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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 LOS CERRITOS COMMUNITY) Case No.:
14 NEWSPAPER GROUP,)
15) **VERIFIED PETITION FOR WRIT OF**
16) **MANDATE AND DECLARATORY**
17) **RELIEF FOR VIOLATIONS OF THE**
18) **CALIFORNIA PUBLIC RECORDS**
19) **ACT WITH EXHIBITS A THROUGH**
20) **D.**
21) *[Cal. Government Code Section 6250 et*
22) *seq.]*
23)
24)
25)
26)
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28)

21 This action seeks relief from the refusal of Respondent/Defendant WATER
22 REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA (“Respondent” or
23 “District”) and DOES 1 through 5, inclusive, (collectively, “Respondents”) to perform as
24 required by the California Public Records Act, Government Code, Section 6250 *et seq.*
25 (“CPRA”), thereby denying the public’s right to the protections afforded by the laws of
26 this State and the California Constitution, Article I, Section 3.

1 LOS CERRITOS COMMUNITY NEWSPAPER GROUP (“Petitioner”) seeks a writ
2 of mandate and declaratory relief under California Code of Civil Procedure sections
3 1085 and 1060 and Government Code section 6258 and 6259. In this Verified Petition,
4 Petitioner alleges as follows:

5
6 **THE PARTIES**

7 1. Petitioner/Plaintiff LOS CERRITOS COMMUNITY NEWSPAPER
8 GROUP is now, and at all times mentioned in this petition has been, is a corporation
9 organized under the laws of California. Its offices are located in Cerritos, California
10 90703. LOS CERRITOS COMMUNITY NEWSPAPER GROUP publishes “The
11 Community News” which reaches 95% of all homes and business in Cerritos, Artesia,
12 Hawaiian Gardens, Norwalk, East Lakewood, La Mirada, La Palma, and Pico Rivera.
13 LOS CERRITOS COMMUNITY NEWSPAPER GROUP also maintains the online news
14 website “LosCerritosNews.net” which reaches reaching more than 40,000 unique
15 monthly visitors and covers local news throughout the area. As such, LOS CERRITOS
16 COMMUNITY NEWSPAPER GROUP has a beneficial interest in Respondent’s
17 performance of its legal duties under the CPRA.

18 2. Respondent/Defendant WATER REPLENISHMENT DISTRICT OF
19 SOUTHERN CALIFORNIA (“Respondent” or “District”) is defined as a “local agency”
20 by Government Code § 6252(a), and is therefore subject to the CPRA. The District’s
21 offices are located in Los Angeles County at 4040 Paramount Boulevard, Lakewood,
22 California 90712.

23 3. The true names and capacities, whether individual, corporate, associate,
24 representative, or otherwise of respondents/defendants named herein as DOES 1
25 through 5 are unknown to Petitioner at this time, and are therefore sued by such
26 fictitious names. Petitioner will amend this complaint to allege the true names and
27 capacities of DOES 1 through 10 when they become known to them. Each of DOES 1
28 through 5 is in some manner legally responsible for the violations of law alleged herein.

1 **JURISDICTION AND VENUE**

2 4. This Court has jurisdiction over this matter pursuant to Code of Civil
3 Procedure sections 1085 and 1060 and Government Code, Sections 6258 and 6259.

4 5. Venue is proper under Government Code, Section 6259, as the records
5 are located within the County of Los Angeles.

6
7 **FACTS SUPPORTING THE CAUSE OF ACTION**

8 6. Beginning in May 2015, Petitioner LOS CERRITOS COMMUNITY
9 NEWSPAPER GROUP began reporting that the District paid nearly \$10 million in legal
10 fees since 2012, with one of the biggest recipients, Harris & Associates and its principal
11 owner, John W. Harris, billing the District nearly \$2 million in less than two years.
12 The articles report that Mr. Harris was investigated for overbilling by the District and
13 entered into an agreement as a result of that investigation, wherein a portion of the
14 fees billed by his firm were to be returned to the District. A true and correct copy of the
15 series of articles published by Petitioner are attached hereto as **Exhibit A.**¹

16 7. On January 18, 2016, after learning that Harris & Associates was being
17 considered as the Special Counsel to Conduct Ethics Investigations for the Central
18 Basin Municipal Water District, an agency plagued by scandal and transparency
19 problems, Brian Hews, Publisher of the LOS CERRITOS COMMUNITY NEWSPAPER
20 GROUP, emailed a request under the California Public Records Act to Pete Brown, a
21 Senior Public Affairs Representative for the District (the "Request.") The Request
22 states, in pertinent part, that "John W. Harris said he settled with the WRD in 2014 on
23 the overbilling issues that I published online last Thursday. I would like that document
24 and any related documents to that settlement agreement, including any accounting
25 related documents (check from Harris)." A true and correct copy of the Request is
26 attached hereto as **Exhibit B.**

27 _____
28 ¹ All exhibits referenced herein are true and correct copies of the documents that they purport to be, and
are incorporated by reference as if they had been set out in their entirety.

1 8. On January 29, 2016, David Alvarez of Leal ▪ Trejo APC, attorneys for the
2 District responded to the Request, claiming that the “District has determined that is
3 does maintain records responsive to your PRA request, but additional time is required
4 for the District to examine, evaluate and ascertain the responsive records that can be
5 provided by law. Therefore, WRD will not be able to comply with your request within
6 the 10 day provision of Government Code Section 6253(c). Correspondingly,
7 Government Code Section 6253(c)(2), provides upon notice the agency can take
8 additional time to review record and formulate its determination. Please anticipate a
9 further response by February 11, 2016.” A true and correct copy of Mr. Alvarez’
10 January 29 correspondence is attached hereto as **Exhibit C**.

11 9. On February 11, 2016, Mr. Hews received an email regarding the Request,
12 which included an attachment titled, “Executed Final Response Ltr to Hews 2 11 16....”
13 The attachment, also dated February 11, was correspondence from H. Francisco Leal of
14 Leal ▪ Trejo APC responding to the Request. A true and correct copy of the February
15 11, 2015 correspondence is attached hereto as **Exhibit D**. The response states, in
16 pertinent part:

17 This letter shall serve as the Water Replenishment District of Southern
18 California (“District”) response to your Public Records Act request dated
19 January 18, 2016.

20 Please be advised that while the District has determined that it does
21 maintain records responsive to your PRA request, the District cannot
22 produce the records in question at this time and is withholding the
23 document pursuant to the provisions of Government Code 6255.

24 Furthermore, be advised that the District has received correspondence
25 from counsel to Mr. Harris threatening to enforce the confidentiality terms
26 of the settlement document sought in your request. Given the [sic] Mr.
27 Harris and his counsel have the ability pursuant to Marken v. Santa
28 Monica-Malibu Unified School District (2012) 202 CA 4th 1250, 1264, to
bring a “reverse PRA action” to seek an order preventing disclosure, the
District will not be producing responsive records that [sic] at this time in
order to allow the court to make its determination in this matter.

1 **CAUSE OF ACTION FOR VIOLATION OF THE CPRA**

2 (RELIEF PURSUANT TO GOV. CODE §§ 6258, 6259;
3 CODE CIV. PROC. §§ 1060, 1085)

4 10. Petitioner hereby realleges and incorporates herein by this reference
5 Paragraphs 1 thorough 10 of this Petition as though set forth herein in full.

6 11. The CPRA defines the term "public records" to include any writing
7 containing information relating to the conduct of the public's business prepared,
8 owned, used, or retained by any state or local agency regardless of physical form or
9 characteristics....”

10 12. Government Code section 6253, provides, in pertinent part, that:

11 **(b)** Except with respect to public records exempt from disclosure by
12 express provisions of law, each state or local agency, upon a request for a
13 copy of records that reasonably describes an identifiable record or records,
14 shall make the records promptly available to any person upon payment of
15 fees covering direct costs of duplication, or a statutory fee if applicable.
16 Upon request, an exact copy shall be provided unless impracticable to do
17 so.

18 **(c)** Each agency, upon a request for a copy of records, shall, within 10 days
19 from receipt of the request, determine whether the request, in whole or in
20 part, seeks copies of disclosable public records in the possession of the
21 agency and shall promptly notify the person making the request of the
22 determination and the reasons therefore. In unusual circumstances, the
23 time limit prescribed in this section may be extended by written notice by
24 the head of the agency or his or her designee to the person making the
25 request, setting forth the reasons for the extension and the date on which a
26 determination is expected to be dispatched. No notice shall specify a date
27 that would result in an extension for more than 14 days. When the agency
28 dispatches the determination, and if the agency determines that the
request seeks disclosable public records, the agency shall state the
estimated date and time when the records will be made available.

...¶...

(d) Nothing in this chapter shall be construed to permit an agency to delay
or obstruct the inspection or copying of public records.

The notification of denial of any request for records required by Section
6255 shall set forth the names and titles or positions of each person
responsible for the denial.

1 13. The requested records relate to the conduct of the public’s business.

2 14. The requested records were prepared, owned, used or retained by the
3 District, and are, therefore, deemed to be public records pursuant to Government Code
4 § 6252(e).

5 15. The District intentionally delayed its determination to give notice to and
6 an opportunity to Harris & Associates to file a reverse-CPRA lawsuit to enjoin the
7 production of records, and thereby violated Government Code section 6253(d).

8 16. The District ultimately has refused to turn over these records.

9 17. The requested records are not exempt from disclosure under any
10 provision of the CPRA, or any other relevant statute.

11 18. Government Code section 6253.3 states, “A state or local agency may not
12 allow another party to control the disclosure of information that is otherwise subject to
13 disclosure pursuant to this chapter.”

14 19. By delaying its response and denying access to the requested records, in
15 order to allow Harris and Associates to file a reverse-CPRA lawsuit, the District violated
16 Government Code section 6253.3 by allowing a third party to control the disclosure of
17 the District’s public records.

18 20. The People of California have elevated the right to open government to
19 one protected by their State Constitution. The California Constitution, Article 1, Section
20 3, Paragraphs (a) - (b) state:

21 The people have the right to instruct their representatives, petition
22 government for redress of grievances, and assemble freely to consult for
the common good.

23 The people have the right of access to information concerning the conduct
24 of the people's business, and, therefore, the meetings of public bodies and
25 the writings of public officials and agencies shall be open to public
scrutiny.

26 A statute, court rule, or other authority, including those in effect on the
27 effective date of this subdivision, shall be broadly construed if it furthers
the people's right of access, and narrowly construed if it limits the right of
28 access.

1 21. Petitioner has exhausted its administrative remedies. The Petitioner has
2 requested copies of disclosable public records from the District, but the District has
3 refused to provide access to those public records. The only plain, speedy, and adequate
4 remedy left to the Petitioner is the relief provided by Government Code § 6258.

5 22. Government Code § 6258 provides:

6 Any person may institute proceedings for injunctive or declarative relief or
7 writ of mandate in any court of competent jurisdiction to enforce his or
8 her right to inspect or to receive a copy of any public record or class of
public records under this chapter.”

9 23. Government Code § 6259 provides:

10 Whenever it is made to appear by verified petition to the superior court of
11 the county where the records or some part thereof are situated that certain
12 public records are being improperly withheld from a member of the public,
13 the court shall order the officer or person charged with withholding the
14 records to disclose the public record or show cause why he or she should
15 not do so. The court shall decide the case after examining the record in
camera, if permitted by subdivision (b) of Section 915 of the Evidence
Code, papers filed by the parties and any oral argument and additional
evidence as the court may allow.

16 24. Code of Civil Procedure § 1060 provides:

17 Any person interested ... who desires a declaration of his or her rights or
18 duties with respect to another ... may, in cases of actual controversy
19 relating to the legal rights and duties of the respective parties, bring an
20 original action or cross-complaint in the superior court for a declaration of
21 his or her rights and duties in the premises, including a determination of
22 any question of construction or validity arising under the instrument or
23 contract. He or she may ask for a declaration of rights or duties, either
alone or with other relief; and the court may make a binding declaration of
these rights or duties, whether or not further relief is or could be claimed
at the time....”

24 25. An actual controversy exists between the parties regarding the District’s
25 responsibility to disclose records under the CPRA.

26 26. The District has a ministerial duty to perform according to the laws of
27 State of California, including the CPRA.

1 27. Petitioner has an interest in having the laws executed and public duties
2 enforced and, therefore, has a beneficial interest in the outcome of the proceedings.

3 28. Petitioner has a clear, present, and legal right to the District's
4 performance of its ministerial duties, as required by the CPRA.

5 29. The District has a present legal duty and present ability to perform its
6 ministerial duties, as required by the CPRA.

7 30. The District has failed to perform its ministerial duties as required by the
8 CPRA.

9 31. Through this action, Petitioner seeks no greater relief than would be
10 afforded to any other member of the public.

11 32. Therefore, this Court should find that the District has violated the CPRA
12 by (1) refusing to disclose the settlement agreement between the District and John
13 Harris or Harris & Associates, as well as all documents related to that agreement; (2)
14 allowing a third party to control the disclosure of the District's public records; and, (3)
15 intentionally and unreasonably delaying the production of the public records
16 responsive to the Request. This Court should order District to immediately release all
17 documents responsive to Petitioner's Request.

18
19 **WHEREFORE, PETITIONERS PRAY AS FOLLOWS:**

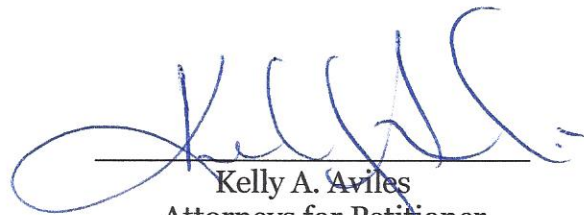
20
21 1. This Court issue a peremptory writ of mandate, without a hearing or
22 further notice, immediately directing the District to disclose the requested records to
23 the Petitioner; or, in the alternative, an order to show cause why these public records
24 should not be released.

25
26 2. This Court set "times for responsive pleadings and for hearings in these
27 proceedings ... with the object of securing a decision as to these matters at the earliest
28 possible time," as provided in Government Code Section 6258

- 1 3. This Court issue a declaratory judgment that:
2 (a) The records requested by the Petitioner are disclosable public
3 records;
4 (b) The District violated the California Public Records Act by:
5 (i) allowing a third party to control the disclosure of the District's
6 public records;
7 (ii) intentionally and unreasonably delaying its response and
8 production of the responsive public records;
- 9 4. This Court enter an order allowing the Petitioner to recover attorneys'
10 fees and costs incurred in this action pursuant to Government Code Section 6259
11 and/or Code of Civil Procedure Section 1021.5; and,
- 12 5. This Court award such further relief as is just and proper.

13
14 DATED: February 12, 2016

LAW OFFICES OF KELLY A. AVILES

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18 Kelly A. Aviles
19 Attorneys for Petitioner
20 LOS CERRITOS COMMUNITY
21 NEWSPAPER GROUP

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VERIFICATION
(C.C.P. §§ 446 and 2015.5)

I, Brian Hews, am the Publisher of the LOS CERRITOS COMMUNITY NEWSPAPER GROUP, Petitioner in the above-entitled action or proceeding. I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT WITH EXHIBITS A THROUGH D** and know the contents thereof, and I certify that the same is true and correct of my own knowledge, except as to those matters which are therein stated upon my information and belief, and as to those matters I believe it to be true.

This Verification was executed on February 12, 2016, at Cerritos, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Brian Hews

Exhibit A

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Posted Wednesday May 13, 2015 at 6:45 a.m.

By Brian Hews

A Hews Media Group-Community News investigation has revealed that the Water Replenishment District, based out of Lakewood, California, has spent nearly \$10 million since 2012 on legal fees, with one of the biggest recipients, Latham & Watkins of Los Angeles, billing almost \$2 million in less than three months in late 2014.

Sources are telling HMG-CN that two law firms, Harris & Associates and Latham & Watkins, are both currently in dispute negotiations related to legal fees with WRD. Harris & Associates, who held a fundraiser for current WRD President Sergio Calderon during his election campaign, resigned in 2014.

The sources place the amount in dispute with Latham & Watkins at \$1.4 million.

Online documents suggest that disputes exist, with no checks paid to Harris & Associates since April 2014 and no checks paid to Latham & Watkins in 2015.

In that time, WRD has racked up over \$1.7 million in legal fees, just over \$191,000 per month, not counting Latham & Watkins \$1.9 million at the end of 2014.

The staggering total amount is well over \$260,000 per month, paid using funds from WRD ratepayers; and WRD recently raised their rates by 5.6%.

Sources are also telling HMG-CN that current WRD Director Albert Robles was instrumental in bringing Latham & Watkins into WRD at the end of the Proposition 218 fiasco, much the same way Robles, as a Carson City Councilman, brought the high-powered law firm into the Carson Football Stadium negotiations.

Cerritos, Downey, and Signal Hill sued the WRD in 2010, saying it violated Proposition 218 procedural requirements in setting its rate for pumping groundwater. Bellflower joined the case in 2011 after a Los Angeles Superior Court agreed with the cities and ruled the district violated the procedural requirements.

WRD recently agreed to pay \$9.1 million to settle the Proposition 218 lawsuit brought by the four cities.

The lawyers WRD hired is a blue chip listing of Los Angeles firms routinely charging upwards of \$785 an hour for their services.

The list includes Albright, Lee & Schmit; Alston & Bird; Harris & Associates; Latham & Watkins; Leal-Trejo; Sheppard, Mullin, Richter & Hampton; Tafoya & Garcia; and Anthony Willoughby.

Leal-Trejo, Harris & Associates, and Alston & Bird benefitted the most during the three-year billing period.

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Over \$3 million was paid to Leal-Trejo, \$2 million to Harris & Associates, and \$1.3 million to Alston & Bird.

In one month, Alston and Bird racked up \$152,000 in fees while Harris and Associates billed over \$180,000.

Months before Harris and Associates resigned, the law firm billed WRD over \$700,000 in an eight month span.

Anthony Willoughby was paid in what was listed in WRD's check register as a "lump sum" totaling \$89,000 in 2012.

The Latham & Watkins amount of \$1.9 million was paid in October, November and December of 2014.

A Cerritos official, one of four cities involved in the Proposition 218 lawsuit, told HMG-CN, "we were doing fine with other law firms, then WRD brought in the 'big gorilla' Latham & Watkins. Latham brought in 'experts' and high paid attorneys to fight against us that generated huge fees, and the ironic thing is that those fees will be paid by WRD ratepayers."

An article by the Los Angeles Times indicated that Latham & Watkins, which helped coordinate Vernon's battle against disincorporation, was paid nearly \$7 million in by Vernon in 2011.

"The law firm is running the city," one Vernon councilman said at the time.

John Van de Kamp, the former state attorney general who was Vernon's ethics advisor, said he also believed the firm's rates at the time were too high.

The article went on, "neither Latham & Watkins nor [Vernon] city administrators would provide detailed legal billings or answer other questions about the services for which the firm was charging."

Calls and emails into Latham and Watkins about the WRD fees were not returned.

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Central Basin GM Kevin Hunt and law firm in charge of choosing the ethics counsel had "no idea" about the law firm's transgressions.

By Brian Hews

In May 2015, Hews Media Group-Community News exclusively reported that the Water Replenishment District (WRD), based out of Lakewood, California, paid nearly \$10 million in legal fees since 2012, with one of the biggest recipients, Los Angeles based Harris & Associates and its principal owner, John W. Harris (Harris), billing the water agency nearly \$2 million in less than two years.

It was reported that Harris billed WRD over \$700,000 – \$87,000 per month – in an eight-month span.

Inside sources also told HMG-CN that Harris was "cut off" in late April 2014, subsequently engaged in dispute negotiations, and came under an "independent investigation" related to the massive legal fees.

Many in the water industry knew about the investigation at the time.

But that May 2015 HMG-CN article apparently did not cause concern at Central Basin Municipal Water District (CB).

During tomorrow's (Jan. 15) "special meeting," the CB Board will consider Harris as the District's *Special Counsel to Conduct Ethics Investigations*, even though the dark cloud of overbilling WRD hangs over Harris' head.

More egregious, the hiring will basically give Harris a blank check to conduct investigations because the CB Board "cannot tamper" with any ethics investigation.

Long time water veteran, CB GM Kevin Hunt, who surprisingly did not know about Harris' over billings at WRD, told HMG-CN, "we were out of loop on this, the firms were selected by (CB's law firm) Nossaman, based on the criteria we gave them.

The Nossaman attorney in charge of vetting the law firms, Alfred E. Smith II, told HMG-CN in a phone interview, "I had no prior knowledge of the circumstances surrounding Mr. Harris, but thank you for letting me know."

Dispute Negotiations

The dispute negotiations with Harris started in late 2014 when the WRD Board, led by President Sergio Calderon, Director Rob Katherman, and Director Albert "Lil Al" Robles, hired Los Angeles based Sheppard, Mullin, Richter & Hampton (Sheppard) as "independent counsel" to investigate the alleged overfilling by Harris.

No one at WRD questioned the fact that Sheppard was also involved with WRD on other water-related legal matters and that a true independent counsel was not hired.

But the apparent conflict of interest, even though questionable, would not be a factor in the investigation.

HMG-CN has exclusively obtained a document submitted by attorney Adam Kargman in April 2014 from former WRD Board member Lynn Dymally outlining the Harris overfilling in great detail.

Most of the overbilling was related to the *Cerritos v. WRD* lawsuit, L.A. Superior Court case number BS128136.

The document was addressed to WRD Directors, General Manager Robb Whitaker, and WRD Chief Financial Officer Scot Ota.

Kargman did not mince words. The second paragraph of the letter stated, "I wish to advise you that on April 24, 2014, I first began to suspect – and later confirmed the next day, April 25 – that Harris & Associates has been engaged in improper and excessive billing of WRD for its legal services."

Bargeman said that in April 2014, principal of the Harris law firm John W. Harris asked him to review billings of the firm's invoices to WRD and "it was then that I noticed discrepancies in his (Kargman's) time entries and also excessive time entries for Mr. Harris."

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As proof, Kargman stated, "I have retained all of my time entries since January 2014 and then compared my actual time entries to the time listed on the invoices sent in by Harris & Associates to WRD, there are numerous discrepancies."

Based on his review of time attributed solely to his work in January 2014, Kargman identified at least 51 fabricated entries and approximately 51.9 hours of padded time.

"At \$275 per hour Harris improperly billed WRD for at least \$14,000 worth of time attributed to me for the month of January 2014."

Re: Harris & Associates

Dear Board Members, Mr. Whitaker, and Mr. Ota:

I am writing to notify you that I have resigned from my position as attorney at Harris & Associates as of today, April 30, 2014.

Pursuant to Rule 3-500 of the California Rules of Professional Conduct, I wish to advise you that on April 24, 2014, I first began to suspect – and later confirmed the next day, April 25 – that Harris & Associates has been engaged in improper and excessive billing of Water Replenishment District ("WRD") for its legal services.

I began working at Harris & Associates in late December 2011 on a contract basis and joined the firm as an attorney in August 2012. I first suspected the fraudulent billing on April 24, 2014, when I was asked by the firm's principal, John W. Harris, to review the time of a paralegal in our office. I never had any responsibility at the firm for client billing and I had not seen any of the firm's invoices to WRD prior to April 25, 2014. In reviewing the invoices at that time, I noted what appeared to be discrepancies in my time entries and excessive time entries for Mr. Harris.

I have retained all of my time entries, as entered by me into the firm's Harvest timekeeper system, since January 2014, and have compared my actual times entries to the time listed on the invoices sent by Harris & Associates to WRD. There are numerous discrepancies. To cite but a few:

- On January 2, 2014, I recorded 0.40 hours to the task of "Review discovery received from Cerritos, Downey, and Signal Hill" in the case *Cerritos, et al. v. WRD BS 128136*; invoice # 114444 falsely indicates that I billed 3 hours for that particular task on that date.
- On January 6, 2014, I recorded 0.65 hours to the task of "Review/revise litigation matrix and e-mail D. Alvarez re same" in the case *Cerritos, et al. v. WRD BS 128136*; invoice #114444 falsely indicates that I billed 1.5 hours for that particular task on that date.
- On January 9, 2014, I recorded 1.90 hours to the task of "Draft separate statement in support of motion to quash" and 2.35 hours to the task of "Draft

motion to quash" in case *Cerritos, et al. v. WRD BS128136*; Invoice # 114444 falsely indicates that I billed 3.9 hours and 4.4 hours, respectively, to those tasks on that date.

- On February 5, 2014, I recorded 8.5 hours to the task of "Draft opposition to motion for leave to file supplemental petition" in case *Cerritos, et al. v. WRD BS128136*; Invoice # 114464 falsely indicates that I billed 10.5 hours to that task on that day.
- On February 6, 2014, I recorded 2.03 hours revising and finalizing the opposition to the motion for leave to file supplemental petition in case *Cerritos, et al. v. WRD BS128136*; Invoice # 114464 falsely indicates that I billed 6.2 hours to that particular task.

Based on my review of time attributed solely to my work in January 2014 (Invoice Nos. 114444, 114447, 114448, 114452, 114453, 114454, 114455), I identified at least 51 fabricated entries and approximately 51.9 hours of padded time. This means that at my billing rate of \$275.00 per hour Harris & Associates improperly billed WRD for at least \$14,272.50 worth of time attributed to me for the month of January 2014. (See California Rules of Professional Conduct, Rule 4-200(A) ["A member shall not ... charge, or collect an illegal or unconscionable fee"]; Bus. & Prof. Code § 6148(b) ["All bills rendered by an attorney to a client shall clearly state the basis thereof"]; Cal. State Bar Form. Opn. 1996-147 ["It is not permissible for a lawyer who has agreed to charge the client on an hourly basis to charge the client for more hours than were actually expended on the matter."]; ABA Formal Opinion 93-379 (1993) ["The lawyer who has agreed to bill on the basis of hours expended does not fulfill her ethical duty if she bills the client

Harris Padding His Own Time

Kargman then indicated that he also believed that invoices to WRD included time entries that Harris did not actually perform.

At the time, Harris was paid \$300 per hour.

"I drafted the majority of the documents. I would send my work to Mr. Harris for approval and he typically only gave minor comments. Often his response was simply 'Approved.' Nonetheless the invoices indicated that Mr. Harris, who is frequently out of the office, billed as much or more time on the exact same tasks as I had performed in full."

Kargman cited two instances indicating "these are just a few of the many examples of improper billing I have uncovered."

On one invoice, Harris claimed he spent seven hours reviewing a document sent to him by Kargman.

Kargman said, "I sent the document to him at 10:41 a.m., Mr. Harris sent it back to me at 2:33 p.m. a time span of only four hours, yet Harris billed WRD seven hours."

Another invoice indicated Harris spent four hours reviewing a document sent to him by Kargman.

"I sent Harris the document at 5:17 and received the document back six minutes later at 5:23, yet Harris billed four hours."

I also believe that Harris & Associates's invoices to WRD included time entries for John W. Hams, abbreviated "JWH," for work that he did not actually perform. During my tenure at Harris & Associates, I drafted the majority of WRD's pleadings, correspondence, discovery papers, memos, and other written documents. Although I would send my work to Mr. Harris for approval prior to finalization, he typically only gave minor comments. Often, his response was simply, "Approved." Nonetheless, the invoices indicate that Mr. Harris – who is frequently out of the office – billed as much or more time on the exact same tasks I had performed in full. For instance:

- Invoice No. 14490 states that, on March 3, 2014, Mr. Harris spent 7.0 hours – and incurred \$2,100 of billable time – on "Prep of answer to second amended complaint" in *Cerritos v. WRD, BS128136*. The document referenced was, however, drafted by me on February 28, 2014, for which I billed 1.1 hours. On March 3, 2014, at 10:41 a.m., I e-mailed the document to Mr. Harris. That was the first time I sent the document to Mr. Harris for his review and approval. I subsequently spent an additional 0.8 hours finalizing and coordinating the filing of the document. The Harris & Associates server shows the document was finalized on March 3, 2014 at 2:33 PM, less than four hours after I sent the document to Mr. Harris that morning. Thus, Mr. Harris did not spend 7.0 hours.
- Invoice No. 114493 states that on March 11, 2014, Mr. Harris spent 4 hours – and incurred \$1,200 in billable time – on: "Review motion to transfer case to Writ and Receivers Dept." (Invoice No. 114493.) The motion in question was a 4-page document that I prepared and e-mailed to Mr. Harris on March 7, 2014 at 5:17 p.m. Six minutes later, at 5:23 p.m., Mr. Harris responded: "Approved." At 5:24 p.m., I e-mailed a reply: "Thanks. I'll get it filed on Mon." Here again, Mr. Harris did not spend the 4.0 hours he billed WRD.

Again, these are just a few of many examples of improper billing I have uncovered

My actual 2014 time entries for WRD matters, as entered by me into the firm's Harvest timekeeper system, are attached via e-mail and enclosed with the hard copies of this letter.

In terms of the Proposition 218 litigation, I e-mailed the most recent litigation matrix detailing the pending activity in the cases to David Alvarez on April 28. I have provided further detail in Attachment A to this letter.

It has been a privilege to represent WRD and I am sorry that this representation has to end under these circumstances. Contemporaneously with sending this letter to you, I have notified Mr. Harris of my resignation, but not the specific reason for it.

I will, of course, be available to answer any questions you may have about the status of the litigation or the billing issues identified in this letter. If you should need to reach me, please contact me through my counsel, Richard Drooyan, whose contact information is as follows:

Richard Drooyan, Esq.
Scheper Kim & Harris LLP
One Bunker Hill
601 West Fifth Street, 12th Floor
Los Angeles, CA 90071
Tel.: (213) 613-4591
Fax: (213) 613-4656
rdrooyan@scheperkim.com

Very truly yours,



Adam Kargman

A former WRD top employee familiar with John Harris' work at WRD recalls it as "sloppy and a gross abuse of District funds." "We were all aware that H&A were grossly over billing but at the same time aware that these guys were Albert Robles' people, just like 80% of the agency's vendors. We all witnessed the General Manager come unglued by the inept work product provided by Harris, but in front of Robles he praised the guy and acted like he didn't have a care in the world. Quite frankly, it was humiliating to see how Albert Robles intimidated everybody on staff and those who didn't bow to him were targeted for termination. About half the staff remains at WRD that were employed there only 5 years ago. Either they grow disgusted by the thievery of the John Harris' of the world or they made the mistake of disagreeing to Albert Robles."

At the CB Special Meeting on Jan. 15, CB GM Kevin Hunt indicated that all law firms will be interviewed, "and we will certainly bring up what HMG-CN found in the interview process."

Nossaman attorney Smith II indicated that the HMG-CN revelation "will be brought to everyone's attention at the meeting."

HMG-CN left a message at Harris' office; Mr. Harris had not returned the call by press time.

HMG-CN also left a message with Adam Kargman's attorney Richard Drooyan; Drooyan had not returned the call by press time.

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DIRTY WATER: Central Basin Directors Leticia Vasquez and James Roybal Received Money From Attorney Who Interviewed for Ethics Counsel

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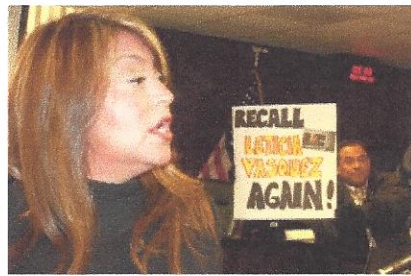


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Central Basin Director Leticia Vasquez.



CB VP James Roybal

By Brian Hews

Hews Media Group-Community News exclusively reported Thursday Jan. 7 that Los Angeles-based attorney John W. Harris of Harris and Associates – a friend of Central Basin Municipal Water District (CB) Director Leticia Vasquez – massively overbilled the Lakewood-based Water Replenishment District (WRD) over a two-year period.

Records obtained by HMG-CN indicate that Harris’ small firm billed WRD over \$2.7 million in that time span.

Harris’ attorney at the time, Adam Kargman, sent a detailed letter with proof of the overbillings to WRD President Rob Katherman, Vice-president William H. Murray, Board-members Sergio Calderon, Albert Robles, and Lynn Dymally, along with GM Robb Whitaker, and Chief Financial Officer Scott Ota.

The document pointed out that in one month, January 2014, Harris padded Kargman’s time, adding over 51 bogus hours to his bill, amounting to over \$14,000 in overbilling.

An investigation was initiated with Harris entering into a “settlement agreement.”

CB General Manager Kevin Hunt and Nossaman’s CB attorney Alfred E. Smith II had “no idea” about Harris’ overbillings and chose Harris as one of three finalists for CB’s autonomous “Ethics Investigation Counsel.”

They both found out that Thursday when HMG-CN published the overbilling story online at loscerritosnews.net and in its’ print newspaper the next day.

Yet Hunt, Smith II, CB President Bob Apodaca, Vice-president James Roybal and Director Vasquez ignored the documented proof presented online by HMG-CN that Harris overbilled WRD and allowed Harris to interview for CB’s Ethics Investigation Counsel on Friday Jan. 8.

“These are just allegations,” Roybal said during the interview, “you are innocent until proven guilty.” Vasquez echoed Roybal’s statement and urged the board to interview Harris.

One long-time observer of CB said, “do you really think CB just ‘found’ Harris and Associates out of the blue? If you think that, I have a bridge to sell you. Vasquez and Roybal are tied to him, and Vasquez’ husband, attorney Ron Wilson, is good friends with Harris.”

Now, further investigation into Harris’ past by HMG-CN has revealed additional connections, once again somehow missed by Hunt and Smith II, between Harris, CB Director Vasquez, and CB Vice-president James Roybal.

This after both Directors claimed they had no further connections to Harris at the Jan. 8 board meeting.

In 2012, WRD Director Rob Katherman started a political action committee (PAC) called Coalition for Clean Affordable Water.

In an interview with HMG-CN, Katherman confirmed he was actively involved in the PAC that helped Vasquez and Roybal get elected to the CB board in 2012.

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Many in the industry questioned Katherman’s motives in starting the PAC, with some saying that WRD was attempting to “take over” CB.

Katherman told HMG-CN that the PAC “raised campaign contributions and produced campaign materials that led to the successful election of recalled Lynwood City Council member and Mayor Leticia Vasquez and James Roybal to the CB Board of Directors.”

[See story click here.](#)

An examination of campaign donations to the PAC reveal that John W. Harris and his law firm Harris and Associates gave the PAC \$1,000.

And Vasquez and Roybal knew Harris gave money to the PAC yet interviewed Harris for a position at CB.

Schedule A (Continuation Sheet) Monetary Contributions Received		Types or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from 01/01/2012 through 05/15/2012		CALIFORNIA FORM Page 5 ID NUMBER 1346211	
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER ID NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PERCENTAGE OF CONTRIBUTOR'S GROSS INCOME	PERCENTAGE OF CONTRIBUTOR'S NET INCOME
05/02/2012	Deal Trejo, A Professional Corp. 707 Wilshire Blvd., Suite 3700 Los Angeles, CA 90017-3518	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTM <input type="checkbox"/> SCC		500.00	1,000.00		
05/02/2012	Legislative Advocacy Group 707 Wilshire Blvd., Suite 3700 Los Angeles, CA 90017-3518	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTM <input type="checkbox"/> SCC		500.00	1,000.00		

05/04/2012	Edward J. Casey 133 S. Hope Street, Suite 1800 Los Angeles, CA 90007	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Attorney Neston & Bensoff	200.00	
05/04/2012	Harris & Associates 865 S. Figueroa Street, Suite 2750 Los Angeles, CA 90017	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		1,000.00	1,000.00
				500.00	500.00
	Harris & Associates 865 S. Figueroa Street, Suite 2750 Los Angeles, CA 90017	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC			1,000.00

The PAC spent over \$8,600 on Roybal's campaign, a donation he failed to report at the time, and spent over \$6,300 on Vasquez' campaign, which she did report.

**Schedule C
Nonmonetary Contributions Received**

Type or print in ink.
Amounts may be rounded
to whole dollars.

Statement covers period
from 05/20/2012 through 06/30/2012

CALIFORNIA
FOR
Page 6
ID NUMB
134686

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
Vasquez 4 Water Board 2012

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER ID NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIRMARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)
06/19/2012	Coalition for Clean Affordable Water (#134621) 3700 Wilshire Blvd., #1050B Los Angeles, CA 90010	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC <input type="checkbox"/> IND <input type="checkbox"/> COM		State Mailer	800.00	6,335.83 <i>Whore</i>
06/19/2012	Coalition for Clean Affordable Water (#134621) 3700 Wilshire Blvd., #1050B Los Angeles, CA 90010	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31) 6,335.83 <i>Whore</i>

Involved in the PAC were the usual cast of characters that seem to always be involved with Vasquez and Roybal: convicted felon Ricardo "Ric" Mayer, who donated \$13,000 to the PAC; \$7,000 from the law offices of Leal-Trejo; felon who plead down to a misdemeanor Angel Gonzales, whom the PAC spent over \$18,000 in printing and mailing services.

Mayer was the highest donor in the PAC at \$13,000; he and Gonzales also loaned over \$35,000 to Vasquez and Roybal's personal campaign committees, as reported on their individual campaign documents.

CB Director Art Chacon asked Harris at the Friday interview if any connections existed between CB board members and Harris.

Vasquez indicated she was friends with Harris, but Harris failed to mention the donation that helped her get elected.

Roybal said nothing at the interview about the Harris donation.

See story [click here](#).

After the election, Katherman said that he met with the officials inside Los Angeles City Attorney Mike Feuer's office about his involvement in the PAC.

Katherman said at the time that he is “probably under the microscope now” with legal authorities, but did not say if he was under any type of formal criminal investigation.

HMG-CN contacted CB for a comment from Vasquez and Roybal, both chose not to comment on the story.

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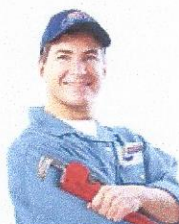
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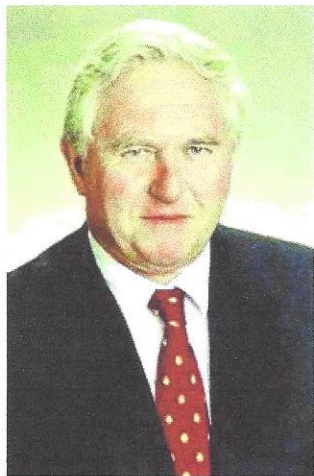
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THERE'S ONLY ONE.





Central Basin GM Kevin Hunt.

Staff Report

In December of last year, a California State audit slammed Commerce-based Central Basin Municipal Water District (CB), citing, among other things, poor leadership and hiring unqualified staff.

Later that day, CB General Manager Kevin Hunt responded to the audit saying, "We are committed to continuing to move Central Basin toward a more transparent and effective District."

The State Audit Report provided over 35 recommendations, but one of the first attempts by Hunt to implement one of the recommendations came under fire.

That recommendation directed CB to establish a "fully independent" Ethics Policy that included a hotline where confidential calls went directly to an independent investigative law firm.

CB's current law firm, Nossaman and Associates chose, through a selection process, three firms to interview as the "independent investigative law firm."

They were: Los Angeles based Harris and Associates, Pasadena based Nohemi Gutierrez, & Ferguson, and Los Angeles based Nixon/Peabody.

HMG-CN exclusively reported that two of the three law firms had, in direct violation of the selection criteria, connections to CB board members: John Harris of Harris and Associates knew CB Director Leticia Vasquez and her husband Ron Wilson and Ferguson's executive assistant has known Director James Roybal for over 30 years.

The selection process indicated that no connections should exist between any CB director or employee, yet somehow two out of the three choices by Nossaman were connected to board members.

Hunt and Nossman's attorney Alfred E. Smith II had "no idea" about the connections.

Vasquez and Roybal, knowing they were interviewing the two law firms prior to the board meeting, said nothing about their relationships until asked by Director Chacon during the meeting.

At the next meeting, Nixon/Peabody was chosen as the agency's law firm.

Now, with the first opportunity to demonstrate to State lawmakers that CB is serious about cleaning up the infighting and "poor leadership" at the embattled agency, Hunt is lashing out at CB Director Art Chacon in a malicious attempt to launch a bogus investigation and discredit the long-time director.

The investigation centers around a Dec. 2015 HMG-CN article entitled *Dirty Water: Payback Politics Put Central Basin's Recycled Water Sales in the Toilet.*

HMG-CN learned from high-level CB sources that certain members on CB's Board of Directors



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were, for the sake of political retribution, blocking the implementation of large revenue generating recycled water projects for the cash-strapped agency.

Hunt was reportedly incensed at the accusation he was not selling recycled water and told the Whittier Daily News and reporter Mike Sprague that the high-level source in the article was Chacon which signaled the beginning of the “investigation.”

Meanwhile, the board’s Administration and Ethics

Committee Friday ordered an investigation into accusations that recycled water projects have been blocked for the sake of political retribution.

General Manager Kevin Hunt said the letter of apology received from Director Art Chacon, who was quoted making the charges, only included Hunt in his letter.

“We asked him to revise it to include the directors but no final letter was ever (received),” Hunt said.

Chacon didn’t return a phone call seeking comment.

The district’s law firm, Nossaman, will determine whether Central Basin directors prevented any potential recycled water customer from getting recycled water or if they influenced the development of a project for political payback purposes.

“If (the report) comes back and our record is clean, they can talk to the director,” Hunt said. “If you find something happened, you’ll have my resignation in a day.”

The investigation is expected to cost about \$5,000 and completed in about two weeks.



HMG-CN never indicated in the December article whether the sources came from inside or outside CB, or from former CB employees.

But Hunt said in the WDN article, “...Chacon was quoted making the charges (of political payback).”

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Chacon’s actual quote was, “ (CB Director) Phil (Hawkins) and I have approached CB General Manager Kevin Hunt several times talking about recycled water and getting out there and approaching these customers and signing them up. But since (Tony) Perez and (former employee John) Tat have left, nothing has been done.”

Hawkins actual quote was, “Director Chacon and I are pushing for the closure of these projects, we have been doing that for months because they will bring in much needed revenue to CB. But they are being held up for political and personal reasons, and that’s just wrong.”

Hunt’s interpretation of the quotes was that Chacon was the source telling HMG-CN that certain directors were holding up water sales and is initiating the investigation singling Chacon out while not investigating Hawkins.

When asked why he was not going after Hawkins Hunt told HMG-CN in an email, “In reference to Director Chacon, I did not single him out. When I asked Director Hawkins what he was referring to in the article he said he got his information from Director Chacon.”

In a phone conversation with HMG-CN, an angry Hawkins said, “ We never even talked about that, I never told Hunt that I got my information from Director Chacon.”

HMG-CN Publisher Brian Hews said, "I never reveal my sources, that is the poison pill for a journalist. Hunt is assuming Chacon told me. Fact is, I had more than one person, both inside and outside CB, tell me that sales are being held up for political payback, isn't it obvious? There are over 250 customers waiting to be hooked into CB's recycled water system."

Given Hunt's effort to investigate who leaked the information, and that CB Directors are involved, referring the matter to the independent law firm of Nixon/Peabody for a fully transparent investigation would be judicious.

But Hunt is keeping the investigation in house, with the Ethics Committee and CB's counsel Nossaman, instead of showing complete transparency and referring the matter to Nixon/Peabody telling the WDN that "Nossaman will determine whether CB directors prevented any potential recycled water customers from getting recycled water or if they influenced the development of a project for political payback purposes."

An indignant Hunt told HMG-CN, "I requested the investigation because it affects my reputation and the District's."

But the seedy reputation of some CB Directors does not seem to affect Hunt.

Two of CB's Ethics Committee appointees are Robert "Bob" Apodaca and James Roybal.

CB recently settled a \$670,000 sexual harassment claim against Apodaca, and Roybal was in LAUSD's infamous Teacher Jail, earning money as a teacher while taking money from CB, a violation of LAUSD policy.

Both have publicly expressed their disdain for Chacon and in 2013 both tried to eliminate the Ethics Committee so they would not be investigated.

[See story click here.](#)

Still, Hunt wants to remain in control of the investigation using the Ethics Committee and Nossaman. "Nossaman is the Ethics Committee's law firm, the investigation will stay with them."

And with good reason.

Hunt backed himself into a corner with his quote to the WDN saying, "If (the investigation) comes back and our record is clean, they can talk to the director. If you find something (political payback) happened, you'll have my resignation in a day."

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Exhibit B

From: Editor-Hews Media Group <editor@cerritosnews.net>

Subject: Public records request 1/18/16

Date: January 18, 2016 at 12:34:27 PM PST

To: Pete Brown <pbrown@wrd.org>

Good afternoon Pete:

John W. Harris said he settled with the WRD in 2014 on the overbilling issues that I published online last Thursday.

I would like that document and any related documents to that settlement agreement, including any accounting related documents (check from Harris)

I do have documents, but I want them from WRD.

Thanks in advance, please let me know you got this message.

Brian Hews-Publisher-HMG-CN

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PO Box 788

Artesia, Ca 90701

brianhews@cerritosnews.net

Exhibit C

January 29, 2016

VIA U.S. MAIL and E-MAIL (brianhews@cerritosnews.net)

Brian Hews
HMG-CN
P.O. Box 788
Artesia, CA 90701

RE: Public Records Act Requests dated January 18, 2016

Dear Mr. Hews:

This letter shall serve as the Water Replenishment District of Southern California ("WRD") initial response to your Public Records Act request dated January 18, 2016.

Please be advised that while the District has determined that it does maintain records responsive to your PRA request, but additional time is required for the District to examine, evaluate and ascertain the responsive records that can be provided by law.

Therefore, WRD will not be able to comply with your request within the 10 day provision of Government Code Section 6253(c). Correspondingly, Government Code Section 6253(c)(2), provides upon notice the agency can take additional time to review records and formulate its determination. Please anticipate a further response by February 11, 2016.

Please do not hesitate to contact me should you have any questions or concerns at the number above.

Sincerely,



David Alvarez
Leal ■ Trejo APC

cc: Water Replenishment District of Southern California

Exhibit D

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February 11, 2016

VIA U.S. MAIL and E-MAIL (brianhews@cerritosnews.net)

Brian Hews
HMG-CN
P.O. Box 788
Artesia, CA 90701

RE: Public Records Act Requests dated January 18, 2016

Dear Mr. Hews:

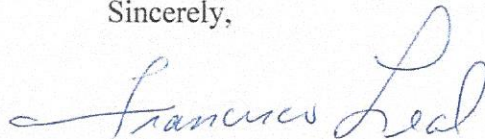
This letter shall serve as the Water Replenishment District of Southern California ("District") response to your Public Records Act request dated January 18, 2016.

Please be advised that while the District has determined that it does maintain records responsive to your PRA request, the District cannot produce the records in question at this time and is withholding the document pursuant to the provisions of Government Code 6255.

Furthermore, be advised that the District has received correspondence from counsel to Mr. Harris threatening to enforce the confidentially terms of the settlement document sought in your request. Given the Mr. Harris and his counsel have the ability pursuant to *Marken v. Santa Monica-Malibu Unified School District* (2012) 202 CA 4th 1250, 1264, to bring a "reverse PRA action" to seek an order preventing disclosure, the District will not be producing responsive records that at this time in order to allow the court to make its determination in this matter.

Please do not hesitate to contact me should you have any questions or concerns at the number above.

Sincerely,



H. Francisco Leal
Leal ■ Trejo APC

cc: Water Replenishment District of Southern California