

September 28, 1976

16-346

Mr. Philip G. Satre
Vargas, Bartless & Dixon
201 West Liberty St., Suite 300
Reno, Nevada 89504

Dear Mr. Satre:

Thank you for your letter of September 10, requesting information concerning certain attempts to influence the administrative action of the Tahoe Regional Planning Agency and whether or not that activity would be covered under California's Political Reform Act, Government Code Sections 82039 and 82045.

The commission's staff has determined that the Tahoe Regional Planning Agency is not a state agency as defined in Section 82049 and, therefore, lobbying activity before the agency would not be subject to the provisions of the Political Reform Act.

If you desire additional information, please do not hesitate to call me.

Very truly yours,

Regina Siciliano-Kutchins
Technical Assistance Program
Coordinator

RSK:bw

bcc: Jeanne P.

September 28, 1978

Mr. Phillip G. Sastre
Vargas, Bartless & Dixon
201 West Liberty St., Suite 300
Reno, Nevada 89504

Dear Mr. Sastre:

Thank you for your letter of September 10, requesting information concerning certain attempts to influence the administrative section of the Tahoe Regional Planning Agency and whether or not that activity would be covered under California's Political Reform Act, Government Code Sections 82039 and 82042.

The commission's staff has determined that the Tahoe Regional Planning Agency is not a state agency as defined in Section 82042 and, therefore, lobbying activity before the agency would not be subject to the provisions of the Political Reform Act.

If you desire additional information, please do not hesitate to call me.

Very truly yours,

Regina Siciliano-Kutchins
Technical Assistance Program
Coordinator

RSK:pw

cc: Jeanne P.

FOR CONSIDERATION
RESPONSE DUE 9-27-76

RENO OFFICE
GEORGE L. VARGAS
KENNETH P. DILLON (1914-1964)
JOHN C. BARTLETT
LOUIS MEAD DIXON
ROBERT W. MARSHALL
JAMES P. LOGAN
JOHN C. RENSHAW
ALBERT F. PAGNI
FREDERIC R. STARICH
MARVIN W. MURPHY
JAMES S. BEASLEY
JOHN P. SANDE, III
PETER D. DURNAY
PHILIP G. SATRE
JAMES P. LOGAN, JR.

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EDWARD H. TRICKER
M. DOUGLAS WHITNEY
CHRIS A. BEECROFT, JR.
DEAN P. VERNON

September 10, 1976

Regina Kutchins
Technical Compliance Advisor
Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

Dear Ms. Kutchins:

In accordance with our telephone conversation of September 7, 1976, I would like to obtain an informal written opinion from the commission as to whether or not the activities set forth in the following set of facts constitute "lobbying" or the making of "payments to influence...administrative action" of a state agency as those terms are defined and interpreted under California Government Code §§82039 and 82045, respectively:

A, a Nevada corporation, engages employees and at times attorneys to represent its interests before the Tahoe Regional Planning Agency (created by bi-state compact and approved by Federal legislation) with respect to certain rule-making and quasi-legislative proceedings which are concerned solely with A's Nevada interests or operations. At times the activities of A's employees and attorneys in this respect exceed 40 hours (including 10 hours of direct communication) in two consecutive months and involves employees who are engaged in direct communication for 10% or more of their compensated time.

It is the opinion of this office that legislation affecting the agency can be enacted only by both states and that Proposition 9 does not have extra-territorial jurisdiction over what are essentially solely "Nevada" transactions.

76346
F. P. C.
SEP 13 8 10 AM '76

FOR CONSIDERATION
RESPONSE BY

AS NEAR OFFICE
100 SOUTH FOURTH STREET
SAN FRANCISCO, CALIF. 94104
TELEPHONE 398-4100

VARAS, BARTLETT & DIXON
ATTORNEYS AT LAW
100 SOUTH FOURTH STREET, SUITE 800
SAN FRANCISCO, CALIF. 94104
TELEPHONE 398-4100

RENO OFFICE
100 SOUTH FOURTH STREET
SAN FRANCISCO, CALIF. 94104
TELEPHONE 398-4100

September 10, 1976

RECEIVED
SEP 14 1976

Dear Mr. Richardson:
Sacramento, California 95833

In accordance with our telephone conversation of September 7, 1976, I would like to advise in detail that the activities set forth in the following set of facts constitute a substantial portion of the activities of the administrative division of the State of California which are performed under California Government Code Sections 26200 and 26201, respectively.

The Nevada corporation, employees and officers and directors to be investigated in accordance with the provisions of the Nevada Public Information Act (Chapter 241, NRS) is a corporation organized and approved by Federal judicial authority with respect to certain activities and operations. The Nevada members of operations are limited to activities of the Nevada corporation in the Nevada State (Nevada) in two consecutive months and involve activities who are engaged in direct operations for 10% of more of their contracted time.

It is requested that you please have jurisdiction regarding the agency and be acknowledged by both states and that jurisdiction does not have extra-territorial jurisdiction over what are essentially solely Nevada transactions.

Regina Kutchins
September 10, 1976
Page Two

Your cooperation has been greatly appreciated.
If you have any questions regarding this hypothetical
situation, please do not hesitate to call me collect.

Yours truly,

A handwritten signature in cursive script that reads "Philip G. Satre". The signature is written in dark ink and is positioned above the typed name.

Philip G. Satre

PGS/mgg

REGISTRATION
SECTION OF THE
STATE

IF YOU HAVE ANY QUESTIONS
PLEASE CALL THE REGISTRATION
SECTION AT 330-333-3333

DATE: 1/1/2000

John Doe

330/333

STATE OF TEXAS

COMMISSIONER

STATE OF TEXAS

1 ROBERT E. ALDERMAN JR.
2 Attorney at Law
3 23210 Crenshaw Boulevard
4 Torrance, California 90505
5 (213) 539-2510

6 Attorney for plaintiffs.

7
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 JAMES DAVIS, on behalf of the)
12 members of the HILLSIDE)
13 RESIDENTS ASSOCIATION,)
14 plaintiffs)
15 v.)

16 BOARD OF EDUCATION of the)
17 City of Torrance, STANLEY L.)
18 DUNN, OWEN H. GRIFFITH,)
19 NAOMI LEAVITT, HYMAN)
20 SILVER, DOROTHY BAKER:)
21 The advisory/administrative staff,)
22 DR. BERNARD GAREN, GEORGE)
23 CHALEKSON, DR. EDWARD)
24 RICHARDSON, DR. LLOYD JONES:)
25 The Torrance Unified School District,)
26 and DOES I through XX inclusive.)
27 defendants)
28)
29)
30)
31)
32)

CASE # SW C 36243

) POINTS AND AUTHORITIES
) IN SUPPORT OF PRELIMINARY
) INJUNCTION with DECLARA-
) TIONS BY MILTON ISBELL,
) TED PERRY, EDWIN FURNEE,
) CAROL BYERS and MARY
) MELTON.

) Date: May 6, 1976
) Time: 9:00 AM
) Dept: J

33 INTRODUCTION

34 This case is concerned with the Political Reform Act of 1974
35 which, by demand of the people, established laws requiring
36 campaign disclosures and prohibited public officials from making,
37 participating in or influencing decisions in which they had a
38 conflict of interest.

39 Admittedly, this is new law. There are no Supreme Court
40 decisions to serve as guidelines. However, it will be shown,



1 that with respect to the decision of February 19, 1976 to close
2 the Hillside Elementary School, atleast six of the defendants had
3 a conflict of interest of the nature prohibited by the Political
4 Reform Act. Accordingly, the law requires that said decision
5 be declared void and that all further activity precipitating from
6 that decision be enjoined.

7
8 It will be shown that this new law is applicable to the school
9 board and the administrative staff of Torrance School District,
10 and that the only remedy available by law to the public is that
11 of injunctive relief and invalidation. The court will then be
12 asked to preserve the status quo by granting a preliminary
13 injunction prohibiting further activity toward the closing of
14 Hillside until the matter can be fully adjudicated on its merits.

15
16 The people of the United States, as well as the tax payers and
17 citizens of Torrance, are very disconcerted with the secrecy
18 of government, the misappropriations of funds, the power and
19 the "me first" attitude of politicians and the public officials.
20 This is demonstrated most notability in the recent out rage at
21 the Watergate affair and the passing by the California citizens
22 of Proposition 9, the Political Reform Act.

23
24 STATEMENT OF THE FACTS:

25
26 The facts of this case are rather simple: The defendants felt
27 it was necessary to close an elementary school in south Torrance,
28 of which there are four: Hillside, Walteria, Parkway and
29 Riviera.

30
31 Parkway and Riviera are relatively near one another in the
32 southwest section, Walteria is in the south central area and



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Hillside is secluded, several miles from the others, in the southeast section.

Unfortunately, whenever a neighborhood elementary school is closed, the residential real estate within walking distance is devaluated, becomes less desirable and does not appreciate in value as rapidly as similar property within walking distance of an elementary school.

However, more unfortunate for the plaintiffs in this case is the fact that atleast six of the defendants had a financial and/or personal interest in the decision as to which school should be closed. Two of them purchased homes in the new Country Estates, across the street from Hillside. If Hillside remained open their children would have to cross heavily trafficed Crenshaw Boulevard to reach it. Also, four of the defendants live in the Parkway/Riviera district. If they closed one of their schools, they would be devaluing and reducing the desirability of their own property.

Consequently, the defendants voted to close Hillside instead. It is that decision, or more appropriately, the participation therein by six of the most influential members of the school board and the administrative staff, that the plaintiffs feel was a violation of the Political Reform Act.

(Note: Although the above is an accurate summary of the facts, the Court is respectfully asked to read the exhibits attached hereto before proceeding with the balance of these points and authorities. By doing so, it is felt that the Court will have a better grasp of what follows hereafter.)



STATEMENT OF ISSUES:

1
2
3 Perhaps, but only perhaps, the same decision would have been
4 made without the participation or influence of the above defendants
5 who had a personal interest and financial interest in the out
6 come of that decision. However, the propriety or wisdom of that
7 decision is not the issue in this case.
8

9 The only issues presently are, (A) did one or more of the
10 defendants have a conflict of interest when they recommended
11 and/or voted to close the Hillside school and (B) if so, should
12 they have been disqualified from participating in that decision?
13

14 As will be shown in detail hereafter, it is not the responsibility
15 of the court at this hearing to adjudicate the ultimate issues
16 above.
17

18 The only purpose of this hearing is to issue a preliminary
19 injunction to preserve the status quo and to prevent irreparable
20 injury to the plaintiffs while they are conducting extensive and
21 thorough discovery and investigation necessary to prove the
22 allegations which they have made against the defendants.
23

24 Unless such a preliminary injunction is granted, it would be
25 futile for the plaintiffs to proceed with this action. By the
26 time the matter could be heard for the issuance of a permanent
27 injunction, the school would already be closed and it would
28 be almost impossible to re-open it. Furthermore, if the
29 preliminary injunction is not granted, it would only serve to
30 demonstrate that the Political Reform Act of 1974, demanded and
31 passed by the people, is useless and would create a lack of
32 confidence and destroy respect for the courts and government.



1 DISCUSSION OF FACTS AND LAW:
2

3 A. "NO PUBLIC OFFICIAL AT ANY LEVEL OF STATE
4 OR LOCAL GOVERNMENT SHALL MAKE, PARTICIPATE IN
5 MAKING OR IN ANY WAY ATTEMPT TO USE HIS OFFICIAL
6 POSITION TO INFLUENCE A GOVERNMENTAL DECISION IN
7 WHICH HE KNOWS OR HAS REASON TO KNOW HE HAS A FINANCIAL
8 INTEREST." (California Government Code section 87100 - emphasis
9 added.)
10

11 When the Political Reform Act, including the above section,
12 was passed by the people they had a specific purpose in mind.
13 That purpose was to make politicians and public officials more
14 controlled and responsive to the people's desires.
15

16 "The people find and declare that; (a) state and local government
17 should serve the needs and respond to the wishes of all citizens
18 equality without regard to their wealth; (b) public officials,
19 whether elected or appointed, should perform their duties in an
20 impartial manner, free from bias caused by their own financial
21 interests or the financial interests of persons who have supported
22 them." (Government Code section 81001 (a) and (b).
23

24 It was also intended that such reforms be stringently enforced.
25 This is indicated in 81001 (h) where it state that "previous laws
26 regulating political practices have suffered from inadequate
27 enforcement by state and local authorities." (emphasis added.)
28

29 In the present case, several of the defendants own real property
30 in sections of South Torrance that would be financially effected by
31 their decision of which school to close in South Torrance. It
32 is submitted that participation by those defendants is of the



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nature intended to be prohibited by the Political Reform Act.

This is set forth specifically in Government Code section 87103 where it states: "an official has a financial interest in a decision within the meaning of section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect of the public generally, on: (a) any real property in which the public official has a direct or indirect interest worth more than one-thousand dollars (\$1,000.00)..."

As stated previously, the law in this area is so new, that there are no precedent court decisions to lend guidance. However, there is a California Fair Political Practices Commission opinion dealing with facts similar to those found in this case. That decision is entitled: "In the Matter of: Opinion Requested by Thomas W. Oglesby, City Manager, City of Antioch:" (1 FPPC opin. 71)

In the Oglesby decision, the city council of Antioch created a redevelopment agency and was asked to vote on several proposals regarding projects which that agency would undertake. One of the city councilmen, Mel Whatley, disclosed that he had ownership interests in three properties within the project area. The properties consisted of his real estate office and two rental properties.

The issue was whether or not either of those interests disqualified councilmen Whatley from participating in the decision to grant or deny the redevelopment project. The Fair Political Practices Commission felt that the business entity as well as the real property interest, both constituted conflict of interest of the nature intended to be prohibited by the new Political Reform Act.



1 Whatley was thereby disqualified from participating in that
2 decision.

3
4 The Fair Political Practices Commission stated at page 81 of
5 the Oglesby opinion that, "we are of the opinion that the decision
6 whether to adopt or reject the redevelopment plan is one that
7 will, foreseeably have a reasonably material financial effect,
8 distinguishable from the effect on the public generally, on the
9 business and real estate investment of Mr. Whatley, and therefore
10 is a decision in which he may not participate."

11
12 It is respectfully submitted that the ownership by the defendants
13 in the present case of real estate within areas that would be
14 financially effected by their decision to close Hillside rather
15 than Parkway or Riviera, are analogous to the Oglesby opinion
16 and that likewise, the participation by those defendants in the
17 decision to close Hillside, should be prohibited and the decision
18 declared void.

19
20 To assist the Court in making this analogy and applying California
21 Government Code section 87100, the Court is respectfully referred
22 to section 81013 wherein it is provided that the Political Reform
23 Act, will prevail over conflicting enactments of legislature. Even
24 more important to the interpretation and application of the law
25 is section 81003 which specifically states that, "This title should
26 be liberally construed to accomplish its purposes."

27
28 B. THE PROVISIONS OF THE POLITICAL REFORM ACT ARE
29 APPLICABLE TO THE SCHOOL BOARD AND THE ADMINISTRATIVE
30 STAFF.

31
32 As previously stated, 87100 of the Government Code, by its own



1 lanuage, is applicable to any "public official at any level of state
2 or local government." "Public Official" is defined in section
3 82048 of the Government Code as follows: "Public Official'
4 means every member, officer, employee or consultant of a state
5 or local government agency."

6
7 This is made directly and specifically applicable to the school
8 board and school district in section 82041 where it is stated
9 that, "'Local Government Agency', means a county, city, or
10 district of any kind including school district, or any other local
11 or regional political sub-division, or any department, division,
12 bureau, office, board, commission, or other agency of these,
13 but does not include any court or any agency in the judicial
14 branch of the government."

15
16 C. THE ONLY REMEDY BY LAW AVAILABLE TO CORRECT
17 A VIOLATION OF THE POLITICAL REFORM ACT, IS INJUNCTIVE
18 RELIEF AND AN ORDER INVAILDATING THE DECISION MADE
19 IN VIOLATION THEREOF.

20
21 California Government Code section 91003 (a) and (b) provide
22 in pertinent part as follows:

23
24 (a) "Any person residing in the jurisdiction may sue for an
25 injunctive releif to enjoin violations or to compel compliance
26 with the provisions of this title..."

27
28 (b) "Upon a preliminary showing in an action brought by
29 a person residing in the jurisdiction that a violation of article
30 1 of chapter 7 of this title or of a disqualification provision
31 of a conflict of interest code has ocured, the court may restrain
32 the execuation of any official action in relation to which such a



1 violation occurred, pending final adjudication..."

2
3 Such relief is made the sole and only remedy available for a
4 violation of section 87100 of the Government Code by section
5 87102 thereof which states that, "the remedies provided in that
6 section (91003) may be sought against any public official other
7 than an elected state officer, and those remedies are the
8 exclusive remedies for a violation or threatened violation of
9 section 87100." (emphasis added)

10
11 D. THE COURT IS ASKED TO PRESERVE THE STATUS
12 QUO BY SUSPENDING THE DECISION OF FEBRUARY 19, 1976
13 AND PROHIBITING THE DEFENDANTS FROM TAKING ANY FURTHER
14 ACTION TOWARD THE CLOSING OF THE HILLSIDE ELEMENTARY
15 SCHOOL UNTIL COMPLETION OF THOROUGH INVESTIGATION
16 AND DISCOVERY SO THAT THIS MATTER CAN BE ADJUDICATED
17 ON ITS MERITS.

18
19 The granting of a preliminary injunction does not amount to an
20 adjudication of the ultimate controversy. It only establishes,
21 that pending trial or further investigation, the defendants should
22 be restrained from acting further on their alleged invalid decision
23 or participating in any further activities or conduct which was
24 precipitated by that decision. (Paul vs. Allied Dairymen Inc.
25 (1962) 209 C.A. 2d 112, 25 C.R. 2d 595; see also Christopher vs.
26 Jones (1964) 231 C.A. 2d 408, 41 C.R. 2d 828)

27
28 The decision as to the granting or denial of a preliminary injunction
29 is within the discretion of the court. (Christensen vs. Tucker
30 (1952) 114 C.A. 2d 554, 250 P. 2d 660) However, all that is
31 necessary for the granting of a preliminary injunction is some
32 evidence which will support the allegation that irreparable



1 injury will occur to the plaintiffs if it is not granted. (Fresno
2 Canal Irr. Co. vs. People Ditch Co. (1917) 174 C. 221, 163 P.
3 497; Carter vs. Lothian (1901) 133 C. 451, 65 P. 962)

4
5 Even where there is substantial conflict in the evidence, the
6 granting of a preliminary injunction will not be overthrown
7 merely because there is evidence which could have lead to a
8 contrary decision. (Miller and Lux vs. Madera Canal and Irr. Co.
9 (1909) 155 C. 59, 99 P. 502)

10
11 Six of the defendants in this case had a conflict of interest
12 regarding the decision to close either the Hillside Elementary
13 School or instead to close Parkway or Riviera. Nevertheless,
14 each of those defendants specifically and influentially participated
15 in that decision by recommending and/or voting to make that
16 decision. Such conduct by them constituted a violation of the
17 Political Reform Act as previously described herein.

18
19 Supposedly, the closing of Hillside was necessitated by the declining
20 enrollment and cost consequences. However, even without the
21 benefit of extended investigation and discovery, the plaintiffs
22 have shown that combining the Parkway and Riviera Schools,
23 which are relatively near one another, and sending the school
24 children in the new Country Estates to Hillside, would have
25 given all schools in South Torrance an enrollment relatively
26 close to their capacity and still have saved the alleged \$150,000.00
27 for the school board. However, such a decision would have
28 had a detrimental, economic effect on the real estate of the
29 defendants.

30
31 Moreover, it is doubtful whether or not the school board would
32 infact save \$150,000.00 by closing Hillside. A fair amount



1 of that alleged savings would have to be applied for busing and very likely
2 for increases in teachers salaries, which defendent Stanley Dunn, has
3 said he is all for. Even if the \$150,000 savings is correct, that
4 constitutes less than one percent of the total school budget.
5

6 On the other hand, if the school board and other defendents are permitted
7 to continue to act on their decision to close Hillside, irrespective of
8 its probable invalidity under the Political Reform Act, the plaintiffs
9 would be irreparably injured. Not only would their property be de-
10 valuated for which they can seek no compensation, but once the school
11 is closed it would be almost impossible to re-open it and re-transfer
12 the students back to its location.
13

14 If the preliminary injunction is not granted now, that is exactly what
15 will happen, because September 1976 will come and go before thorough
16 investigation and discovery could be completed.
17

18 It is not necessary to show that injury is inevitable, although it is
19 submitted that the plaintiffs have shown that fact. If injury is pending,
20 the plaintiffs are entitled to anticipate the consequences and have it
21 prevented by injunction. (Nicholson v. Gretchell (1892) 96 C. 394,
22 31 P. 265; Mulvey v. Wangenheim (1913) 23 C.A. 268, 137 P. 1106)
23

24 Where injury to the plaintiffs is clear and no corresponding or equal
25 damage will result to the defendents, it is an abuse of discretion to deny
26 the preliminary injunction. (Ellis v. American Federation of Labor
27 (1941) 48 C.A. 2d 440, 120 P. 2d 79)
28

29 For example, where plaintiff would be entitled to a permanent injunction
30 if he proves his allegations, but such would be futile if a preliminary
31 injunction is not granted, a denial of the preliminary injunction would be
32 an abuse of discretion and will be reversed. (Porter v. Jennings (1891)



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89 C. 440, 26 P. 965.)

If a preliminary injunction is not granted now, the issue will be moot. The school is presently set to be officially closed at the end of July and will not re-open in September 1976. This is several months before discovery and investigation could be completed and before the matter could be adjudicated on the merits.

CONCLUSION:

The issue in this case is not the propriety or the wisdom of the decision made by the defendents on February 19, 1976. The only issue at this time is, " Is there a possibility that the defendents or any of them violated the Political Reform Act when they recommended, voted or otherwise participated in that decision?" If there is that possibility, and if the plaintiffs were able to prove those allegations at the final trial in this matter, they are now, immediately, entitled to a preliminary injunction restraining all further conduct precipitating from that decision. To deny a preliminary injunction now would be an injustice and would make further attempts to adjudicate the matter on its merits futile.

The Political Reform Act was passed in 1974 because the people demanded the right to control and prevent improprieties by their public officials. To restate Government Code section 81001, " The people find and declare(that) public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interest or the financial interest of persons who have supported them. " It is further stated in that code section, that state and local government should serve the needs and respond to the wishes of the citizens.

This is the first opportunity known by this writer wherein the Courts have been given the chance and asked to apply this new law in response to the



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peoples' enactment of it in 1974. Previous laws regulating political practices and enforcement of those laws by the public officials themselves and the Courts have been inadequate. (Government Code section 81001(h)).

It is respectfully requested that the Court grant the preliminary injunction as asked, pursuant to the provisions of the new Political Reform Act, and by doing so reinstate the confidence and faith of the people in the government and the court system of the state of California.

RESPECTFULLY SUBMITTED,

Robert E. Alderman Jr., attorney
for plaintiffs.



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DECLARATION OF L. MILTON ISBELL:

I, L. Milton Isbell, declare that I am a licensed Real Estate Broker in the state of California. I have been licensed since 1959 and have had my own real estate office in the Torrance/Lomita area for the past twelve years. I am a past president of the Torrance/Lomita Board of Realtors and am thoroughly familiar with the property values in the South Bay Area, particularly the Torrance/Lomita area. I am also familiar with the various factors which will effect desirably of residential property therein, and decreases or increases in the market value thereof. I declare that if called as witness in this matter, I could competently testify to the following facts:

1. It is my professional opinion that if an elementary school is closed, the residential property within walking distance of that school will not be as desirable as it was before the closing and will decrease in value.

2. It has been my experience as a real estate broker that families are willing to pay two to three thousand dollars more for a home that is within walking distance of an elementary school in the Torrance School District, than one which is not within walking distance.

3. Likewise, I have found that a neighborhood from which the children must be bused to an elementary school, will not maintain the same property valuation or appreciation rate as will property from which elementary children can walk to school.

I declare under penalty of perjury that the foregoing is true and correct from my own personal knowledge.



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Executed at Lomita, California on

L. Milton Isbell, Real Estate Broker

Exhibit A.



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DECLARATION OF TED PERRY:

I, Ted Perry, declare that I am a licensed Real Estate Broker for the state of California and am thoroughly familiar with the market value and fluctuation of residential property in the South Bay area and the city of Torrance. I am presently a broker for Century 21 Real Estate Group and have had my office located at the corner of Crenshaw Boulevard and Pacific Coast Highway for the past 13 years. I declare that if called as a witness in this matter, I could competently testify to the following facts:

1. For the past 13 years, I have concentrated my efforts in the real estate business to the South Torrance/Lomita area. During that time, I have kept abreast of the fluctuations in the value of real estate in that area and the causes of those fluctuations.
2. It is my opinion that the location of an elementary school within walking distance of a residential neighborhood, greatly affects the desirability and value of that property.
3. Almost every family that comes to my office with children or has plans to raise children in the future, inquires as to the location of schools and accessibility, particularly with respect to elementary schools.
4. I have found that if there is not an elementary school within walking distance, the residential property within that area is much more difficult to sell than property within walking distance. Moreover, the property within walking distance of an elementary school will command a higher price than property which is beyond walking distance.



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5. In summary, it is my professional opinion, based upon my several years of experience as a broker, that the closing of a neighborhood elementary school will decrease the desirability of residential property within that area, decrease the market value of the property and make it much more difficult to sell.

I declare under penalty of perjury that the foregoing is true and correct from my own personal knowledge.

Executed at Torrance, California On

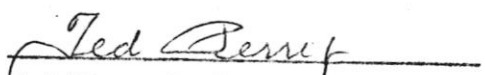

Ted Perry, Real Estate Broker

Exhibit B-2



DECLARATION OF EDWIN FURNEE:

I, Edwin Furnee, declare that I am a licensed Real Estate Broker for the state of California. I have been so licensed since 1967. I am a twice, past president of the Torrance/Lomita Board of Realtors and am a state director of the California Association of Realtors. I declare that if called as a witness in this matter, I could competently testify to the following facts:

1. During my vocation as a real estate broker, I have experienced the effect, and fluctuations in property values as well as the desirability of residential property caused by the existence or non-existence of an elementary school within walking distance of that property.

2. Based upon that experience, it is my professional opinion that if an existing elementary school is closed, the residential area which was within walking distance of that school prior to its closing, will become less desirable and more difficult to sell.

3. Furthermore, I have found that when a neighborhood elementary school is closed, the property within that area will not appreciate in value at the same rate as will property of a similar nature located within walking distance of an elementary school. The property within walking distance will appreciate more quickly than property from which children must be bused.

I declare under penalty of perjury that the foregoing is true and correct from my own personal knowledge.

Executed at Lomita, California On



1 meeting on January 7, 1976 so that they could consider the points
2 and views of the public regarding the closing of Hillside.
3

4 5. During the week prior to the January 7th meeting, I
5 personally canvassed a new tract of homes, known as Country
6 Estates, attempting to get residents to attend the special "in put"
7 meeting. This new tract of homes is within walking distance
8 and I am informed and believe will consist of approximately
9 500 - 800 single family residences.
10

11 6. During this canvassing, either on January 6 or 7, I called
12 on a residence located at 3324 Candlewood in the new tract. A
13 lady answered the door, I told her why I had come and asked
14 if she would attend the meeting in support of keeping Hillside
15 open.
16

17 7. In response to my question, the lady stated that she didn't
18 really care whether Hillside closed or not, because she didn't
19 want her children to cross Crenshaw Boulevard to attend that
20 school. She further told me that when she moved into that house,
21 she telephoned the Torrance School District and asked whether
22 or not busing would be provided for her children to attend Hillside.
23 I am informed and believe that the gentlemen she spoke with
24 in the School District told her that busing would not be necessary
25 because Hillside would be closed in September 1976. This was
26 "supposedly" before the decision to close Hillside had been
27 made and I believe before a staff committee had been appointed
28 to make recommendations.
29

30 8. I attended the so called "in put" meeting on January 7, 1976.
31 In my opinion that meeting was a complete farce and a sham.
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9. Basically, it was more of a repeat of the December meeting which was not informative. It was more of a lecture by the school board than an "in put" meeting. Only at the end, did the school board even attempt to briefly receive "in put" from the residents. Very few questions were answered directly; most of them were dodged or not answered at all. The school board even failed to produce facts and figures regarding their budget, although they were asked to do so at the December meeting.

10. After a very short period of "in put", the school board members got up and went and stood by the exit way with their arms folded showing apathy and boredom regarding the in put and questions from the persons in attendance. It appeared that the board members had already made up their minds and could care less of what the public thought of the matter.

11. The meeting to decide whether or not to close Hillside or Parkway or to close no schools at all was originally scheduled for February 17. I am informed and believe that this meeting was then changed to the February 19, to accomodate one of the board members, Mr. Hyman Silver, who has since resigned. As a result of that change, a large number of concerned residents from the Southwood Homeowners Association were not able to be in attendance due to the fact that they had an important PTA meeting and school play previously scheduled for that same date. I am informed and believe that the Southwood Association is against the closing of Hillside or any other school by this school board.

12. Immediately preceding the February 19 meeting, I again canvassed the homes in the new Country Estates area attempting



1 to get signatures on a petition against the closing of Hillside.
2 At that time I called on the resident of Doctor Edward
3 Richardson, administrative staff member of the Torrance School
4 District. However, at that time, I did not know that Doctor
5 Richardson resided at that location.
6

7 13. Mrs. Richardson answered the door and I asked if she
8 would sign the petition. She replied that no she would not,
9 that her husband was the assistance superintendant of schools
10 for Torrance and that everything had already been decided; that
11 Hillside would be closed in September and that the students
12 there would be transferred to the Waleria School which will
13 be made a K - 6 grade school and the 7th and 8th graders from
14 Waleria will be transferred to Newton School.
15

16 14. This was exactly the decision made by the school board
17 on February 19 although they claim that the issue had never
18 been decided prior to that date.
19

20 15. I am informed and believe that a few years ago, the Hillside
21 Elementary School was over crowded. Consequently the school
22 board decided to transfer the 7th and 8th graders elsewhere.
23 At that time they told the public not to worry however, because
24 the transfer of the 7th and 8th graders would not effect the
25 closing of Hillside.
26

27 16. At the December 1975 school board meeting, the board was
28 asked why not bring the 7th and 8th graders back to Hillside.
29 The board replied that they could not do that because that would
30 be going backwards.
31

32 17. The school board claims that the primary reasons for



1 closing Hillside is declining enrollment and resulting cost
2 consequences. However, no one has ever been to my home,
3 which is directly across the street from Hillside to inquire as
4 to the number of pre-school age children who would attend
5 Hillside in the very near future if it remained open. I also
6 know such an inquiry has not been made of any of my neighbors.

7
8 18. I am informed and believe that the new tract of homes,
9 known as the Country Estate, will have at least 250 immediate
10 school age children. That residential area is within walking
11 distance of Hillside and if those children were to attend Hillside,
12 there would be a larger enrollment there than is presently at
13 Parkway or Rivera Elementary Schools.

14
15 19. Based upon my attendance at the school board meetings in
16 December, January and February, and my canvassing of the
17 local neighborhoods, it is my opinion, that the school board
18 does whatever it wants to do without regard for the desires
19 of the public or consideration of perhaps a better alternative
20 to a decision made in their own personal interest.

21
22 I declare under penalty of perjury that the foregoing is true and
23 correct from my own personal knowledge, except as to those
24 matters stated upon my information and belief and as to matters,
25 I believe them to be true.

26
27 Executed at Torrance, California on

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Carol Byers



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DECLARATION OF MARY MELTON

1. Mary Melton, declare that I am a resident of South Torrance. I have one child attending Hillside, one attending Parkway and one who is pre-school age. I have attended all open school board meetings regularly for the past several years and have been active with respect to the issue of closing Hillside or other schools in South Torrance. I declare that if called as a witness regarding the decision to close Hillside, I could competently testify to the following facts which I believe will show that the school board and the school district staff had personal, financial interests in the closing of Hillside and acted hastily on that decision:

1. A new tract of homes known as the Country Estates is currently being built just off of Crenshaw Boulevard, within walking distance of the Hillside Elementary School.

2. For more than two years now, the school board has known that a residential complex would be built in that area. However, to the best of my knowledge they took no steps to plan for the inevitably result from that new tract, until approximately December 1975. I believe that they did not even appoint a committee to evaluate the impact of these additional school children in the South Torrance area until January 1976.

3. I am informed and believe that the new tract will consist of in excess of 500 single family residences and that there will be atleast 250 school age children in those homes.

4. To the best of my knowledge, no estimate or actual survey has been made of the new tract as to the number of pre-school



1 age children that will be living in that area. I know for a fact
2 that no one has ever come to my door inquiring as to the number
3 of pre-school age children in my neighborhood, although, I have
4 one pre-school child of my own and know of several others on
5 my block.

6
7 5. Nevertheless, the school board has voted to close Hillside,
8 accusing declining enrollment as the primary reason.

9
10 6. The first hint that the school board was considering the
11 closure of Hillside or another South Torrance School occurred
12 at the board meeting of December 1975. However, they denied
13 that any decision had yet been made. They indicated that the
14 decision would probably be whether to close any school in South
15 Torrance and if so whether it should be Hillside, Parkway or
16 Riviera.

17
18 7. Of the four (4) elementary schools in South Torrance
19 (Hillside, Waleria, Parkway and Riviera), Hillside is the only
20 school in the Southeast portion of Torrance, while Riviera and
21 Parkway are relatively near each other in Southwest Torrance.
22 Waleria is in the South Central section.

23
24 8. Presently, the Parkway and Riviera Schools have a joint
25 enrollment of approximately 750 students, which is almost
26 700 less than their capacity. Hillside has room for approximately
27 300 additional students and Waleria has room for only approximately
28 15 students.

29
30 9. In my opinion, it would have made more sense to combine
31 Parkway and Riviera and enroll the children from the new
32 tract at Hillside. This would have given all South Torrance



The first part of the report is a general introduction to the project. It describes the objectives and the scope of the work. The second part is a detailed description of the methodology used in the study. This includes a discussion of the data collection methods and the statistical techniques employed.

The results of the study are presented in the third part of the report. This section includes a series of tables and graphs that illustrate the findings of the research. The final part of the report is a conclusion that summarizes the main findings and discusses their implications.

The study has several strengths. First, it uses a large and representative sample of the population. Second, the data collection methods are rigorous and standardized. Third, the statistical techniques used are appropriate for the data and the research questions. However, there are also some limitations to the study. For example, the study is cross-sectional, which means that it cannot establish causality. Additionally, the study only focuses on a specific aspect of the phenomenon being studied.

Despite these limitations, the study provides valuable insights into the phenomenon being studied. The findings suggest that there is a strong relationship between the variables of interest. This relationship is consistent across different subgroups of the population.

The study has several implications for practice and policy. First, the findings suggest that there is a need for further research in this area. Second, the findings suggest that there are some factors that can be used to predict the outcome of interest. This information can be used to develop interventions and policies that aim to improve the outcome.

In conclusion, the study provides a comprehensive overview of the research. It describes the methodology, the results, and the implications of the findings. The study is a valuable contribution to the field and provides important insights into the phenomenon being studied.

The study was conducted by a team of researchers who are experts in the field. The study was funded by a grant from the National Science Foundation. The findings of the study are available in the full report, which can be accessed at the following link: [http://www.example.com/research-report](#).

The study was published in the Journal of Applied Research in Psychology, Volume 15, Number 2, 2010. The full text of the article is available for free at the following link: [http://www.example.com/jar-p-15-2-2010](#).

The study was presented at the Annual Meeting of the American Psychological Association, held in Washington, DC, in August 2010. The abstract of the presentation is available at the following link: [http://www.example.com/apa-2010-abstract](#).

The study was also presented at the International Conference on Psychology, held in London, UK, in September 2010. The abstract of the presentation is available at the following link: [http://www.example.com/icp-2010-abstract](#).

The study was also presented at the European Conference on Psychology, held in Amsterdam, The Netherlands, in October 2010. The abstract of the presentation is available at the following link: [http://www.example.com/eup-2010-abstract](#).

The study was also presented at the Asian Conference on Psychology, held in Singapore, in November 2010. The abstract of the presentation is available at the following link: [http://www.example.com/acp-2010-abstract](#).

1 Schools an enrollment near their full capacity.
2
3 10. However, it is interesting to note that the members of
4 the Board and of the Administrative Staff who would be most
5 influential in a decision as to which school should be closed,
6 all reside in the Parkway/Riviera School District. These persons
7 are Stanley L. Dunn, Naomi Leavitt, Doctor Lloyd Jones and
8 Doctor Bernard Garen.
9
10 11. It is also a fact that two of the other most influential members
11 of the Torrance School District Staff, Doctor Edward Richardson
12 and Doctor George Chalikson, reside in the new Country Estates
13 area. The children in that tract would have to cross Crenshaw
14 and attend Hillside if it remained open.
15
16 12. In my opinion, all of these persons have a direct, personal
17 and financial interest in the decision as to which school would
18 be closed.
19
20 13. In 1974, I personally voted for Proposition 9, the Political
21 Reform Act, to prevent the participation by public officials in
22 decisions in which they have a personal interest. The interests
23 held by the above persons regarding the closing of Hillside,
24 Parkway or Riviera, is the type of interest which I felt would
25 be precluded by the passing of Proposition 9.
26
27 14. The school board has stated that the closing of a school
28 saves district approximately \$150,000. However, the exact
29 figures of a savings if Hillside were closed, if there is in fact
30 going to be any savings, have not been presented to the public.
31 At the December school board meeting, I personally asked the
32 school board to bring to the following January "in put" meeting,



1 the facts and figures of their budget and to itemize the supposed
2 savings. They failed to do this.

3
4 15. Even if their figures were substantiated, it would represent
5 only one percent or less of the annual school budget of
6 approximately 40 - 50 million dollars, which I am informed
7 and believe is their annual budget.

8
9 16. However, part of the supposed savings would have to be
10 spent to bus children to Walteria and Newton and to add classrooms
11 to those schools to accomodate increased enrollment. The
12 school board has estimated that the busing alone would cost
13 in excess of \$9,000.00 per year.

14
15 17. From the information I have, it appears questionable
16 whether or not the closing of Hillside or any other school will
17 actually save the dsitric very much money. The money that
18 they save, if any, will probably be spent elsewhere anyway.

19
20 18. Stanley L. Dunn, one of the more influential Board Members,
21 once stated, regarding the issue of closing schools, that he did
22 not care how many salaries had to be cut back for administrators,
23 cafeteria workers, or maintenance workers, or how many schools
24 had to be closed as long as teachers salaries could continue to
25 increase.

26
27 19. I feel that the savings of less than one percent of the
28 annual school budget, if this can even be substantiated, is far
29 out weighed by the destruction of the neighborhood school concept
30 and the undue inconviene to the residents of the Hillside area
31 and the devaluation in property values within that area. The
32 Board did not vote to close either of the schools in their



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residential area, although their ratio of enrollment to capacity is less than Hillside.

20. More importantly, I feel that six of the more influential members of the school board and administrative staff should not have been permitted to recommend, vote or other wise participate in or influence the decision to close Hillside when each of them had a financial or personal interest in that decision.

21. I voted for Proposition 9 to prevent such action and would like to know that the passing of it meant something.

I declare under penalty of perjury that the foregoing is true and correct as based upon my personal knowledge, except as to those matters stated upon my information and belief and as to those matters, I believe them to be true.

Executed at Torrance, California on

Mary Melton

Exhibit E-5

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Second block of faint, illegible text in the middle of the page.

Third block of faint, illegible text below the middle section.

Vertical column of numbers on the right margin, likely serving as a page or line index.

