Vollucci, SR/WA, Acquisition & Disposition Manager, MWD

IRWA SPRING 2020  
VALUATION SEMINAR  
Panel Discussion

SETTLEMENT: ISSUES AND CONSIDERATIONS

Moderator - Stephen E. Vollucci, SR/WA

Acquisition and Disposition Team Manager  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Jeffrey (Jed) Springer

DEMETRIOU, DEL GUERCIO, SPRINGER & FRANCIS, LLP

*What Does Game Theory Say About Settlement Negotiations?*

Craig Justesen

Director, Real Property Management & Development  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

*Agency Issues and Considerations*

Glenn L. Block, Esq.

CALIFORNIA EMINENT DOMAIN LAW GROUP, APC

*Early Settlement Complications Which Arise from Part Takes*

Types of  
Litigation  
Settlements

- ▶ Fee and Temporary Rights
- ▶ Loss of Business Goodwill
- ▶ Fixtures & Equipment
- ▶ Damages
- ▶ Combined or Individually



Weekend Update (12 of 13)

## MORE VALUATION SEMINAR FUN



Weekend Update (13 of 13)



## Metropolitan Water District's Student Outreach Event



**David Graeler,**  
Education Conference  
Bid -2024 Chair

On February 28, 2020, I was honored to represent the IRWA at the Metropolitan Water District's annual student outreach event encouraging students to "dive into the right-of-way industry." Joining me as panelists for this event were Octavia Tucker (MWD's Interim Group Manager for the Real Property Group), Holly Rockwell (Senior Executive Officer, Community Mobility Planning, for LA Metro), and Steve Vollucci (Acquisition & Disposition Team Manager for MWD's Real Property Group). We had a robust panel discussion that gave college students a chance to learn about public agencies and the right-of-way industry. While we had a list of prepared questions to answer, not surpris-

ingly, the college kids stole the show with their many insightful questions. I was also pleased to see such a large turnout of students at the event. I believe there were well over 50 attendees. I was heartened to see so much interest from young people in the industry that we are all a part. The IRWA also had a booth set up at the event, and there was a robust networking opportunity both before and after the panel discussion. The booth was coordinated by Janella Cordova of the MWD (and IRWA Board member), and Maya Hamouie of Nossaman (and Chair of Chapter 1's Young Professionals Group). Congratulations to the MWD for hosting such a successful event!

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## Asset Management Article (1 of 3)

### Collecting Delinquent Rent



Frances Impert,  
Asset Management Chair

As one can imagine, collecting delinquent rent is never a laughing matter. Unless, of course, you are watching Will Ferrell and his landlady, Pearl. (If you haven't seen it, search "Will Ferrell The Landlord" on YouTube. Apologies in advance for some politically-incorrect and R-rated language! Be sure to use ear pods, or keep the volume down, if you're watching it at work.)

Property Management is all about good relationships. Establishing that up front with your tenants is especially helpful if and when delinquent rent becomes an issue, as it often does, whether it's a downturn in the economy, miscommunication, sloppy records, whatever.

At LA Metro, we get a monthly report from the Accounting Department, called the aging report, which shows amounts that are due for 30, 60, and 90+ days - "buckets" in accounting lingo. Asset Management staff meets internally to input comments and formulate an action plan for each account. Then we meet with the Accounting staff.

The first step in collecting delinquent rent is for each of the Real Estate Officers (REO) to call and/or email our respective tenants. That usually solves a good number of delinquencies; the better your relationship is with them, the more likely they will pick up that phone! Sometimes tenants are simply unaware that they are delinquent, and will work with their accounting folks. Sometimes payments are received with no account number or invoice number reference, and that often leads to funds being misapplied. We always hope that it's one of those scenarios and not that they're having financial challenges. Whatever the reason, rent has to be collected. It's in the lease agreement, and it is our fiduciary responsibility to the taxpayers of LA County.

If calling or emailing doesn't result in bringing the account current, we issue a "Ten-Day Notice." It isn't a legal notice per se, because it doesn't have the legal codes, but we call it that and consider it to be the "soft notice." The fact that it says "Notice" will usually get their attention! *(continued on next page)*



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## Asset Management Article (2 of 3)

But if payment is still not received, the next steps depend on a myriad of factors: the type of tenancy, how long they've been a tenant, their payment history, how large and how old the delinquency is, and maybe another factor or two. Each REO has to make that judgment call, and in some situations with direction from management. If a call or email doesn't suffice, the REO will make follow-up contact, including scheduling a field or office meeting. If warranted, the REO may negotiate a payment plan. The REO at this point makes all attempts to exhaust avenues to collect the past due rent before taking the next step.

Should all of the above actions fail, we then have no other recourse but to issue the dreaded "Three-Day Notice to Pay Rent or Quit". This is a legal notice under Code of Civil Procedure §1161 and 1161.1. It is served personally if possible, but also via Certified and First-Class Mail. These days we also send via email. (Interesting historical tidbit: The old expression "nail and mail" comes from the days when notices were served by literally nailing them to the door or the fence post.)

The Three-Day Notice nearly always gets a delinquent tenant's attention. Sometimes a payment plan gets worked out after they come in to negotiate because they aren't prepared to Quit. If you've been in this field a long time, as I have, you have seen and heard many stories. We have been met with tears, desperation, and sometimes, anger. Hopefully you know your tenants well, and can gauge if a situation might turn ugly. Either way, when it has come this far, it's best to invite your manager to the meeting. The Three-Day Notice basically states:

If you fail to pay the total amount due, or to deliver possession of the premises within three (3) days from the date you were served with this notice, legal proceedings will be initiated against you to regain possession of the premises, declare the forfeiture of the rental agreement or lease under which you occupy the premises, and to recover the total amount of rent owed, damages, prejudgment interest, costs and attorney fees. *(continued on next page)*



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### Asset Management Article (3 of 3)

Every so often, a tenant will ignore the Three-Day Notice and let the time lapse. That is when there really is no other option but to proceed to an Unlawful Detainer (UD) action, working with counsel. It may not go this far, however, for lower-balance delinquencies; those get sent to an outside collections agency.

Throughout the collection process, starting with the first call or email, it is important to document all actions and attempts to collect, because it may end up in court. And if you work in a large public agency like LA Metro, the judges will hold you to a higher standard. I know that because, many years ago, our counsel and I were admonished by a judge...while I was still on the stand! It was a lease that I'd inherited, and we didn't have a tight case. Yup, we lost.

Collecting rent is obviously the least enjoyable part of this job, and at times it's downright painful when you have to evict a tenant. I consider myself fortunate that I have not experienced evicting a residential tenant. I never managed residential properties in my prior life, and LA Metro rarely has residential tenants. The ones Metro might have are a result of property acquisitions with short-term tenants, and they are handled through the relocation process.

Early on in my property management career, one of my tenants in a shopping center was a very young lady who ran a "video store" - millennials, go ask a boomer what that is! She came into the office in tears, with her parents, Three-Day Notice in hand. It was probably the first time that I had served a Three-Day Notice, and I did feel bad because this tenant had been begging us to give her even "more time" than we already had. But after that meeting, the parents actually thanked me because the store had apparently never made a profit, and they were basically "the bank." The parents understood that if we had been nicer, and had given the tenant the additional time, more rent would have accrued, resulting in a bigger balance that they would have had to pay. That was an important lesson: that sometimes it boils down to you helping tenants "cut their

losses" even if they are upset with you in the moment.

Now, I'm going to assume that that was the intention of Pearl, the landlady, when she knocked on Will Ferrell's door...or was it?!

#### We are Right-of-Way Engineering Experts

WES provided GPS Control Surveys, Aerial Mapping, Right-of-Way Parcel Surveys and delivered over 800 legal descriptions and plat maps for this 35-mile Alameda Corridor East Grade Separation Project.



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## Helping Our Clients Know Their Rights to Avoid Inverse Condemnation



**Brian Everett,**  
Acquisition/Negotiation  
Chair

Brian Everett, CEO, Overland, Pacific & Cutler

We at OPC are excited for Nossaman's Annual Eminent Domain Seminars in Northern and Southern California coming up later this month.

The Southern California session, scheduled for March 31<sup>st</sup> at the Center Club in Costa Mesa, will feature several panels on right-of-way topics, including *Inverse Condemnation: Liability, Risks & Exposure for Public Agencies & Utilities*. For this panel, OPC's Brian Everett will be speaking alongside Brad Kuhn and Willis Hon of Nossaman LLP, Paul Fuller of Allied Public Risk, and Patricia Cirucci of SCE on this emerging issue in our industry.

After the Paradise wildfires, California inverse condemnation law was brought into the spotlight. As one of the few states that holds utilities liable in proceedings under inverse condemnation, serving as a wakeup call to utilities and

public agencies to examine their potential liability related to damages to private property from their projects.

At OPC, we have been called upon by our clients to help them assess their risk exposures in order to avoid inverse condemnation claims. With our in-house title research experts, OPC proactively helps public utilities and governmental agencies understand their needed rights, current rights, and prior rights and then develop a custom strategy fit to their needs for acquisition and property maintenance and management.

The panel will provide many perspectives – agency, legal, insurance, and consultant – to help our profession tackle this critical issue. If you have not registered yet, we encourage you to find out more here: <https://www.nossaman.com/newsroom-events-nossamans-2020-southern-california-eminant-domain-seminar>



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## Legal Case of the Month (1 of 3)



Michael F. Yoshiba,  
Law Chair

**MATH MATTERS  
A DAY LATE IS...WELL...TOO LATE**  
by Michael Yoshiba

HENSEL PHELPS CONSTRUCTION COMPANY v. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Court of Appeal of The State of California, 2nd Appellate District, Division Five [B293427 ]  
Filed January 28, 2020

The California Department of Corrections and Rehabilitation (CDCR) through the competitive bidding process on a public works contract, awarded a contract to Plaintiff Hensel Phelps Construction Company (Phelps) as the low bidder. One of the unsuccessful bidders brought a lawsuit challenging the award of the contract to Phelps. The other bidder successfully obtained a trial court ruling that the Phelps bid was “non-responsive as a matter of law”. Following the court ruling, CDCR voided the contract, replaced contractor Phelps, and Phelps then brought suit against CDCR seeking to recover the costs it expended on the project, under a statute which allows for such relief only if the contract is “determined to be invalid due to a defect or defects in the competitive bidding process **caused solely by the public entity.**” (Pub. Contract Code, § 5110, emphasis added.) The trial court found in favor of Phelps, CDCR appealed. *(continued on next page)*



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## Legal Case of the Month (2 of 3)

### FACTS

On March 17, 2015, CDCR issued an Invitation for Bid for the Ironwood State Prison Heating, Ventilation and Air Conditioning System – the deadline to submit bids was April 30, 2015, at 2:00 p.m. Phelps timely submitted its bid. The bids were opened, and Phelps was determined to be the “low bidder” with a price of \$88,160,000. The April 30 bid included Phelps’ bidder declaration containing information pertaining to the subcontractors Phelps intended to use on the project. The original Phelps bid declaration included the percentages of each subcontractor’s anticipated project work, a specific CDCR contract requirement. With the goal of submitting the lowest responsible bid for the project, Phelps had allowed its subcontractors to wait until just before the bid deadline to submit their best prices to Phelps for inclusion in the Phelps bid. Phelps incorporated those prices into its bottom-line total bid price, but did not update the math in its calculation of the percentages in its bidder declaration by the deadline. Phelps relied, at least in part, upon a CDCR issued proposal amendment containing a question and answer which permitted bidders to supply certain specific subcontractor information 24 hours after the bid deadline.

On May 1, 2015, Phelps submitted an “amended bidder declaration” with the updated math in its calculation changing the subcontractor percentages in its bidder declaration. Phelps believed it was permitted to submit its amended bidder declaration with these changes. Phelps believed that the amended subcontractor percentages could be submitted a day late.

On May 13, 2015, Phelps was informed by CDCR that its May 1, 2015, amended bidder declaration was rejected. That same day, CDCR issued a notice of intent to award the project to Phelps based upon the original bid submission. Phelps executed the contract with CDCR on May 18, 2015, believing that the incorrect subcontractor percentages in the April 30 bidder declaration constituted an “immaterial deviation” which was waived by CDCR. Phelps began work on the project until a trial court issued an order explaining that the Phelps’ bid “contained numerous arithmetical/typographical mistakes which required CDCR to reject [Phelps]’s bid as non-responsive because of these admitted errors which, according to West Coast, afforded [Phelps] a competitive advantage.”

On December 9, 2015, the San Diego court issued its statement of decision, the court’s findings of fact included the following.

“[Phelps]’s bid contained numerous mathematical errors. [Phelps] admitted the subcontractor percentages listed in its bid were not accurate or consistent. [Phelps] further admitted it submitted a subcontractor information form after bid day which was intended to correct the subcontractor percentage and dollar amount errors in [Phelps]’s bid.” “[Phelps] argued the mathematical/typographical errors in its bid were immaterial errors because although [Phelps]’s post-bid day form changed the percentage of work to be performed by certain subcontractors, it did not change [Phelps]’s total bid price. However, the evidence shows that [Phelps]’s post-bid subcontractor information form changed certain subcontractor prices, including the prices for subcontractors Graham Prewitt and Pacific Coast Iron, and that the bid day information for subcontractors was internally inconsistent in several respects as set forth in the declaration by [a witness].” The court noted that Graham Prewitt’s true price, as reflected in the May 1 amended bidder declaration was \$1,644,800 “more than the subcontract price stated by Graham Prewitt itself in a different portion of [Phelps]’s bid day bid submission.” The court identified a similar \$731,520 difference between Pacific Coast Iron’s actual price (as stated in the May 1 amended bidder declaration) and Pacific Coast Iron’s form included in the original bid. The court stated that “in at least four instances, [Phelps]’s subcontractor percentage listings (both on bid day and in the form submitted after bid day), are inconsistent with the subcontract prices (in dollars) listed in other parts of [Phelps]’s bid.” In its conclusions of law, the court found these errors to be non-waivable.

*(continued on next page)*

## Legal Case of the Month (3 of 3)

Judgment voiding the Phelps contract was entered on June 8, 2016. The trial court judgment enjoined CDCR and Phelps from performing any further work on the project under the now “voided” contract. Phelps did not appeal the voiding of the contract, but instead pursued an action against CDCR for recovery of its construction costs expended under the contract. And since CDCR had already paid Phelps for the work performed, CDCR was seeking to recover those payment back from Phelps.

### THE CASE

Phelps sought recovery from CDCR citing Pub. Contract Code, §5110.3 Subdivision (a) stating that, “When a project for the construction, alteration, repair, or improvement of any structure, building, or road, or other improvement of any kind is competitively bid and any intended or actual award of the contract is challenged, the contract may be entered into pending final decision of the challenge, subject to the requirements of this section. If the **contract is later determined to be invalid** due to a defect or defects in the competitive bidding process **caused solely by the public entity**, the contractor who entered into the contract with the public entity **shall be entitled to be paid the reasonable cost**, specifically excluding profit, of the labor, equipment, materials, and services furnished by the contractor prior to the date of the determination that the contract is invalid if [certain] conditions are met.”

CDCR responded with a cross-complaint asking for return of monies CDCR had already paid to Phelps under the voided contract.

### CONCLUSION

The appellate court found it apparent that the contract between CDCR and Phelps was invalidated “[b]ecause [Phelps]’s bid contained non-waivable mathematical/typographical errors” which rendered it non-responsive. In short, the contract was invalidated for a material error in Phelps’s bid, not for any “defect . . . in the competitive bidding process,” much less a defect “caused solely by” CDCR. Section 5110 cannot provide a basis for recovery as sought by Phelps, because Phelps can only recover under section 5110 if the invalidation was due to a defect in the bidding process caused solely by CDCR. Phelps lost their appeal.

However, the court also found that CDCR was not entitled to recover the monies paid to Phelps because CDCR had not procedurally challenged the trial court’s ruling on the cross-complaint. Although the court characterized their reasoning for denying CDCR’s requested relief as “hypertechnical”, at the end, the court appeared to craft what they deemed an equitable resolution of the matter and avoided an unjust enrichment of CDCR. The evidence on appeal reflected that CDCR paid Phelps for work actually performed and had not challenged the merits of the billing nor conditioned payment on future challenges to the contract validity. CDCR made no arguments that Phelps performed that work as a volunteer, and was not entitled to compensation for its efforts.

The court decided that Phelps could keep the CDCR payments already made, but determined that Phelps was not entitled to more compensation under the voided contract. Both parties were left responsible for their own attorney fees and costs.

Attention to detail, fairness, equity, and “math” matters.



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## *Smart Pigs are Smart Technology*

One key to a safe and reliable oil pipeline network is the proper inspection and maintenance of the pipelines. Pipelines can last indefinitely if they are well maintained and there is a great deal of top-of-the-line technology available to help pipeline companies, like Crimson, make sure their pipelines are operating in good condition. One of the leading technologies used for checking pipeline integrity is called a smart pig. Keep reading to learn more about this smart technology.

### ◆ *What is a Smart Pig?*

- Smart pigs are diagnostic robots used to internally inspect the integrity of the pipelines.
- They are crucial for inspection of underground pipelines, which are not visible and may not be easily accessed.
- These robots come in a variety of sizes so they can be used for nearly any pipeline.
- Although the use of smart pigs is not a regulatory requirement, Crimson takes advantage of this technology to hold their systems to a higher standard.

### ◆ *How Do Smart Pigs Work?*

- Smart pigs are inserted into pipelines using special equipment and are pushed along by the flowing product, moving at roughly two miles per hour.
- Technology in the smart pig creates a magnetic field around the pipeline so the pipeline can be inspected and specific information can be collected.

### ◆ *What Information Do Smart Pigs Collect?*

- Smart pigs collection information on the location, geometry and condition of pipelines.
- When assessing the condition of pipelines, smart pigs:
  - ◇ Measure the exact wall thickness of pipelines.
  - ◇ Determine the amount of metal loss in a pipeline and pinpoint the exact location and configuration of the metal loss.
  - ◇ Calculate the remaining strength the pipeline can handle.
- The smart pig reports back all of its findings, also known as Inspection Data, this information allows pipeline operators to determine the exact location and type of issue that may be present in a pipeline.

For more information about smart pigs and smart technology, visit [www.aopl.com](http://www.aopl.com).



## Region 1 and International Update



Ray Mehler,  
Project Management Chair

Ray Mehler attended the Governance Task Force (GTF) workshop, held by the International Governing Council (IGC) on February 28. GTF Chair Sharon Slauenwhite and GTF committee members facilitated a workshop to develop responses to GTF Recommendations #2 through #11. The IGC voted in September in favor of GTF's Recommendation #1 to cancel the final phase of the Governance Project.

The IGC, with active support from GTF committee members, supported moving forward with several of the recommendations, including:

- Developing leadership training tools which leverage existing tools into a more complete and easier-to-access toolkit, particularly for Treasurers, Secretaries, and Education and Membership Chairs.
- Evaluate how international chapters in Australia, Saudi Arabia, South Africa and Nigeria might obtain representation in the IGC.
- Consult with staff for impact assessment of GTF recommendations considered for approval.

More GTF updates will be presented at the Region 1 Spring Forum in Lemoore, CA (Chapter 50), and will be discussed in the next issue of this newsletter.

*Ray Mehler, SR/WA, PMP is owner of Right of Way Management Consulting, Chair of the Chapter 1 Project Management Committee, Secretary/Treasurer of IRWA Region 1 and the Region 1 representative for the Governance Task Force.*



2020 marks 40 years of success  
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**OPC** is proud of our Los Angeles roots, having worked on successful right of way and real estate projects throughout the city and surrounding areas.

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[tgordon@opcservices.com](mailto:tgordon@opcservices.com)

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## Utilities Chair Article



**Janella Cordova,**  
Utilities Chair

This past fire season we were hit with constant notifications from Twitter and other media outlets of upcoming potential power shut downs to mitigate the fire risk. A few of these were implemented and mostly it made us very aware of how serious the electrical providers are taking the wildfire risk. The electrical providers are under scrutiny. The latest proposed Senate Bill 378 aims to have utilities cover the cost of losses for those affected by de-energizations “establish a procedure for customers, local governments, and others affected by a de-energization event to recover costs accrued during the de-energization event from the utility.” Up and down the state, electrical providers are implementing mitigation programs such as fire hardening, wildfire safety programs, aggressive vegetation trimming and creating network of new weather stations. Some providers, such as SDG&E, have used weather stations as part of their daily operations for years now. PG&E added this as part of their fire mitigation plan submitted earlier this year. SDG&E, PG&E and SCE have all included the newly coined public safety power shutoffs (PSPS) as part of their fire mitigation plans also submitted earlier this year in compliance with California SB 901, AB 1054 and at the direction from California Public Utilities Commission’s (CPUC). Given the concerns of these PSPS the CPUC established new rules on implementing PSPS. What we can expect is a continued focus on fire safety programs and many projects such as the fire hardening which can include the replacing of lines entirely, installing new poles, or putting lines underground.

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## Highlights from Chapter 1 Professional Development Committee



Marilyn Stuart,  
Professional Development  
Committee Chair

### Great News!

## Announcing the Chapter 1 Educational Scholarship Program for the 2020-21 Fiscal Year!

**This is a wonderful opportunity for Chapter 1 members!  
Please see the timeline and application in this newsletter!**



**ALL MEMBERS  
IRWA CHAPTER 1**

## 2020/21 EDUCATIONAL SCHOLARSHIPS

Chapter 1 of the International Right of Way Association is sponsoring educational scholarships for Chapter 1 members. The scholarships support the professional development of Chapter 1 members. The 2020/21 Scholarship Award Applications **must be received by email or U.S. mail no later than Monday, May 11, 2020**, by the Chapter 1 Professional Development Committee Chair at the following address:

Marilyn Stuart, SR/WA, R/W-NAC  
1466 Redondo Avenue  
Long Beach, CA 90804  
[marilyn.stuart.lb@gmail.com](mailto:marilyn.stuart.lb@gmail.com)

Applications received after the due date and/or incomplete applications will not be processed by the Professional Development Committee.

The 2020/21 Chapter 1 Scholarship Awards consist of a five-day IRWA class equivalent for those classes sponsored by Chapter 1 during the two-year period beginning July 1, 2020, for each Award recipient (i.e., may be allocated to multiple classes for up to five days duration). Candidates must be Chapter 1 members in good standing at the time of the scholarship application, award and usage. Please review the IRWA Chapter 1 Scholarship Policy and Procedures for details.

Included in this article are the IRWA Chapter 1 Scholarship Policy and Procedures, the Scholarship Award Application, the 2020/21 Scholarship Award Timetable, and the roster of the Chapter 1 Professional Development Committee who will be evaluating the Scholarship Award Applications and recommending applicants to the Chapter 1 Board of Directors for final award presentation at the July 2020 general membership meeting.

The Chapter 1 Board of Directors and its Professional Development Committee strongly encourages all Chapter 1 members who are interested in attaining a designation or certification under the generalist path or specialist path to apply for the educational scholarship. Please feel free to contact Marilyn Stuart at (702) 250-2865, or email: [marilyn.stuart.lb@gmail.com](mailto:marilyn.stuart.lb@gmail.com) with any questions you may have regarding the scholarship application requirements and award process. Marilyn will provide her best efforts to respond to your inquiries.

**For additional information about the scholarships, please turn to the end of the newsletter, or [click here](#)**

## Highlights from Chapter 1 Professional Development Committee

Please join us in congratulating the following Chapter 1 Members on their credentialing accomplishments:

### SR/WA Recertification:

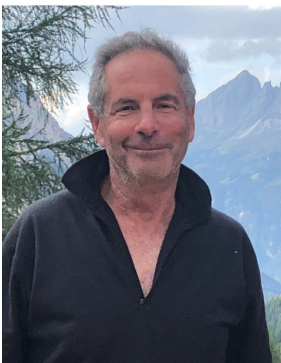
#### Jenny Li, SR/WA, Metropolitan Water District



Jenny started out her Right-of-Way career at CalTrans working heavily on acquisition and appraisal work in the Los Angeles District 7 office on projects such as the Route 210 Freeway extension project, Route 60 Freeway sound wall project, Route 10 Freeway widening project and many more projects. From CalTrans, she moved on to handling acquisitions for the City of Los Angeles Redevelopment Agency, acquiring private properties in blighted areas for redevelopment projects using Community Block Grant and redevelopment funds. When the CRA's in the State of California were abolished by governor Jerry Brown, Jenny was offered a position at the Metropolitan Water District of Southern California's Real Property Department, where she worked for three years handling lease management. Currently at Metropolitan, she has taken on a new opportunity working on hydroelectric power contracts and renewable energy credits for Metropolitan's Power Operations Section. This is Jenny's second SR/WA recertification. She received her original SR/WA Designation in 2009.

### R/W-RAC Recertification:

#### David Richman, R/W-RAC, Autotemp, Inc.



As a principal of Autotemp, David has been working in the industry for 20 years. Based in Mammoth, he spends his free time skiing in the winter and backpacking in the summer, with Karen and Ziggy. Their backpacking trips have taken them to Patagonia, the Dolomites, the Alps and Canada.

### RWP Recertification:

#### Cordelia Cisneros, RWP, Crimson Midstream, LLC

We're so proud of our hard working, ambitious Chapter 1 members. In 2019, two members were awarded their SR/WA designations, one R/W-RAC, one R/W-AMC, one R/W-AC and five members earned their RWA certifications! Way to go Chapter 1!

Many more of our members are well on their way to completing the requirements for IRWA certifications in 2020 as well. If you have any questions or would like to receive help and guidance regarding credentialing, please do not hesitate to contact the Chapter PDC.

## Important News From the Professional Development Committee

You may access the IRWA Credentialing Program information on the IRWA website  
<https://www.irwaonline.org/professional-development/credentialing/>

### Get Credentialed in INDUSTRY

<https://www.irwaonline.org/professional-development/industry-path/>

IRWA's credentialing program consists of FOUR PATHWAYS that you can choose from to obtain your SR/WA designation depending on what industry experience you have or want to pursue:

- OIL & GAS
- TRANSPORTATION
- ELECTRIC & UTILITIES
- GENERALIST

Select an industry and go through the three simple steps: LEARN, QUALIFY & CERTIFY



# Get Credentialed!



### Get Credentialed in SPECIALTY

<https://www.irwaonline.org/professional-development/right-of-way-professional-career-path-specialist/>

You may also access information on how to obtain one of the Specialty Certifications:

- R/W-AC Appraisal Certification
- R/W-AMC Asset/Property Management Certification
- R/W-NAC Negotiation and Acquisition Certification
- R/W-RAC Relocation Assistance Certification
- R/W-URAC Uniform Act Certification
- Appraisal Cross Certification

Do you have questions about IRWA certifications or which courses you should take to reach your goals?

Feel free to contact the Chapter 1 PDC, if you have any questions about the SR/WA designation, IRWA specialty certifications or if you want to know which courses you should take to reach your goals. We are available to provide guidance and assistance with your career path planning. We want to help you reach your professional goals! You may contact any one of the Professional Development Committee Chairs listed below for more information about the IRWA Professional Career Path programs or for questions about the scholarship program, requirements needed to attain your specific goals for professional development or are interested in having a mentor to guide you through your professional educational path. We are here to assist you!

Marilyn Stuart, PDC Chair [marilyn.stuart.lb@gmail.com](mailto:marilyn.stuart.lb@gmail.com) - (702) 250-2865

Gus Parcero, PDC Co-Chair [augusto.parcero@lacity.org](mailto:augusto.parcero@lacity.org) - (213) 485-5775

Michael Popwell, PDC Co-Chair [michael@mpopwell.com](mailto:michael@mpopwell.com) - (323) 874-2384

Joyce Riggs, PDC Co-Chair [jriggs@sbcglobal.net](mailto:jriggs@sbcglobal.net) - (805) 578-2400

Andrew Thompson, PDC Co-Chair [athompson@semprautilities.com](mailto:athompson@semprautilities.com) - (213) 244-5032

Gary Valentine, PDC Co-Chair [gsv@valentineappraisal.com](mailto:gsv@valentineappraisal.com) - (661) 288-0198

**As a Chapter 1 Member You are Eligible to Attend a FREE One-Day Chapter 1 Sponsored Class Each Fiscal Year!**

This is a wonderful opportunity for all Chapter 1 members to help you fulfill your IRWA educational requirements for certifications, SR/WA designation, or to receive continuing education credit. Please check the chapter course listing in this newsletter to make plans to enroll in courses you need and take advantage of the free 1-day course credit.


How do you use the Free Course voucher?

- You will register directly with the course coordinator of any Chapter 1 sponsored class to register.
- First, send a copy of the voucher to the PDC Chair for authorization.
- Next, send your registration form and voucher to the course coordinator to complete registration.

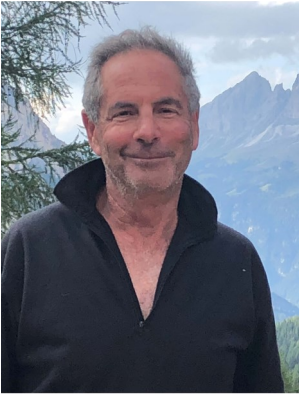
If you haven't redeemed your voucher yet, feel free to use the copy of the voucher provided below for your convenience.

Your voucher can be redeemed for a free 1-day Chapter 1 sponsored IRWA class or equivalent credit if applied to the tuition of a multiple day class. The Chapter 1 Professional Development Committee can help you develop a plan to reach your professional goals for RWA, RWP certifications leading to the prestigious SR/WA designation or a specialist certification.

Here is your FREE COURSE VOUCHER for the 2019-20 Fiscal Year! It will be valid until the end of June 2020

 <p><b>IRWA</b> LOS ANGELES CHAPTER 1</p>	<p><b>IRWA CHAPTER 1</b> <b>FREE ONE DAY COURSE VOUCHER</b></p>
<p><b>THIS VOUCHER IS REDEEMABLE FOR A ONE DAY CHAPTER 1 SPONSORED IRWA COURSE OR EQUIVALENT CREDIT APPLIED TO ONE DAY OF A MULTIPLE DAY COURSE*</b></p>	
<p><b>*Terms of Voucher Usage:</b></p>	
<p><b>Valid for IRWA Chapter 1 Members for attendance at Chapter 1 Sponsored Courses Only</b></p>	
<p><b>Voucher Use is Limited to the First 10 Enrollees Per Each Chapter 1 Course</b></p>	
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<p><b>COURSE COORDINATOR SIGNATURE</b> _____</p>	
<p><b>PDC CHAIR SIGNATURE</b> _____</p>	
<p><b>Must be presented to course coordinator at registration - Expires JUNE 30, 2020</b></p>	

## Relocation Case Study (1 of 2)



David Richman,  
Relocation Chair

As a relocation consultant, it is imperative that you know and understand the funding sources on a project, both current and future. It may impact your analysis and file documentation. The following case studies are thought provoking. If you have questions or would like to discuss further, feel free to contact me at [david@autotempservices.com](mailto:david@autotempservices.com).

You've been asked by a local "non-profit" to relocate a family from an apartment building that they have just purchased using CDBG funding. They intend to rehabilitate the building and use it for an alcohol residential treatment center, so the family cannot return.

Ms. Beam, her elderly mother Jackie (63 years old), and her daughter Jimmie (14 years old) live in the two-bedroom apartment. Ms. Beam works as a part-time waitress and earns \$1100 per month including tips. Jackie receives social security of \$600/month, and Jimmie works part time for the locksmith and earns \$200/month.

### **What is the family's ability to pay?**

The Beams are paying \$500/month for their apartment, which is helpful since they are a "low-income" family. The comparable replacement dwelling will cost \$800/month.

### **What is the family's maximum rental assistance payment?**

Ms. Beam has poor credit, and may need a sizable security deposit to secure a replacement dwelling. Because of her expenses, she does not have money available to cover these costs.

### **How will you assist Ms. Beam to cover the costs of her credit checks and security deposits?**

Despite her bad credit, Ms. Beam has found someone who will finance her in purchasing a home.

### **How much Downpayment Assistance can you provide?**

### **What forms and notices will be necessary to complete this file?**

### **Who decides "just compensation" for the property?**



## Relocation Case Study (2 of 2)

The property owner is complaining that he is going to have to pay capital gains taxes on what the Agency is paying him for his property. What can you use to overcome the objections by the property owner regarding capital gains taxes? Where did you find this information?

The property owner is concerned about the increase in property taxes on a replacement property. Is there anything that can be done about the increase in property taxes on his replacement parcel? Where did you find this information?

Is the property owner eligible for relocation benefits?

Personal ethics and morals are important for success in our business. Ethics promotes trust which results in additional business. The following questions are food for thought.

The business owner/occupant has asked to take you to dinner to discuss the Agency's offer and relocation benefits. What should you do?

You have referred some displaced tenants to a realtor. They have closed escrow, and the agent has sent you a check for \$100. What should you do?

You are presenting an offer on some property. You learn that one of the tenants in common is a friend of yours. What should you do?

A co-worker has admitted to you that they ignored a second job in an ability to pay calculation in exchange for a tv. They have asked you to keep it confidential. What should you do?

You have been instructed by an Agency to make an offer on real property which is less than the value reflected in the appraisal. Is this okay? Why or why not? What should you do?



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# 20/20 VISION

## RWIEF FUNDS NEW SCHOLARSHIP PROGRAM !



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[www.rwief.org](http://www.rwief.org)

Celebrating our 40<sup>th</sup> anniversary in 2017, the Right of Way International Education Foundation (RWIEF) partnered with IRWA to fund forty scholarships. The program, “40 For 40 Launching Careers Scholarship”, was open to IRWA members in good standing that were committed to achieving the Right of Way Agent (RWA) or Right of Way Professional (RWP) credential. Two recipients from each of the ten IRWA regions, plus twenty more recipients from members throughout IRWA were selected. RWIEF committed \$185,000 to fund these scholarships over three years from January 2018 to December 2020 and IRWA managed the program. The 40 For 40 Scholarship has flourished with 39 scholars in the program (one left the industry). Thus far, 20 scholars have completed their path with 11 RWA and 9 RWP certifications.

Due to the success of the 40 For 40 program, the Foundation is pleased to announce a new scholarship called, “20/20 Vision Scholarship Program”. This scholarship is targeted to new professionals in the infrastructure real estate industry seeking to advance their careers through credentialing. The Foundation will fund the program for three years, beginning July 1, 2020 through June 30, 2023, providing grants up to \$92,500.

To qualify, applicants must have been a member in good standing for at least one year and committed to achieving the RWA and/or RWP credential. Funding may only be used towards course registration fees for eligible courses. Applicants are required to submit a one-page essay outlining how the scholarship will enable them to contribute to IRWA’s purpose and mission.

To apply, visit [www.irwaonline.org](http://www.irwaonline.org) and click on “20/20 Vision Scholarship Program” under the education tab. Applications must be submitted by May 1, 2020 and grantees will be notified by June 1, 2020. Awards will begin on July 1, 2020.



## FY 2019 – 2020 Executive Board

<b>Elected Officers</b>			
<b>President</b> <i>International Director 1</i>	<b>Natasa Lenic, SR/WA, R/W-RAC</b> <i>LACAL Consulting, Inc.</i>	323-951-9887 x: 101	nlenic@lacialconsulting.com
<b>President-Elect</b> <i>International Director 2</i>	<b>Ann Kulikoff</b> <i>Andeavor</i>	714-624-3876	kulikoa@aol.com
<b>Treasurer</b>	<b>Craig Justesen</b> <i>LACMTA</i>	213-922-7051	JustesenC@metro.net
<b>Secretary</b>	<b>Diana Knezevic, SR/WA</b> <i>Wagner Engineering &amp; Survey, Inc.</i>	818-892-6565	dianak@wesinc.org
<b>Professional Develop. Committee Chair</b>	<b>Marilyn Stuart, SR/WA, R/W-NAC</b> <i>Consultant</i>	702-250-2865	marilyn.stuart.lb@gmail.com
<b>Appointed Committee Chairs (in Alphabetical Order)</b>			
<b>Asset Management</b>	<b>Frances Impert, SR/WA</b> <i>LACMTA</i>	213-922-2410	impertf@metro.net
<b>Communication</b>	<b>Amy Betonte, JD, RWA</b> <i>Interwest Consulting Group</i>	949-637-6734	amybetonteirwa1@gmail.com
<b>Education</b>	<b>Alexandra Nguyen-Rivera, SR/WA</b> <i>LA County DPW</i>	626-458-7052	alnguyen@dpw.lacounty.gov
<b>Educational Conference Bid - 2024</b>	<b>David Graeler, Esq.</b> <i>Nossaman LLP</i>	213-612-7836	dgraeler@nossaman.com
<b>Engineering/Surveying</b>	<b>Diana Knezevic, SR/WA</b> <i>Wagner Engineering &amp; Survey, Inc.</i>	818-892-6565	dianak@wesinc.org
<b>Environmental</b>	<b>William O'Braitis</b> <i>Keramida, Inc.</i>	951-202-7205	wobraitis@keramida.com
<b>Fall Seminar/Acquisition Negotiation</b>	<b>Brian Everett</b> <i>OPC</i>	562-304-2000	beverett@opcservices.com
<b>Law</b>	<b>Michael Yoshiba, Esq.</b> <i>Richards, Watson &amp; Gerson</i>	213-626-8484	Myoshiba@rwglaw.com
<b>Local Public Agency</b>	<b>Janelle Parra, SR/WA</b> <i>City of Los Angeles</i>	213-485-5447	Janelle.parra@lacity.org
<b>Luncheon</b>	<b>Julia Miranda</b> <i>LACAL Consulting, Inc.</i>	323-951-9887	jmiranda@lacialconsulting.com
<b>Membership</b>	<b>Diane Dominguez, SR/WA</b> <i>LACMTA</i>	213-922-5253	dominguezd@metro.net
<b>Newsletter</b>	<b>Doug Harman, SR/WA</b> <i>LACSD</i>	562-908-4288 x: 2756	DougHarman@lacsds.org
<b>Nominations &amp; Awards</b>	<b>Artin Shaverdian, Esq.</b> <i>Nossaman LLP</i>	213-612-7811	ashaverdian@nossaman.com
<b>Oil &amp; Gas Industry</b>	<b>Steve Parent, SR/WA</b> <i>CBRE</i>	916-919-7262	steve.parent@cbre.com
<b>Pipeline</b>	<b>April Harvey, SR/WA</b> <i>Crimson Pipeline</i>	562-714-3201	aharvey@crimsonpl.com
<b>Project Management</b>	<b>Ray Mehler, SR/WA, PMP</b> <i>Right of Way Management Consulting</i>	562-313-9439	Raymond.d.mehler@gmail.com
<b>Relocation</b>	<b>David Richman, R/W-RAC</b> <i>Autotemp</i>	888-202-9195	david@autotempservices.com
<b>Transportation</b>	<b>Cheryl DeMucci, SR/WA</b> <i>Paragon Partners, Ltd</i>	310-844-4514	cdemucci@paragon-partners.com
<b>Utilities</b>	<b>Janella Cordova</b> <i>Metropolitan Water District</i>	949-438-0820	jcordova@mwdh2o.com
<b>Valuation</b>	<b>William Larsen, SR/WA</b> <i>Integra Realty Resources-Los Angeles</i>	818-290-5428	wlarsen@irr.com
<b>Webmaster</b>			
<b>Young Professionals</b>	<b>Maya Hamouie, Esq.</b> <i>Nossaman LLP</i>	323-640-5610	mhamouie@nossaman.com

**EVENT CANCELED**



**SAVE THE DATE**

Join IRWA Chapter 1 for the Annual

*Joint Luncheon with  
the  
Appraisal Institute!*

**TUESDAY, MARCH 24, 2020**

More Details to Follow

**EVENT CANCELED**



**SAVE THE DATE**



**MAY 21  
2020  
AT  
QUIET  
CANNON**

**11:30 AM - 5:00 PM**

**IRWA CHAPTER 1  
LUNCHEON AND  
1/2 DAY PIPELINE  
SEMINAR**



**MORE DETAILS TO FOLLOW**

EVENT STATUS UNKNOWN

# Huntington Beach

C A L I F O R N I A



AAPL 66<sup>th</sup> ANNUAL MEETING  
*Professional Development and Land Conference*  
JUNE 17–20, 2020  
*Hyatt Regency Huntington Beach Resort + Spa*

REGISTER & BOOK HOUSING  
ONLINE AT [LANDMAN.ORG](http://LANDMAN.ORG)



# EVENT STATUS UNKNOWN

## Schedule of Events

**WITH A FRESH AND FLEXIBLE APPROACH TO CONTENT DELIVERY AND AN INSPIRING VENUE, AAPL'S 66TH ANNUAL MEETING IS AN EVENT YOU DON'T WANT TO MISS. NO OTHER CONFERENCE IN AMERICA CREATES AN ENVIRONMENT MORE IDEAL FOR PROFESSIONALS WORKING IN LAND THAN AAPL'S ANNUAL MEETING. THIS IS YOUR CHANCE TO CONNECT WITH LANDMEN FROM COAST TO COAST!**

### SCHEDULE OF EVENTS

Unless noted, all events take place at the host hotel.

#### WEDNESDAY, JUNE 17

7:30 am – 6:00 pm  
Registration

8:00 am – 3:30 pm  
CPL/RPL Exams  
*(Separate registration required)*

6:00 pm – 7:30 pm  
Welcome Reception Meets  
Hollywood

#### THURSDAY, JUNE 18

7:00 am – 5:30 pm  
Registration

7:30 am – 8:40 am  
Horizon Breakfast  
**Keynote Speaker Pamela Feist, CPL**

9:00 am – 11:30 am  
Opening Session: AAPL Awards &  
**Keynote Speaker Colin Fenton**

11:30 am – 12:50 pm  
Membership and Business  
Luncheon

1:00 pm – 5:00 pm  
Education Sessions

1:30 pm – 2:30 pm  
Workout on the Beach

1:00 pm – 5:00 pm  
Education Tour: THUMS Island  
*Offsite (Separate registration required)*

5:00 pm – 6:30 pm  
Hot Play Happy Hour Socials  
*Paséa Hotel*

#### FRIDAY, JUNE 19

7:30 am – 11:30 am  
Education Tour: Signal Hill Field  
*Offsite (Separate registration required)*

8:00 am – 5:00 pm  
Registration

8:00 am – 9:00 am  
Workout on the Beach

9:00 am – 11:30 am  
Education Sessions

11:30 am – 1:00 pm  
Education Luncheon with  
**Keynote Speaker Jimmie Cho**

1:00 pm – 5:00 pm  
Education Sessions

7:00 pm – 10:30 pm  
Landman Bash  
*SeaLegs at the Beach*

#### SATURDAY, JUNE 20

7:00 am – 2:30 pm  
AAPL Champion Golf Tournament  
*Pelican Hill Golf Club*  
*(Separate registration required)*  
*Bus to depart host hotel at 7:00 am with*  
*8:30 am shotgun start*

9:00 am – 12:00 pm  
Education Sessions

# EVENT STATUS UNKNOWN



## Huntington Beach

C A L I F O R N I A

2020 AAPL ANNUAL MEETING | JUNE 17 – 20  
HYATT REGENCY HUNTINGTON BEACH RESORT + SPA

### REGISTRATION IS OPEN!

REGISTER AT [LANDMAN.ORG](http://LANDMAN.ORG)

Register for the 2020 Annual Meeting and book your housing online at [landman.org](http://landman.org).

	EARLY BIRD (THRU 4/3)	STANDARD (AFTER 4/3)
AAPL Member	\$600	\$700
Non-Member	\$800	\$900
Spouse/Guest	\$275	\$300
Student	\$150	\$175
Child	\$25	\$35

Host hotel rooms at the Hyatt Regency will sell out quickly, so make your flexible reservations today to conveniently stay on-site with the rest of the attendees. You must be registered for the Annual Meeting to book a room at AAPL's special rates.

### ALL-INCLUSIVE PACKAGES

▶ AAPL member, non-member and student registrations include:

- Welcome Reception
- Opening Session
- Membership Luncheon
- Education Sessions
- Hot Play Happy Hour Socials
- Education Luncheon
- Horizon Breakfast
- Landman Bash
- Workout on the Beach Sessions

▶ Spouse/guest registrations include:

- Welcome Reception
- Opening Session
- Membership Luncheon
- Hot Play Happy Hour Socials
- Horizon Breakfast
- Landman Bash
- Workout on the Beach Sessions

▶ Child registrations include:

- Welcome Reception

### SPECIAL EVENTS

(SEPARATE REGISTRATION REQUIRED)

▶ Golf Tournament

- Attendee \$275
- Non-attendee \$325

▶ Field Trips

- CRC THUMS Island Tour \$40
- Signal Hill Petroleum Tour \$40

### ADDITIONAL TICKETS

▶ Individual tickets for the following events are available for guests who are not registered for one of our all-inclusive packages. Additional tickets may only be purchased by persons registered for the Annual Meeting.

- Welcome Reception \$65
- Opening Session \$40
- Membership Luncheon \$70
- Hot Play Happy Hour Socials \$50
- Education Luncheon \$70
- Landman Bash \$140
- Horizon Breakfast \$30

American Association of Professional Landmen  
800 Fournier St  
Fort Worth, TX 76102  
Tel (817) 847-7700  
Fax (817) 847-7704  
Website: [landman.org](http://landman.org)  
Email: [aapl@landman.org](mailto:aapl@landman.org)



**2020/21 FISCAL YEAR – IRWA CHAPTER 1 – LOS ANGELES  
EDUCATIONAL SCHOLARSHIP POLICY & PROCEDURES**

**Scholarship Policy and Procedures**

The following IRWA Chapter 1 – Los Angeles Scholarship Policy and Procedures outline the purpose, amounts, availability, application, selection are outlined by the following Scholarship Policy and Procedures as adopted by the Chapter 1 Board of Directors (Board). The Board, with the assistance of the Chapter 1 Professional Development Committee (PDC) shall announce annually the Scholarship amounts, availability, application, selection process and timetables for the following fiscal year’s Scholarship awards.

*Scholarship Purpose*

The Chapter 1 Scholarship Award (Scholarship) provides Chapter 1 members assistance attaining their professional certifications and designations with respect to Chapter 1 sponsored required IRWA Classes.

*Scholarship Amounts*

Scholarship amounts are determined annually by the Board. Scholarships offset the tuition costs of Chapter 1 sponsored IRWA Classes leading to a designation or certification under the generalist path or specialist path requirements. Individual Scholarships are limited to one five-day IRWA Class equivalent for those Classes sponsored by Chapter 1 during the Scholarship period.

*Scholarship Availability*

The Scholarship is funded annually by the Board and is available upon Board announcement to Chapter 1 members in good standing at the time of Scholarship application submission and award. Elected Board Officers and PDC members as of the date of the application submission deadline and the fiscal year of the Scholarship award are not eligible. The Scholarship is available to qualified individual Chapter 1 members for a period of two consecutive years inclusive of the initial fiscal year the Scholarship is awarded to the qualified Chapter 1 member.

*Scholarship Application*

Scholarship application is made annually by eligible Chapter 1 members by submission of a complete Chapter 1 Los Angeles Educational Scholarship Award Application (Application) as announced annually by the Board.

*Scholarship Selection*

Initial review and selection of Scholarship Applications are made by the PDC. Only complete, properly submitted Applications will be reviewed by the PDC. The PDC will submit Scholarship recipient recommendations to the Board for final selection and award.

*Additional Information*

Chapter members who have volunteered assistance with chapter events, classes or committees may receive priority. 2020/21 Scholarship recipients will be expected to volunteer to help with one or two upcoming Chapter events, classes and committees.

**2020/21 Fiscal Year Scholarship Award Timetable**

March 16, 2020	Scholarship availability, Policies and Procedures and Application announced by Board.
May 11, 2020	Applications must be received by PDC Chair responsible for receipt of Chapter 1 2020/21 Scholarship Award Applications by the deadline via email or U.S. mail at the following address:  Marilyn Stuart, SR/WA, RW-NAC 1466 Redondo Avenue Long Beach, CA 90804 <a href="mailto:marilyn.stuart.lb@gmail.com">marilyn.stuart.lb@gmail.com</a>
May 21, 2020	PDC submits to Board recommendation for Scholarship Awards.
July 2020	Scholarship Award recipients honored at the Chapter 1 July General Membership Meeting.

**INTERNATIONAL RIGHT OF WAY ASSOCIATION  
CHAPTER 1 - LOS ANGELES  
EDUCATIONAL SCHOLARSHIP AWARD APPLICATION  
FOR 2020/21 FISCAL YEAR**

Please review the attached Chapter 1 – Los Angeles Scholarship Award Application Policies and Procedures prior to completing this application for consideration by the Chapter 1 Professional Development Committee for recommendation of a scholarship award.

Member Name: \_\_\_\_\_  
First                      Middle Initial                      Last

Previously applied for the Chapter 1 Scholarship: Yes/No Year(s) \_\_\_\_\_ Briefly explain in your Education Program Statement how your application has changed since your last submission.

Have you volunteered as a chapter 1 course coordinator, committee member or assisted with events? Please list: \_\_\_\_\_

IRWA Membership # \_\_\_\_\_ Chapter 1 Member Since: \_\_\_\_\_ Years R/W experience: \_\_\_\_\_

SRWA Candidacy # (if applicable) \_\_\_\_\_ Date Issued: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street                      City                      State                      Zip/Postal Code

Present Employer: \_\_\_\_\_ Position Held: \_\_\_\_\_

Business Address: \_\_\_\_\_  
Street                      City                      State                      Zip/Postal Code

Business Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Employer Web Site Address: \_\_\_\_\_

Attach current copy of "My Course History" from the International website:

On one separate letter-sized sheet (in 12 point typeface) provide an Education Program Statement totaling a maximum of 500 words detailing your plan to complete your professional designation or certification requirements, under the generalist path or specialist path, including experience, necessary degrees and education, remaining required core and elective courses, and examination(s). Provide, to the extent available, which IRWA courses you intend to take over the next 24 months to attain your designation. Include your target date for completion, total cost for remaining courses and examination(s), the allocation of available money and time resources (include your own resources, course coordinator fee waivers, and employer financial support and paid time for class attendance). Include your name, IRWA membership number and date of application for scholarship award at the top of the page.

Identify any applicable specific Chapter 1 sponsored IRWA Courses you would intend to utilize a Chapter 1 Scholarship Award for tuition during this application scholarship calendar years:

Course No.	Course Name	Date(s)	Location

I have examined the above Chapter 1 – Los Angeles Scholarship Award Application and the attached Education Program Statement and hereby certify that to the best of my knowledge, it is true and correct. If I am awarded the scholarship I agree to volunteer to help with one or two Chapter events, classes and committees within the next two years.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**IRWA CHAPTER 1  
2020/21 EDUCATIONAL SCHOLARSHIP AWARD TIMETABLE**

- March 16, 2020      Scholarship availability, Policies and Procedures and Application announced by Board.
- May 11, 2020      Applications must be received by PDC Chair responsible for receipt of Scholarship Award Applications at the following address:
- Marilyn Stuart, SR/WA, R/W-NAC  
1466 Redondo Avenue  
Long Beach, CA 90804  
[marilyn.stuart.lb@gmail.com](mailto:marilyn.stuart.lb@gmail.com)
- May 21, 2020      PDC submits to Chapter Board recommendations for Scholarship Awards.
- July 2020          Scholarship Award recipients honored at Chapter 1 July Membership Meeting (regular membership meeting).

**IRWA CHAPTER 1  
2020/21 PROFESSIONAL DEVELOPMENT COMMITTEE**

- Chair                Marilyn Stuart. SR/WA, R/W-NAC  
1466 Redondo Avenue, Long Beach, CA 90804  
Voice 702.250.2865  
Email: [marilyn.stuart.lb@gmail.com](mailto:marilyn.stuart.lb@gmail.com)
- Co-Chair          Gus Parcero, SR/WA, City of Los Angeles  
Voice 213.485.5775 Email [augusto.parcero@lacity.org](mailto:augusto.parcero@lacity.org).
- Co-Chair          Michael Popwell, SR/WA, MPA, Inc.  
Voice 323.874.2384 Email [michael@mpopwell.com](mailto:michael@mpopwell.com)
- Co-Chair          Joyce Riggs, MAI, SR/WA, Riggs & Riggs, Inc.  
Voice 805.578.2400 Email [jriggs@riggsandrighgsinc.com](mailto:jriggs@riggsandrighgsinc.com)
- Co-Chair          Andrew Thompson, SR/WA, Sothern California Gas Company  
Voice 213.244.5032 Email [AThompson@socalgas.com](mailto:AThompson@socalgas.com)
- Co-Chair          Gary Valentine, MAI, SR/WA, Valentine Appraisal & Associates  
Voice 661.288.0198 Email [gsv@valentineappraisal.com](mailto:gsv@valentineappraisal.com)