

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

708A



FROM: County Counsel

SUBMITTAL DATE:
December 30, 2014

SUBJECT: Conflicts Waiver

RECOMMENDED MOTION: That the Board of Supervisors:

1. That the Board approve the waiver of conflict of interest and authorize County Counsel to sign the waiver for Best Best & Krieger LLP (BB&K) to represent the Riverside County Transportation Commission (RCTC) concerning its representation of RCTC with respect to eminent domain cases related to the SR 91 Corridor Improvement Project.

BACKGROUND:

Summary

The County has retained BB&K in the past to represent the County on various legal matters. RCTC has retained BBK to act as legal counsel on numerous eminent domain cases related to the condemnation of property in relation to the SR 91 Corridor Improvement Project. The County has an interest in the properties RCTC seeks to condemn, namely, claims for payment of outstanding property taxes. (Continued on Page 2).

Departmental Concurrence

[Signature]
Gregory P. Priamos
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A	Budget Adjustment: N/A
	For Fiscal Year: 2014/2015

C.E.O. RECOMMENDATION:

APPROVE
[Signature]
BY: Denise C. Harden

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: | **District:** | **Agenda Number:**

3-2

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Conflicts Waiver

DATE: December 30, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

County Counsel staff has reviewed the attached waiver of conflict of interest letter and does not believe that the County's interests would be adversely affected or that a conflict of interest would arise with BB&K's representation of RCTC in connection with the eminent domain claims related to the SR 91 Corridor Improvement Project. The County will retain its right to collect any unpaid property taxes in each case.

The request for a conflicts waiver by BB&K is prompted by Rule 3-310 of the California Rules of Professional Conduct, which provides, in pertinent part:

- “(C) A member {of the Bar} shall not, without the informed written consent of each client:
- (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
 - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
 - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.”

Impact on Citizens and Businesses

N/A

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Conflict Waiver Letter from Best Best & Krieger LLP

AWW/nlr

121814

G:\Property\AWang\Corridor Impr. Project\Form 11 - Conflicts Waiver_121814.docx



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584

3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, CA 92502
Phone: (951) 686-1450 | Fax: (951) 686-3083 | www.bbklaw.com

Sacramento
(916) 325-4000

San Diego
(619) 525-1300

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0600

Mark A. Easter
(951) 826-8237
mark.easter@bbklaw.com
File No. 17336.02104

December 19, 2014

SENT VIA ELECTRONIC MAIL (AWWANG@CO.RIVERSIDE.CA.US)

Anna W. Wang
Deputy County Counsel
Office of the Riverside County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

Re: Conflicts Waiver re Lienholder Interests
Riverside County Transportation Commission
SR91 Corridor Improvement Project

Dear Ms. Wang:

We are general counsel for Riverside County Transportation Commission ("RCTC"). In that capacity, the RCTC has asked us to represent it in connection with the acquisition of certain real property for public right of way and the widening and maintenance of State Route 91 ("SR91"), located in Corona, Riverside County, California, for the SR91 Corridor Improvement Project, which extends the existing 91 Express Lanes east from the Orange/Riverside County line to I-15, along with other operational improvements easterly to Pierce Street in Riverside, California.

The County of Riverside ("County") is also a client of Best Best & Krieger LLP. Accordingly, we must inform you about our representation of our other client, discuss with you the potential impact of our representation and obtain your informed written consent.

The County in its capacity as County Assessor-Tax Collector has lien interests in each and every property that RCTC has acquired and intends to acquire by eminent domain. The County has not been named as a defendant in the eminent domain cases for the project. As you know, the County has the option of filing a Tax Certification with the court in each case to protect its lienholder interest. As discussed previously, in order for the County to protect its interests as a lienholder and ensure payment of any lien amounts from the condemnation proceeds, it would be in the County's best interest to file such Tax Certifications in each case. The affected properties are listed in the attached Exhibit A. The properties are identified by record owner and assessor parcel number, and the apportionment date of each property is listed for your use in determining the amount of taxes owed to the County, should the County decide to file any Tax Certifications with the court to protect its lienholder interest.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

December 19, 2014
Page 2

RULES OF PROFESSIONAL CONDUCT

Rule 3-310 of the California Rules of Professional Conduct provides in pertinent part:

- (C) A member [of the Bar] shall not, without the informed written consent of each client:
- (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
 - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
 - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

OUR REPRESENTATION

In this matter, we will represent RCTC in acquiring, by eminent domain, all or a portion of the properties listed in Exhibit A. As a lienholder, the County has an interest to ensure that any and all tax liens against the properties listed in Exhibit A are satisfied and or paid from the condemnation proceeds. Unlike typical litigation, in an eminent domain action, it is the defendants who are potentially entitled to compensation by the plaintiff, not the other way around. In addition to record owners, beneficiaries of deeds of trust and parties with secured interests such as tax liens, among others, are also named as defendants because they may be entitled to some or all of the compensation that the condemning agency will be required to pay. However, this is still an adversarial proceeding and there are conflicts of interests. We will not be representing the County's interests in this matter. Furthermore, as indicated previously we have not named the County in the various actions.

ADVERSE CONSEQUENCES

We are obliged to inform you of any actual or reasonably foreseeable adverse effects of this representation. It is possible that:

- We may be tempted to favor the interests of one client over the other.
- Our exercise of independent judgment to one client may be impaired or clouded by our relationship with the other.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

December 19, 2014
Page 3

- We may not be able to present the appropriate position, claims or defenses for a client in order to avoid taking adverse positions to the other client.
- We may be restricted from forcefully advocating a client's position for fear of alienating the other client.
- We may be forced to withdraw from representing either or both clients because of disputes or further conflicts of interest which could increase either or both clients' attorney's fees and costs.
- There may be an appearance of impropriety in our representation of both clients simultaneously.

YOUR CONSENT

In order for us to proceed with our representation of RCTC in this matter, we need you to sign this consent letter. It is understood that this consent will not waive any protection that you may have with regard to attorney-client communications with us in any other matter. Those communications will remain confidential and will not be disclosed to any third party without your consent. You must understand, however, that anything disclosed to us with respect to our involvement in this matter will not be protected by any privilege.

I believe that I have given you a sufficiently-detailed description for obtaining informed written consent. However, if you believe that there is any other information that you or I need to have before such consent can be granted, please let me know immediately.

In the event that circumstances change or we become aware of new information that requires a new consent from the parties, you will be notified of that fact immediately, and continued representation will be subject to the informed written consent of the involved parties.

I should emphasize that you are entitled to and should consider obtaining an independent legal opinion regarding the advisability of signing this consent form.

Your execution of this consent form will constitute an acknowledgment of full disclosure in compliance with the requirements of Section 3-310 of the California Rules of Professional Conduct previously quoted in this letter.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

December 19, 2014
Page 4

A copy of this letter is enclosed for your files. If you have any questions, please do not hesitate to call.

Very truly yours,

Mark A. Easter
of BEST BEST & KRIEGER LLP

Enclosures

Agreed and Accepted this _____
day of _____, 20____.

COUNTY OF RIVERSIDE

By: _____
ANNA W. WANG
Deputy County Counsel
Office of the Riverside County Counsel

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22124	102-420-035	2410 Wardlow Property, LLC	13-022, 09/11/13	1311384	10/07/13	01/21/14 Order	01/01/14	Part		
22752	102-050-012	(Abboud) Tony Abboud, Joumana Abboud Dib, Jignesh Patel, and Leena Patel	13-041, 09/11/13	1311882	10/18/13	02/11/14 Order	02/26/14	Part		
22114	101-170-038	Allsize Storage Corona, Inc.	13-073, 11/13/13	1313173	11/22/13	3/17/2014 Order	06/20/14	Part		This case was consolidated with Brewster RIC 1313171. Brewster is the lead case.
22125	102-420-036	Anaheim Investors, LLC	13-044, 11/13/13	1312784	11/13/13	04/11/14 Order	11/20/13	Part		
22304	115-060-024 115-060-025	Bedrosian Quarry, LLC	14-001, 01/08/14	1400858	01/30/14	05/19/14 Order 07/07/14 Partial Abandon- ment	06/24/14	Part		
22173	118-090-001	(Benson) Timothy Benson and Cleon E. Benson Jr.	13-032, 09/11/13	1311601	10/11/13	02/11/14 Order	03/15/14	Part		
22106	101-170-010	(Brewster) John Brewster and Karen Brewster	13-071, 11/13/13	1313171	11/22/13	03/24/14 Order	06/20/14	Part		This case was consolidated with Allsize Storage RIC 1313173. Brewster is the lead case.
22130	102-091-020	Chevron USA, Inc.	13-023, 09/11/13	1311383	10/07/13	01/27/14 Order	Apportionment date will be determined after stipulation has been filed.	Full		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22260	117-114-011	Chevron USA, Inc.	13-024, 09/11/13	1311597	10/11/13	02/06/14 Order	06/01/14	Part		
22167	102-270-010	Corona Dynasty Suites, Inc.; Pete Patel aka Prakash Patel dba Hotel Paseo by Davita; Pete Patel aka Prakash Bhula Patel; and Hema Patel	13-007, 07/10/13	1309887	08/26/13	12/23/13 Order	03/27/14	Full		
22111	102-020-044	City of Corona as the Successor Agency to the Redevelopment Agency of the City of Corona	13-006, 06/12/13	1307320	06/25/13	09/20/13 Order	10/29/13	Part		
22588	117-114-012	City of Corona as the Successor Agency to the Redevelopment Agency of the City of Corona	13-066, 10/09/13	1312685	11/12/13	01/10/14 Order	01/06/14	Part		
22218 22217	118-270-034 118-270-035 118-270-036 118-270-038 118-270-039 118-270-040 118-270-041 118-270-042 118-270-003 118-270-042 118-270-023 118-270-024	Corona Towne Center, LLC	14, 022, 09/10/14	1409484	10/03/14	01/29/15	Apportionment date has not been set because we are waiting for the hearing.	Part		
22274	117-270-001	Desai, Pranav Y.	13-019, 07/10/13	1309538	08/15/13	12/09/13 Order	02/09/14	Part		
22169	102-290-006	Diversified Products International Inc.	13-059, 10/09/13	1312673	11/08/13	03/14/14 Order	10/01/14	Part		
22175	118-330-009	Dvorak & Payne, Ltd.	14-017, 05/14/14	1405244	05/22/14	08/28/14	09/29/14	Part		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22176	118-330-017	El Corona, LLC	13-060, 10/09/13	1312687	11/12/13	04/04/14 Order	05/26/14	Part		
22181	118-160-020 118-160-022	(Ellestad) Mryvin Ellestad and Darrell Clendenen	14-003, 01/08/14	1401075	02/05/13	05/12/14	06/17/14	Part		
22132	102-092-001	(Elster) Gary S. Elster and Pamela Elster	13-013 07/10/13	1309598	08/16/13	12/13/13 Order	06/27/14	Full		
22177	118-330-012	(Etebar) Nasser Etebar, Behzad Barouti, and Angela Barouti	13-033, 09/11/13	1311598	10/11/13	02/06/14 Order	03/25/14	Part		Consolidated with Inverse Condemnation case Giant Inland Empire RV Center, Brinkhoff and Gregory. Gregory is the lead case RIC 1311348.
22257	117-102-029	Global Corporate Center, Inc.	13-038, 09/11/13	1312357	11/01/13	03/25/14 Order	04/29/14	Part		
22168	102-290-012	Gordon Holdings, L.P.	13-058, 10/09/13	1312676	11/12/13		09/01/14	Part		
22136	102-101-002	(Gregory) Cynthia Gregory	13-029, 09/11/13	1311348	10/04/13	02/05/14 Order	03/25/14	Full		Consolidated with Inverse Condemnation case Giant Inland Empire RV Center, Brinkhoff and Gregory. Gregory is the lead case RIC 1311348.
22108	102-020-039	Griffiths Properties, LLC	13-043, 10/09/13	1312664	11/08/13	02/24/14 Order	05/01/14	Part		
22249 22249 22249	117-070-029	HAGF Enterprises, L.P.	13-017, 07/10/13	1309599	08/16/13	12/09/13 Order	04/07/14	Part		
22107	102-020-010	(Haupt) Larry Haupt	13-052, 10/09/13	1312675	11/08/13	03/14/14 Order	04/18/14	Part		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22089	101-290-021 101-290-009	HGN Corona Partners, LLC	13-026, 09/11/13	1311605	10/11/13	02/03/14 Order	03/10/14	Part		
22261	117-111-001	(Jameson) Peter Jameson, William Mellor, J3M1, LLC, and Susan Hopper	13-062, 07/10/13	1309596	08/16/13	12/09/13 Order	01/14/14	Part		
22118	102-061-011	(Kanemoto) Wayne Kanemoto	13-025, 10/09/13	1312358	11/01/13	04/21/14 Order	05/26/14	Part		
22228	118-302-001	(Li) Li Li	13-037, 09/11/13	1311600	10/11/13	02/07/14 Order	03/14/14	Full		
22196 and 22942	118-250-014 118-250-020 118-250-022	Maude-Corona, LLC	14-005, 01/08/14 and 14-007, 01/8/14	1401559	02/19/14	05/07/14	06/11/14	Part		
22199	118-250-017 118-250-018	Maude-Corona, LLC	13-016, 07/10/13	1309536	08/15/13	12/09/13 Order	06/05/14	Part		
22644	118-260-016 118-260-017	Maude-Corona, LLC	13-040, 09/11/13	1311700	10/16/13	02/04/14 Order	03/12/14	Part		
22188 22189 22190	118-171-040 118-171-026 118-171-039 118-171-025	National Community Renaissance of California	14-029, 14-030, 14-031 09/10/14	1409267	09/26/14	01/16/15	Apportionment date has not been set because we are waiting for the hearing.	Part		
22137	102-101-033	(Norman) Gerald Norman	13-030, 09/11/13	1312365	11/01/13	03/03/14 Order	04/07/14	Full		
22152	102-280-032	(Ostlund) Scott Ostlund and Aleta Ostlund	13-075, 11/13/13	1313618	12/06/13	03/20/14 Order	06/29/14	Full		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22275	115-060-013 115-060-015 117-270-005 117-270-007 117-270-013	Pearl Street Properties, LLC	13-011, 06/12/13	1307299	06/25/13	10/03/13 Order	01/28/14	Part		
22165	102-270-011	Platinum Oil Company	13-080, 11/13/13 and 14-028 09/10/14	1409217	09/25/14	01/05/15	Apportionment date has not been set because we are waiting for the hearing.	Part		
22109	102-020-046	Prestige Kia Riverside, LLC	13-053, 10/09/13	1312362	11/01/13	02/28/14 Order	04/23/14	Part		
22273	117-270-002	(Rodriguez) Rodriguez, Santiago	13-010, 06/12/13	1307310	06/25/13	10/03/13 Order	11/11/13	Full		
22149	102-280-019	(Saba) Saba, Yacoub	13-047, 11/13/13	1313099	11/21/13		03/31/14	Part		
22121	102-050-005	Serfas Country Clubs, Inc.	13-074, 11/13/13	1313168	11/22/13	03/19/14 Order	04/10/14	Part		
22122 22131	102-050-006 102-050-003	Serfas Development, LLC; Sherman Shyh Huang Lee; Min Ling Lee; Chi-Yu King; Bi Shia King; Hsing-Chieh Shih; Bi-Yu W. Shih; Bih Lien Chuang; Yen-Shan Chuang; Diane Shih; Tai-Nan Wang; and Hsiu-Mei Wang	13-045, 13-046 11/13/13	1313174	05/22/14	03/17/14 Order	04/23/14	Part		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22128	102-250-002 102-250-010 102-250-013 102-250-014 102-250-016 102-250-018	Serfas Service Station, Inc.	14-016, 05/14/14	1405229	05/22/14	09/04/14	10/06/14	Part		
22151	102-280-031	Storage Direct at Corona, LLC and McKibban Storage I, LLC	13-056, 10/09/13	1312363	11/11/13	03/25/14 Order	04/29/14	Part		
22166	102-290-001	Thrifty Oil Company	14-024, 07/09/14	1407590	08/04/14	Off Calendar	11/12/14	Part		
22192	118-060-021	(Tressen) Kenneth Tressen and Sharon Tressen	13-035, 09/11/13	1311884	08/16/13	02/14/14 Order	03/25/14	Full		
22141	102-040-015	United Rentals Northwest, Inc.	13-015, 07/10/13	1309593	11/20/13	12/09/13 Order	06/01/14	Part		
22171	118-050-001 thru 118-080-012 and 118-111-001 thru 118-111-004	VEJ Corona, L.P.	13-081, 11/13/13 and Amended 11/12/14	1405648	06/05/14	No motion for order for pre-judgment possession.	None yet	Part		
22127	102-040-024	Watson Land Company	13-027, 09/11/13	1311351	10/04/13	04/14/14 Order	05/30/14	Part		
22138 22138	102-102-020	(Webb) Charlie Webb, Rosina Webb, and B. B. E.& W. Standard Common Direction Service Company, LLC	13-014, 07/10/13	1309727	08/21/13	12/16/13 Order	06/01/14	Part		

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED DOCUMENT
Riverside County Transportation Commission/Corridor Improvements Project (State Route 91 CIP)
EMINENT DOMAIN CASE TRACKING MATRIX

CPN	APN	Record Owner	RON No./ Date	Case No.	Date Case Filed	OPP Hearing Date	Apportionment Date (Effective Date of OPP)	Part Take or Full Take	Tax Amount	Notes
22129	102-091-005 102-091-006	(Welch) Donald Welch, Sarah Welch, and Nancy Helen Taylor	13-028, 09/11/13	1311883	10/18/13	02/14/14 Order	03/27/14	Full		
22178	118-160-071	Z Corona Properties, LLC	14-002, 01/08/14	1400934	01/31/14	05/27/14 Order	07/03/14	Part		