Unlocking the complexity of common interest development law and opening the door to successful community association living.
2018 Coachella Valley Community Association Legal Symposium

Agua Caliente Casino Resort Spa
Rancho Mirage, California
Friday, November 9, 2018

Epsten Grinnell & Howell
Attorneys Serving Community Associations
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# 2018 Community Association Legal Symposium

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Thank you to our 2018 Premier Exhibitors.
Program Agenda

7:30 a.m. – 8:40 a.m.  Registration, Continental Breakfast and Exhibition Networking

8:40 a.m. – 9:00 a.m.  Opening Remarks
By Susan M. Hawks McClintic, Esq.

9:00 a.m. – 10:00 a.m.  2018 Legislative Update
By Susan M. Hawks McClintic, Esq.

10:00 a.m. – 10:15 a.m.  15 Minute Break and Exhibition Networking

10:15 a.m. – 11:05 a.m.  2018 Case Law Update
By Dea C. Franck, Esq.

11:05 a.m. – 11:30 a.m.  Assessment Recovery Pitfalls: Mistakes to Avoid
By Debora M. Zumwalt, Esq.,
Susan M. Hawks McClintic, Esq. & Dea C. Franck, Esq.

11:30 a.m. – 12:00 p.m.  30 Minute Break and Exhibition Networking

12:00 p.m. – 12:40 p.m.  Lunch and Attorney Q&A

12:40 p.m. – 1:20 p.m.  12 Shades of Gray
When the Law Isn’t Always Black & White
Hosted by Kieran J. Purcell, Esq.

1:20 p.m. – 1:40 p.m.  Exhibitor Raffles and Exhibition Networking
Special thanks to ALL of our 2018 Exhibitors!

Dunn Edwards Paints  
www.dunnedwards.com

Flood Response  
www.floodresponse.com

Frazier Pest Control  
www.frazierpestcontrol.com

Newman & Associates CPA, PC  
www.jnewmancpa.com

NPG Asphalt  
www.npgasphalt.com

O’Connell Landscape Maintenance  
www.oclm.com

Sherwin Williams Paint  
www.sherwin-williams.com

Three Phase Electric  
www.hoalighting.com

Vintage Associates, Inc.  
www.thevintageco.com

DISCLOSURE:  
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Monies received from exhibitors is used to offset the cost of the program. Epstein Grinnell & Howell, APC does not endorse any particular vendor and has not independently verified vendors qualifications.
WHAT DIDN’T HAPPEN!

1. SB 1128 & 1265 Vetoed

Governor Jerry Brown vetoed SB 1128 and SB 1265 after thousands of homeowners contacted their elected officials to express concerns with these two bills.

SB 1128 – This bill was originally written to allow election by acclamation but was later amended to contain some of the objectionable language from SB 1265.

SB 1265 – This bill would have eliminated director candidate qualifications, other than being a member of the association.

2. SB 721 “Balcony Bill” Amended

SB 721 was amended to exempt community associations.
NEW LAWS FOR COMMUNITY ASSOCIATIONS
Effective January 1, 2019, Unless Noted as Emergency Legislation

DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT

1. AB 2912. Association Finances

Civil Code §§5380, 5500, 5501, 5502 and 5806

This new law was proposed by the Community Associations Institute (CAI) to help prevent fraud and embezzlement.

1. Associations must maintain fidelity bond/insurance coverage in a minimum amount equal to or exceeding current reserves, plus three months of assessments. The association's fidelity bond/insurance must include computer fraud and funds transfer fraud. If the association uses a managing agent or management company, the association's fidelity bond coverage shall additionally include dishonest acts by that person or entity and its employees.

2. Any transfers greater than $10,000 or 5% of an association's total combined reserve and operating account deposits, whichever is lower, are prohibited without prior written approval from the board.

3. The board must review various financial documents and statements on at least a monthly basis rather than quarterly. These documents and statements include the check register, monthly general ledger, and delinquent assessment receivable reports. This review requirement may be met when every member of the board, or a subcommittee of the board including the treasurer and at least one other board member, reviews these documents and statements independent of a board meeting if the review is ratified at the board meeting subsequent to the review and that ratification is reflected in the minutes of that meeting.

Possible Action Items:

- Include fidelity coverage in the budget and be sure any existing coverage meets the minimum requirements.

- Address fund transfer limitations in any management agreement or in other instructions and authorizations to management.

- Set up a board subcommittee to review financials monthly.
2. **SB 261. Email Consent to Email Delivery**

Civil Code §§4040 and 4360

1. Under Civil Code §4040, an association that is required to deliver a document by “individual delivery” or “individual notice” is authorized to deliver the document by email, facsimile, or other electronic means, if the association member has consented in writing, unless the consent is revoked in writing. The new law allows the association member to consent to delivery and revoke that consent by email.

2. Under Civil Code §4360, existing law requires the board to provide general notice of a proposed rule change at least 30 days before making the rule change. The new law shortens the general notice requirement to at least 28 days before making the rule change.


Civil Code §§4745 and 4745.1

Primarily, this new law adds a new Civil Code section to address “EV-dedicated TOU meter.” An “EV-dedicated TOU meter” means an electric meter supplied and installed by an electric utility, that is separate from, and in addition to, any other electric meter and is devoted exclusively to the charging of electric vehicles, and that tracks the time of use (TOU) when charging occurs. An “EV-dedicated TOU meter” includes any wiring or conduit. This new law also clarifies some issues in the existing law regarding an electric vehicle charging station (“EVCS”).

1. The installing homeowner must agree to pay the costs associated with the installation of an EVCS in a common area or an exclusive use common area.

2. The required liability insurance coverage policy applies to any EVCS wherever located within the common interest development. Previously there was a question regarding an EVCS in a separate unit. Amendments to §4745 removed minimum policy limit and additional insured requirement.

3. Any provision of the governing documents that effectively prohibits or restricts the installation or use of an EVCS within an owner’s unit or of an EV-dedicated TOU meter is void and unenforceable. Reasonable restrictions are allowed.

4. “Reasonable restrictions” are restrictions based upon space, aesthetics, structural integrity, and equal access to these services for all homeowners, but an association shall attempt to find a reasonable way to accommodate the installation request, unless the association would need to incur an expense.

5. Reasonable attorneys’ fees are required to be awarded to a prevailing plaintiff in an action by a homeowner requesting to have an EV-dedicated TOU meter installed and seeking to enforce compliance with those requirements.
4. **SB 1173. Annual Notices: Time-Share Interests**

Civil Code §4041

If a common interest development association includes time-share interests that are part of a mixed-use project, the community association must at least annually obtain from the time-share association a copy of the list of owners in the time-share and enter this data into its books and records. The time-share association is required to provide this list to the common interest association.

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**INSURANCE**


Insurance Code §675.1, Article 10.4 (commencing with §929), §2051.5, and §10103.7

There are many new laws related to insurance and natural disasters. These two bills primarily address restrictions on cancellation or non-renewal of insurance.

1. Subject to certain exceptions, an insurer may not cancel or refuse to renew a policy of residential property insurance for one year after the declaration of a state of emergency based solely on the fact that the insured structure is located in an area in which a wildfire has occurred, with respect to an insured property located within or adjacent to the fire perimeter.

2. An insurer, for a policy that imposes a dollar limit on the amount of coverage provided for additional living expenses, must grant an extension of that coverage for up to 12 additional months, for a total of 36 months, if an insured acting in good faith and with reasonable diligence encounters a delay or delays in the reconstruction process that are the result of circumstances beyond the control of the insured.

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**ASSESSMENT COLLECTION**

6. **AB 1526. Prohibits Legal Action on Time-Barred Debt**

Civil Code §1788.14 (Rosenthal Act) and Code of Civil Procedure §337

Legal action to bring a lawsuit or initiate arbitration or other legal proceeding on a time-barred debt is prohibited. Placing the burden to raise the statute of limitations as an affirmative defense by the defendant is no longer allowed.
7. **AB 3212. Service Member Protections**

   Military and Veterans Code §§401, 402 and 403

   This new law revises the way any entity can collect a debt from a service member.

   1. It prohibits contacting the service member’s military unit or chain of command without the written consent of the member given after the obligation becomes due and payable.
   2. During the period of military service or 120 days thereafter (and possible additional extensions), the court may, in its discretion, and is required to, on application by the service member, stay an action or proceeding unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his or her military service.

   **MOBILEHOME PARKS**

8. **AB 3066. Mobilehome Residency Law Protection Act**

   Health and Safety Code §§18021.7 and 18502, and Part 2.2 (commencing with §18800)

   The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks.

   1. This new law enacts the Mobilehome Residency Law Protection Act. Beginning July 1, 2020, there is established the Mobilehome Residency Law Protection Program within the Department of Housing and Community Development. The Department will provide assistance in resolving and coordinating the resolution of complaints from homeowners relating to the Mobilehome Residency Law.
   2. Beginning January 1, 2019, the Department must assess and collect from the management of a mobilehome park subject to the Mobilehome Residency Law an annual registration fee of $10 for each permitted mobilehome lot located within the mobilehome park, to be paid at the time of payment of the annual operating fee imposed under the Mobilehome Parks Act. Management may pass this fee on to the homeowners within the mobilehome park.
   3. The bill would repeal the Mobilehome Residency Law Protection Act as of January 1, 2024.

   **MISCELLANEOUS**

9. **SB 954. Mediation Confidentiality Disclosure**

   Evidence Code §§1122 and 1129

   As soon as reasonably possible before a client agrees to participate in mediation, attorneys representing a party participating in the mediation must provide their clients with a printed disclosure containing the confidentiality restrictions related to mediation, and obtain a printed acknowledgment signed by that client stating that the client has read and understands the confidentiality restrictions.
10. **SB 1481. Structural Pest Control: Certification: Fumigation: Penalties**

Business and Professions Code §§8504.2, 8504.3, 8504.4, 8517, 8519, 8519.5, 8520, 8528, 8550, 8553, 8613, 8619, 8623, 8623.5, 8663, 8674 and 8698.3

1. The existence of the Structural Pest Control Board is extended to January 1, 2023. County agricultural commissioners are given the power to levy a civil penalty against any pest control operators for any violations.

2. A specified certificate will be required when the property is free of evidence of active infestation or infection. All certifications must be included on the complete, limited, supplemental, or re-inspection reports.

11. **AB 2370. Lead Exposure in Family Day Care Homes**

Health and Safety Code §§1596.866 and 1596.8661, 1596.7996 and 1597.16

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates child day care facilities and family day care home licensees. The Act requires each family day care home licensee to have at least 15 hours of health and safety training.

1. On or after July 1, 2020, the health and safety training must include instruction in the prevention of lead exposure as a part of the preventive health practices course or courses component. Also, upon enrolling or reenrolling any child, the licensee must provide the parent or guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing.

2. Any licensed child day care center that is located in a building that was constructed before January 1, 2010, must have its drinking water tested for lead contamination levels on a specified schedule and notify parents or legal guardians of children enrolled in the day care center of the requirement to test the drinking water and the results of the test. If a licensed child day care center is notified that it has elevated lead levels, the day care center must immediately make inoperable and cease using the affected fountains and faucets and obtain a potable source for water for children and staff.

3. The State Water Resources Control Board must post all test results received pursuant to these provisions on its Internet Website and require the Department, in consultation with the State Water Resources Control Board, to adopt regulations implementing these provisions no later than January 1, 2021.

4. Violations of certain requirements would be a crime of perjury.
12. **SB 966. Onsite Treated Nonpotable Water Systems**

Water Code Article 8 (commencing with §13558)

Existing law requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health.

1. On or before December 1, 2022, the State Board must, in consultation with the California Building Standards Commission and the Department of Housing and Community Development, adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water.

2. A local jurisdiction that elects to establish a program for onsite treated nonpotable water systems must, among other things, adopt, through ordinance, a local program that includes the risk-based water quality standards established by the State Board.

3. On or before December 1, 2023, the Department must, in consultation with the State Board, develop and propose for adoption any necessary corresponding building standards to support the risk-based water quality standards established by the Board.

13. **SB 1480. Designation as a “Certified Common Interest Development Manager”**

Business and Professions Code §11506

Existing law was set to expire on January 1, 2019, and is extended indefinitely. This law requires a person to meet specified requirements in order to use the title “certified common interest development manager,” and requires a certified common interest development manager to make specified disclosures to the board of directors before providing services to the common interest development.


Amended by SB 1121

Civil Code §1798 et seq.

As of January 1, 2020, a consumer will have a right to request a business to disclose the categories and specific pieces of personal information that it collects about the consumer, the categories of sources from which that information is collected, the business purposes for collecting or selling the information, and the categories of third parties with which the information is shared. A consumer will have the right to request deletion of personal information.

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2019 Annual Budget Report & Policy Statement Template (with disclosures)

*By Susan M. Hawks McClintic, Esq.*

Available upon request: [https://www.epsten.com/request-publication/](https://www.epsten.com/request-publication/)
EMPLOYEES AND EMPLOYMENT


Labor Code §1031

An employer must make reasonable efforts to provide an employee desiring to express breast milk for the employee’s infant child with use of a room or other location, other than a bathroom, to express milk in private. An employer will be deemed to be in compliance with the requirement of providing a lactation location if the employer makes available a temporary lactation location that meets specified conditions, including that the temporary lactation location be used only for lactation purposes while an employee expresses milk.

16. SB 1300. Unlawful Employment Practices: Discrimination and Harassment

Government Code §§12923, 12940, 12950.2, 12964.5 and 12965

1. The California Fair Employment and Housing Act (FEHA) is expanded to state that an employer may be responsible for the acts of nonemployees with respect to harassment activity.

2. The FEHA is also expanded to provide that an employer may be responsible for the acts of nonemployees, with respect to any type of harassment prohibited under FEHA of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

NOTE: Federal HUD regulations and State Fair Housing regulations approved in August 2018 by the California Fair Employment and Housing Council address harassment and may place a duty on community associations to address harassment of owners and residents if the association has the power to stop or prevent the harassing behavior.

17. SB 1343. Employers: Sexual Harassment Training: Requirements

Government Code §§12950 and 12950.1

Employers who employs 5 or more employees, including temporary or seasonal employees, must provide at least 2 hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter.

18. SB 1412. Applicants for Employment: Criminal History

Government Code §12952; Repeal Labor Code §432.9

In some limited circumstances, employers are given the ability to seek information regarding a job applicant’s conviction history.
2018 Case Law Update

CASE SUMMARIES, By Dea C. Franck, Esq.

PREMISES LIABILITY


The duty of golf course operators to maintain their property in a reasonably safe condition includes the duty to exercise reasonable care to protect patrons from dangerous wildlife, like yellow jackets, on the premises.

NEGLIGENT UNDERTAKING


If giving aid to another, one has a duty to exercise due care and will be liable for failing to exercise due care if that failure increases the risk of harm or if the harm is suffered because the other relied on that undertaking. Have procedures written in consultation with legal counsel for community association and/or management staff to follow that outlines what staff should do if they are asked to make a welfare check or to assist someone who is hurt (or suspected to be hurt) within the community. When in doubt, call 911 to come and assist the person who may be in need.

EMPLOYMENT

3. Dynamex Operations West, Inc. v. Superior Court (2018) 4 Cal. 5th 903

Whether a worker is properly considered to be an independent contractor depends on whether the hiring entity can prove the elements of the new “ABC Test”: (A) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact; (B) that the worker performs work that is outside the usual course of the hiring entity’s business; and (C) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.
ANTI-SLAPP


Anti-SLAPP protections apply to a community association's quasi-governmental functions in the context of petitioning activities related to government land use applications.

SHORT TERM RENTALS


A community association located within a coastal zone cannot ban or restrict short-term rentals without violating the California Coastal Act of 1976. The decision to ban or regulate short-term rentals must be made by the city and the California Coastal Commission.

CONSTRUCTION DEFECTS


This is a decision following an arbitration in which the Court of Appeal upheld an arbitration award. Before pursuing a construction defect action, a community association must review its CC&Rs to confirm whether the CC&Rs contain any additional requirements that must be fulfilled before that action is pursued. Should the CC&Rs contain any additional requirements, the community association should seek to fulfill those requirements. Note: This case is subject to a pending Petition for Review before the California Supreme Court.

The Right to Repair Act is a mandatory statutory scheme and is the exclusive remedy for all claims for property damage and/or economic loss due to construction defects. When a construction defect claim is pursued, the procedures and requirements of the Right to Repair Act must be followed regardless of the theory of liability asserted, including giving the developer notice of the defects and opportunity to repair before the lawsuit is filed.

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**ATTORNEYS’ FEES**


Under Civil Code §5145, a homeowner may be awarded attorneys’ fees and costs if he or she is the prevailing party at the end of litigation; a homeowner will not be awarded interim attorneys’ fees and costs if he or she was successful in obtaining a preliminary injunction. Conversely, §5145 provides that a community association may be awarded its attorneys’ fees and costs at the end of the litigation if it was the prevailing party and only if the trial court finds the action to be frivolous or brought without any reasonable basis.

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**ASSESSMENT COLLECTION**


Assessments that become due after a homeowner debtor has filed Chapter 13 bankruptcy will be discharged upon confirmation of the bankruptcy plan by the bankruptcy court because such assessments are unmatured contingent debts under 11 U.S.C. §1328(a).
Assessment Recovery Pitfalls: Mistakes to Avoid

By Debora M. Zumwalt, Esq., Susan M. Hawks McClintic, Esq. & Dea C. Franck, Esq.

1. **Warning of Lien Letters**

   Always comply with the requirements as set forth in the Davis-Stirling Act, Civil Code §5660.

   A summary of these mandatory requirements include:

   a. A general description of collection and enforcement procedures which we take to mean “your collection policy”;
   b. …with verbatim statement in bold 14pt. font, capital letters;
   c. Itemized statement of charges;
   d. Statement that owner is not liable if found that the assessment was paid on time;
   e. Right to request a meeting;
   f. Right to dispute the debt;
   g. Right to request ADR.

   **TIP!**

   Create a pre-lien checklist and have your legal counsel review your warning of lien letter template. Failure to include all requirements will invalidate the notice and any lien recorded thereafter until the process is started over.

2. **Automatic Stays (for Bankruptcies)**

   An automatic stay is an automatic injunction (or a protection order) that halts actions by creditors to collect debts from a debtor who has declared bankruptcy. It includes post-bankruptcy assessments and can also include CC&R enforcement actions.

   Before taking any collection action, always check to ensure a bankruptcy has not been filed.

   If an owner has filed bankruptcy, it is important that accounts are properly split and notification has been given to your attorney.

3. **Fees & Fines**

   Don’t levy late fees too early.

   Remember for non-judicial foreclosure, fines must be removed from the accounting. Fines should be used to deter actions, not add to the association’s bank account.

   Follow your collection policy and make sure your policy complies with your CC&Rs.
4. **Delinquency Discussions**

Address delinquencies at every meeting.

Only discuss delinquencies in executive session – doing so in open session is a violation of homeowner privacy rights. Certain collection actions must be taken in an open board meeting (e.g. Approving liens and announcing approval of foreclosure actions).

5. **Lien & Foreclosure Approvals**

Follow the proper Civil Code procedure when approving liens and foreclosures.

Do not vote to approve a lien too early.

Do not vote on foreclosing a lien less than 30 days old. Foreclosure votes can be taken 30 days after lien recording date.

Lien promptly and release promptly.

To approve a lien, include the “motion” to approve and the vote to approve in the minutes.

To approve a foreclosure action the “motion” to approve and the vote to approve shall take place in executive session and the vote shall be recorded in the open board meeting (utilizing parcel number).

6. **Payment Plans**

If you are successful and able to put the owner on a payment plan, Davis-Stirling requires a Board to meet with a homeowner to discuss a payment plan IF the homeowner makes this request in writing within 15 days of the mailing of a pre-lien.

Include a written payment plan with clear terms, including:

   a. Payment amounts and due dates;
   b. Monthly assessments;
   c. Judgment / Post-Judgment Balances.

7. **Accounting Ledgers**

Include reasonably understandable descriptions.

Do NOT include fines with pre-liens or liens.

Do not include a balance forward.

Know when to split accounts: Judgment/Post-judgment.
8. **Lien Content**

Improper lien content includes:

   a. Not naming the proper owner of record;
   b. Fines;
   c. Excessive NSF Charges (1st NSF = $25 max.; Subsequent NSF = $35 max.);
   d. Legal fees not related to the costs of collecting debt.

9. **Post Judgment**

Court approval is required to recover small claims court costs and fees in the post-judgment accounting.

Get an abstract recorded after your judgment.

**TIP!**
When we get your judgment, don't think your job is over. We'll record the abstract, but you need to respond to our judgment collections options letter if you actually want to see that money.

10. **For Sale or Foreclosure**

Never give escrow a payoff balance without checking with your legal counsel first.

If a homeowner sells or loses their home, Boards have an option of assigning a matter to a collection agency.

If we are your legal counsel, contact us – we will give you the most cost-effective option.

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**Pitfalls I Need to Avoid and Notes for My HOA...**

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12 Shades of Gray
(When the Law Isn’t Always Black & White)

Hosted by Kieran J. Purcell, Esq.
Featuring William (Bill) S. Budd, Esq., David E. Bruce, Esq., Dea C. Franck, Esq., Susan M. Hawks McClintic & Debora M. Zumwalt, Esq.

1. **Association Records**
   
   **True or False:**
   
   Civil Code §5200 mandates a formal request for inspection of documents.
   
   ◊ TRUE
   ◊ FALSE

2. **Document Costs**
   
   Fill in the blank:
   
   A person’s time to make copies and prepare documents to be mailed can ONLY be charged to the owner if that person is hourly and there is a ________________ ____________ to the association for the services provided.

3. **Contracts**
   
   **Multiple choice:**
   
   Which of the following statements is NOT accurate?
   
   ◊ An executed contract has multiple meanings as defined in the law.
   ◊ The law clearly defines when you can withhold contracts from inspection.
   ◊ If a contract that has been signed has been fully completed and a member requests a copy, the member is entitled to inspect it unless the contract is otherwise privileged.
   ◊ Contact legal counsel to discuss allowing inspection of ongoing contracts.

4. **Legal Invoices**
   
   Which case noted “It is no secret that crowds can not keep them (secrets).” Unlike directors, the residents owe no fiduciary duties to one another and may be willing to waive or breach the attorney-client privilege for reasons unrelated to the best interests of the association.

   ________________ v. Laguna Sur
5. **Emergency Meetings**

Fill in the blank:
An emergency meeting is anything that MUST be handled _____________ and you DO NOT have time to post notice.

6. **Inspectors of Election**

Multiple choice:
A manager can ONLY be an inspector of election if the _____________ gives him/her authority to do so.

◊ Civil Code
◊ Governing Documents
◊ Election Rules

7. **Ballot Recount**

Yes or No?
If the election rules allow it, and there is a cost for a ballot recount, may an association charge an owner for the costs associated with the inspector of election recount?

◊ Yes
◊ No

8. **Accused Violators**

Multiple choice:
Does an association have to reveal the identity of a person reporting a violation when the accused owner is called to a hearing?

◊ Yes
◊ No
◊ Depends on the Governing Documents

9. **Short-Term Rentals**

Fill in the blank:
Civil Code §4740(a) says: “An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless the governing document, or amendment thereto, was effective prior to the date the owner acquired title to his or her separate interest.”

Reasonable Restrictions are _____________ and retroactive.

Prohibitions apply to new owners and to current owners ONLY if they consent to comply.
10. **Rules & Revisions**

Fill in the blank:
Per Civil Code §4360(a), “The board shall provide general notice pursuant to §4045 of a proposed rule change at least 30 days before making the rule change. The notice shall include the ______________ of the proposed rule change and a description of the PURPOSE and EFFECT of the proposed rule change.”

11. **Rules for Comment**

Multiple choice:
If the board wishes to revise a proposed rule after the homeowner comment period ends, does the board need to send out the revised, proposed rule for an additional homeowner comment period before the board can adopt the revised, proposed rule?

◊ Yes
◊ No
◊ Maybe, if the changes are substantial

12. **Board Member Ethics**

Fill in the blank:
The board’s power to discipline individual board members for misbehavior as a board member is very limited.

For this reason, having all members of the board subject to a Code of Ethics can help the board address disciplinary actions when and if it should ever become necessary. In addition, we recommend reviewing your ______________ and amending them if/as needed to expand the “removal” power of the board.

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**Gray Areas of Concern and Notes for my HOA...**

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SHAREHOLDER ATTORNEY BIOS

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JON H. EPSTEN

Senior Managing Shareholder, Senior Attorney at Law
General Counsel to the Firm
Co-Chair, Construction Defect Practice Group
Chair, Construction & Remediation Practice Group

Practice Areas:
Community Association Counsel
Construction Defect
Construction Law
Civil Litigation
Commercial CID

Jon H. Epsten is the founding shareholder in the law firm of Epsten Grinnell & Howell, APC. Jon is a native San Diegan who graduated from the University of San Diego and obtained his law degree from Thomas Jefferson School of Law, graduating with scholastic merit.

For years, Jon acted as a community association manager. Jon estimates he has attended well over 2,000 association meetings. Jon's work on behalf of community associations encompasses providing advice on all types of corporate matters including directors' and officers' defense, mold and mildew litigation, interpretation and enforcement of governing documents, assessment collection, construction defect litigation, and construction and remediation issues. Jon has participated in and been lead counsel on many construction defect cases resulting in multi-million dollar settlements and currently assists in overseeing the firm's construction defect practice. Jon also advises Associations on risk management and insurance, and contract issues.

Jon taught as an adjunct professor of law at California Western School of Law. He is past president of both the San Diego Chapter and the Greater Inland Empire Chapter of the Community Associations Institute (CAI), and has testified as an expert witness in community association-related issues. Additionally, Jon was a contributor to the Continuing Education of the Bar Publication, “Advising California Common Interest Communities.” He acts as a law faculty instructor for the Community Associations Institute and has received numerous awards for his contributions.

Jon is an active member of the California Association of Community Managers (CACM), was a member of its Professional Standards Committee, received the CACM Lifetime Achievement Award and has been appointed to the CACM faculty. Jon is a fellow of the College of Community Association Lawyers (CAI), the San Diego County Bar Association and the Foothills Bar Association. Jon was honored with the Distinguished Service Award by both the San Diego Chapter and the Greater Inland Empire Chapter of the Community Associations Institute, and has received the CAI Hall of Fame Award. He has been the co-chair of the Committee on Common Interests Subdivisions for the State Bar, and has acted as a probation monitor for the State Bar.

Most recently, Jon was named a 2012-2018 Super Lawyer, was honored by the San Diego Business Journal as among the “Best of the Bar” from 2014-2016, and has been one of San Diego Magazine's “Top Lawyers” from 2015 to 2018.
SUSAN M. HAWKS MCCLINTIC

Co-Managing Shareholder, Senior Attorney at Law
Chair, Community Association Transactional Practice Group

Practice Areas:
Community Association Counsel
Commercial CID

Susan M. Hawks McClintic, Esq. is known for giving practical, commonsense advice without the legalese. Sue joined Epsten Grinnell & Howell, APC, in October 1990 and became a shareholder in 1999. She has supervised the firm’s transactional law department since 2008 and was named co-managing shareholder in August 2014. Sue graduated from the University of Notre Dame Law School in 1983 and is originally from Nebraska so she is a big football fan!

During her more than twenty year career in community association law, Sue has developed a special expertise in document interpretation, amendments, and restatements. When the Davis-Stirling Common Interest Development Act was re-written in 2014, Sue gave more than 20 presentations to nearly 500 community association managers and board members explaining the changes in the law. In addition, Sue speaks regularly throughout the Community Association industry; and, each fall is a featured speaker at the Epsten Grinnell & Howell Legal Symposium where she educates an audience of more than 600 clients and guests on newly passed laws that affect Common Interest Developments.
Kieran Purcell graduated from the University of Colorado at Boulder in 1985. After serving seven years in the United States Navy, Kieran joined Epsten Grinnell & Howell, APC as a law clerk while attending California Western School of Law. Upon graduation in April 1995, Kieran became an attorney with the firm where his work on behalf of community associations includes providing advice on all types of corporate matters including litigation, interpretation and enforcement of governing documents and reconstruction issues. He has been a shareholder of Epsten Grinnell & Howell, APC since 2002.

Kieran spent three terms on the Board of Directors of the San Diego Chapter of the Community Associations Institute (CAI), where he served as its President, co-chaired the National Seminar Committee and co-chaired the Golf & Tennis Charity Classic. Currently, Kieran is a delegate for the San Diego Chapter’s Legislative Support Committee, Legislative Co-Chair for the California Legislative Action Committee (CLAC), and teaches the Common Interest Development Law Course. During his tenure with CAI, Kieran has earned the San Diego Chapter’s President’s Award four times, and in 2006 was recognized with the Samuel L. Dolnick Lifetime Achievement Award.

In September 2015, Captain Kieran Purcell retired from the United States Navy after 30 years of active and reserve service, including 3 tours as Commanding Officer.

A former President of the San Diego Chapter of the University of Colorado Alumni Association, Kieran served 5 years on the University’s National Alumni Board of Directors.
RIAN W. JONES

Shareholder, Senior Attorney at Law
Chair, Litigation Practice Group

Practice Areas:
Civil Litigation

Rian W. Jones is the Senior Litigator at our firm with over 30 years of experience and having tried over 60 Superior Court jury and bench trials. Rian focuses on all aspects of civil litigation handled by the firm including enforcement of CC&Rs, the defense of homeowner associations and HOA boards, Employment Law, Real Property issues and General Liability claims including environmental claims (mold, asbestos, etc.). Rian has earned an AV® Preeminent™ Peer Review Rating from the prestigious Martindale-Hubbell Law Directory and has received numerous awards and professional recognition including being named as one of San Diego’s Top Lawyers and one of the Top Lawyers in California. Rian is a Barrister in the American Inns of Court Foundation.

Rian has successfully handled lawsuits involving claims of personal injury, property damage, product liability, premises liability, breach of contract, toxic tort claims, employment law/ wrongful termination claims, fraud, conversion and unfair business practices. Rian has argued cases in both State and Federal Courts of Appeal and, in conjunction with our Appellate Department, Rian has been involved in precedent setting published cases in the Courts of Appeal.

Rian attended Brigham Young University and Western State University in San Diego (now Thomas Jefferson School of Law) where he received his B.S. (1981) and J.D. (1984) degrees. He was admitted to the California Bar in 1985 and also is admitted to practice before the U.S. District Courts for the Southern and Central Districts of California as well as the Ninth Circuit Court of Appeals. He has been a lecturer for various continuing legal education programs dealing with Civil Procedure, Litigation, Depositions and Jury Selection. He has served as a Judge Pro Tem for the San Diego Superior Courts from 2000 to 2006, hearing settlement conferences, and has been an Arbitrator on the Court’s approved panel since 1990, having heard and decided over 100 arbitrations in that time.

Rian is a native San Diegan and is active in his community and church. He has served as a Boy Scout Leader in various capacities including as a Varsity Team Coach and Explorer Post Advisor. Besides a life-long love for camping and hiking, Rian enjoys travel, photography, and golf. He is fluent in Italian and loves traveling to Italy.
Anne L. Rauch graduated magna cum laude from California State University, San Diego, with a degree in psychology in 1992, received her law degree from the University of San Diego School of Law (USD) and has practiced law in California since 1996.

Anne practices in the areas of general civil litigation focusing primarily on design and construction disputes, and litigation involving real estate transactions and property rights. She handles complex litigation matters and has honed her skills in civil law and motion practice to the benefit of Epsten Grinnell & Howell, APC’s association and commercial clients who find themselves in litigation. She has also handled many appellate matters for the firm’s clients. Her work on civil writs and appeals has resulted in several published decisions shaping the law in construction claims in Bodell Construction Company v. Trustees of The California State University (1998) 62 Cal. App 4th 1508 (representing the Trustees), Treo @ Kettner Homeowners Association v. Superior Court (2008) 166 Cal. App.4th 1055; Villa Vicenza Homeowners Association v. Nobel Court Development LLC (2011) 191 Cal.App.4th 963 (review granted); Pinnacle Museum Tower Association v. Pinnacle Market Development (US), LLC (2012) 55 Cal.4th 223 (as counsel for amici curiae Consumer Attorneys of California and Executive Council of Homeowners), to name a few. Anne has also given back to the legal community in a variety of ways by serving as pro bono counsel on matters of widespread public interest. For example, she represented the Coalition for the Restoration of Parental Rights, as amicus curiae, before both the California Court of Appeal and the California Supreme Court, resulting in the published opinion of In Re Marriage of Harris (2004) 34 Cal. 4th 210. In 2014, the San Diego Daily Transcript named Anne as a Top Attorney in the Real Estate & Construction Litigation category.

While in law school, Anne served as a Judicial Extern at the California Court of Appeal, Fourth District, Division One. She also served on the Board of Directors of the Women’s Law Caucus at the University of San Diego School of Law, and in her third year of law school served as the liaison between the USD Women’s Law Caucus and the Lawyer’s Club of San Diego. Anne is now active in the legal community as a member of the San Diego County Bar Association, Community Associations Institute, and from 2000-2001 served as the Co-Chair of the Membership Committee for the San Diego Chapter of the Community Associations Institute.

Anne is also active in the San Diego community as a member of The Thursday Club Juniors, a division of The Thursday Club, a philanthropic organization founded in Balboa Park in 1921 that supports multiple community service projects in San Diego each year.
Carrie M. Timko has been an attorney with Epsten Grinnell & Howell, APC since 2007. She was born and raised in Warren, Ohio and graduated magna cum laude with a Bachelors of Business Administration from Kent State University in 2000. After being awarded a full scholarship to Stetson University College of Law in St. Petersburg, Florida, she graduated cum laude in December 2002 with her Juris Doctor. Carrie also earned her Master of Business Administration from Stetson University in 2002.

While she assists her clients with general corporate matters, her practice focuses on litigation, including enforcement actions, contract issues, and government claims. Carrie has also succeeded on several appellate matters before the Fourth District Court of Appeal in San Diego and Orange Counties. She has authored several articles on relevant community association issues for industry publications, and has spoken at several industry events. Carrie is a member of the California and Hawaii Bars, and the San Diego County Bar Association. She has also participated in the Louis M. Welsh American Inn of Court, and has served on the Educational Committee for the San Diego Chapter of CAI. She currently serves on the Legal Steering Committee for CACM.
Mary Howell graduated from the University of California, San Diego in 1972 with a B.A. in biology. She is a 1976 graduate of the University of San Diego School of Law. In practice in San Diego since December of that year. As a former shareholder of Epstein Grinnell & Howell, APC, Mary's practice has been limited to the representation of community associations. Clients included associations in San Diego, Riverside, and Orange counties. In addition to counseling associations on corporate governance and interpretation and enforcement of governing documents, Mary's case work on behalf of associations encompassed litigation of CC&R enforcement cases, appellate representation, defense of common interest developments (e.g., breach of fiduciary obligation, wrongful termination, failure to maintain) and actions for declaratory relief.

A long-time champion of senior housing, Mary is well-known for her advocacy of seniors and her work on behalf of senior communities in California. As a respected authority on the topic, she has authored texts for attorneys on the federal and California laws that relate to age restricted communities and has been lauded for her work by numerous civic organizations and state and local governments.

Mary has also been an adjunct professor of law at Thomas Jefferson School of Law, and has authored numerous articles and handbooks for homeowner associations, including Small Claims Court for Homeowner Associations, and the Resource Manual for California Senior Communities. Mary has served as a judge pro-tem for San Diego County courts, and has appeared in various cases as an expert witness on community association issues. She also serves on the Steering Committee of the State Bar's Fair Housing and Public Accommodations Subsection.

From 1994 to present, Mary has served as an instructor for the California State Bar's Continuing Education of the Bar classes on community associations and the Davis-Stirling Act. She is a past president of the San Diego Chapter of the Community Associations Institute and a frequent lecturer at CAI's national Community Association Law Seminar, as well as CACM's annual legal Symposium. Mary is a member of CAI's College of Community Association Lawyers (CCAL). She serves on CAI's amicus team, and CACM's legislative committee. She recently co-authored the updated CEB text on Advising California Common Interest Developments, published in 2013. In 2014, the San Diego Daily Transcript named Mary as a Top Attorney in the Real Estate & Construction Transactional practice category.
Personalized service from a team of experienced and knowledgeable professionals.
Rhonda Adato graduated from the George Washington University School of Law in 2013. While in law school, Rhonda served as Articles Editor of the Federal Communications Law Journal, a member of the Alternative Dispute Resolution Board, Chair of the Student Bar Association Diversity Committee, a member of the Domestic Violence Law Clinic and Vice President of the Law Association for Women. She received her B.A. in both Art History and English from the University of California, Berkeley. At UC Berkeley, Rhonda was awarded High Honors in the History of Art, and graduated as Valedictorian of the History of Art Department. She also graduated as a member of the Phi Beta Kappa honor society, and with Highest Honors in English. Rhonda additionally received the Maybelle Toombs Award for Scholarship.

Rhonda is a member of the State Bar of California and a former member of the Enright Inn of Court.
DAVID E. BRUCE

Senior Attorney at Law

Practice Areas:
Community Association Counsel
Developer Transition

David Bruce received his B.A. in international relations from San Francisco State University in 1991 and his J.D. from New College of California, School of Law in 1995. David worked for more than four years at the California Department of Real Estate (DRE) as both a Deputy Commissioner reviewing the filings of developers in connection with his issuance of Public Reports and as a Real Estate Counsel disciplining licensees and developers in administrative law hearings on behalf of the DRE. He then worked for a major national homebuilder as an in-house counsel where he was responsible for all legal affairs for the home-builder’s Central Valley and Inland Empire areas of operations during the real estate boom years of the early to late 2000s. There, he worked on all aspects of real estate development including drafting and negotiating land contracts and creating all of the legal documents required for the start-up of associations, including the governing documents and other ancillary agreements between a developer and an association. He also reviewed and approved condominium plans and association budgets.

Prior to joining Epsten Grinnell & Howell, APC, David was in solo practice where, in addition to working on various real estate matters, he represented both employers and employees in employment law disputes. He testified as an expert witness concerning the application of the Subdivided Lands Law, was an advisor for the CEB Practice Book, Forming California Common Interest Developments and is the author of the “State Regulation of Common Interest Subdivision Sales” chapter within the CEB Practice Book.

David is a veteran of the United States Air Force (enlisted) and United States Army (commissioned).
WILLIAM (BILL) S. BUDD

Senior Attorney at Law

Practice Areas:
Community Association Counsel
Civil Litigation
Commercial CID

Bill Budd is a cum laude graduate of Thomas Jefferson School of Law. During law school, Bill was on the editorial staff of the law review, competed as an oral advocate in the American Bar Association moot court competition, and taught a writing seminar for first semester law students for three semesters.

Bill brings a wealth of hands-on experience to the practice of law. Prior to becoming an attorney in 2000, Bill was a community association manager for over ten years, during which time he attended more than 800 board meetings. He also earned the prestigious PCAM designation, demonstrating his commitment to the community association industry. Bill has been a speaker in many educational presentations, and served as a member of the Professional Standards Committee of the California Association of Community Managers for 8 years (CACM).

Bill has extensive experience in all aspects of business and community association management, including construction, maintenance, finance, and personnel matters. Along with providing general business and transactional advice, Bill has represented many clients in litigation. Notably, he has prevailed in six cases before the Court of Appeal; three of which resulted in published opinions that are now binding authority in California: SB Liberty, LLC v. Isla Verde Assn., Inc. (2013) 217 Cal.App.4th 272, 280 [Board’s right to exclude non-members from board meetings]; Trilogy at Glen Ivy Maintenance Assn. v. Shea Home, Inc. (2015) 235 Cal.App.4th 361, 372 [Successful defeat of an Anti-Slapp motion brought by Shea Homes]; and, Golden Eagle Land Investment, L.P. v. Rancho Santa Fe Assn. (2018) 19 Cal.App.5th 399 [Prevailed in an Anti-Slapp motion, resulting in dismissal of a $1.7m lawsuit against the Association]. Bill has also testified in Superior Court as an expert witness on community association issues.
KENT CHAU

Attorney at Law

Practice Areas:
Construction Defect Litigation

Kent is an associate with Epsten Grinnell and Howell, APC. He has been part of the construction defect department since May of 2017. Prior to joining Epsten Grinnell & Howell, APC, Kent practiced in the areas of personal injury, criminal, bankruptcy and family law. Previously, he worked as Director of Customer Service at Speak2Leads, a software as service startup company, where he established efficiency standards and helped train new recruits with an emphasis on client satisfaction.

His professional experiences have taught him that no matter the profession or the company, at the end of the day, the goal is to build sustaining relationships with clients. As an attorney, Kent understands the best attorney-client relationships are developed over time and that to build a durable professional relationship takes trust and accountability from all parties, characteristics Kent believes every attorney should possess.
Dea Franck attended Thomas Jefferson School of Law, where she earned her Juris Doctor summa cum laude and was class valedictorian in 2011. While attending law school, she was the Editor-in-Chief of the Thomas Jefferson Law Review and was a recipient of numerous Jefferson Medals and CALI and Witkin Awards of Excellence. In addition to her academics, Dea clerked for the National Labor Relations Board- Division of Judges in San Francisco, California as a Peggy Browning Fellow. She was also a judicial extern for Federal District Judge Jeffery T. Miller and Magistrate Judge William V. Gallo in the United States District Court, Southern District of California. Prior to joining the firm, Dea worked as a post-bar judicial law clerk in Honolulu, Hawaii for Associate Judge Alexa D. M. Fujise in the Intermediate Court of Appeals for the State of Hawaii. During her clerkship, she reviewed appellate briefs and records on appeal and assisted in preparing disposition orders and published opinions.

Dea is originally from Martinez, California, located in the San Francisco Bay Area. She attended the University of California Irvine, where she earned her bachelor of arts in drama in 2003.
MANDY D. HEXOM

Senior Attorney at Law

Practice Areas:
Civil Litigation
Construction & Remediation
Employment Law

Mandy D. Hexom, practicing general civil litigation since 2001, focuses her practice on disputes involving contracts, construction, common interest developments, employment, and defense of fair debt collection practices claims. Mandy has tried and arbitrated cases in San Diego and Riverside Counties involving complex commercial real estate matters, tort claims, contract disputes, easements, and construction. In 2011, serving as trial counsel for a commercial retail center, Mandy obtained a multi-million dollar award for the client on the cross-action. Mandy handles complex litigation arising from corporate disputes concerning commercial contracts, insurance, construction, landlord-tenant, employment, recreational industries, and common interest developments. Mandy also has experience in handling administrative law and proceedings. In handling various litigation matters over the years, Mandy has gained the knowledge and experience to understand and manage the layers and complexities of litigation and its potential implications. Ultimately, Mandy is committed to servicing the client, being a zealous advocate, and exceeding client expectations.

At Willamette University College of Law, Mandy was Editor-In-Chief of Willamette Law Online, she competed at nationals in Atlanta, Georgia with moot court, and was an Order of the Barristers honoree upon graduation. In 2015, Mandy was named “Best of the Bar” by the San Diego Business Journal. Born and raised in San Diego, Mandy lives in San Diego’s North County with her husband and their two boys.
Joyce graduated Phi Beta Kappa from the University of Arizona where she obtained her B.A. degree in political science and J.D. degree from the University of Arizona College of Law.

Joyce joined Epsten Grinnell & Howell in October 2004, and is a member of the firm’s litigation department. Joyce’s practice is devoted to representing condominium and homeowner associations in all types of litigation related matters including CC&R disputes, enforcement actions, restraining orders, small claims appeals, property disputes, breach of fiduciary duty claims, view disputes, fair housing and construction related matters. She also represents condominium and homeowner associations in mediations and alternative dispute resolution proceedings.

In her early years of practice, Joyce served as a research attorney for the San Diego County Superior Court where she honed her research and writing skills which has since resulted in numerous published and unpublished appellate decisions.

Joyce is licensed to practice law in California and Arizona and is also admitted to practice before the United States Supreme Court. Joyce is a member of the State Bar of California, the State Bar of Arizona and the San Diego County Bar Association. She is also a member of Community Associations Institute (CAI) and California Association of Community Managers (CACM).
PEJMAN D. KHARRAZIAN

Senior Attorney at Law

Practice Areas:
Civil Litigation
Community Association Counsel

Pejman’s practice includes all aspects of civil litigation, with a focus on common interest developments, governing document enforcement, contract disputes, directors and officers liability, general liability, construction, real property, and insurance defense. Pejman also provides counsel to corporations and common interest developments, including: contract review and negotiation, mediation and dispute resolution, corporate governance, and governing document interpretation. Prior to law school, Pejman was a certified community association manager and brings this insight to his representation of common interest developments.

Pejman graduated from James Madison University with a bachelor of business administration. He received his Juris Doctor from Thomas Jefferson School of Law, magna cum laude, and served as Notes Editor for the Thomas Jefferson Law Review. During law school he interned at the California Court of Appeal, the San Diego Superior Court, and the California Department of Justice. Pejman held a post-graduate judicial clerkship at the Superior Court for the Commonwealth of the Northern Mariana Islands and assisted with matters before the U.S. District Court for the Northern Mariana Islands.

Pejman is admitted to practice in all California State Courts and the United States District Court for the Southern and Central Districts of California. Pejman is active with the San Diego chapter of Community Associations Institute. He is also an adjunct law professor at Thomas Jefferson School of Law.

Awards:
2014 Young Attorney - San Diego Daily Transcript
2015-2016 Best of the Bar – San Diego Business Journal
2016 San Diego Rising Stars – Super Lawyers
2017 San Diego Rising Stars – Super Lawyers
2018 San Diego Rising Stars – Super Lawyers
DAVID A. KLINE
Senior Attorney at Law

Practice Areas:
Community Association Counsel
Fair Housing
Contract Counsel

David Kline has been a member of the California State Bar since February 2006 and joined the firm’s transactional practice group in 2014.

David received his undergraduate education at San Diego State University, graduating in 1997 with a Bachelor of Arts (B.A.) degree in political science and a minor in English. In 2000, he graduated from the University of Houston Law School with a Juris Doctor (J.D.) degree. While at law school, he was a member of the Mock Trial team and received many awards for his contributions. Upon graduation, he worked as an enforcement specialist and staff attorney for the Fair Housing Council of San Diego, a private nonprofit organization. In that capacity, he investigated complaints of housing discrimination and trained attorneys, association managers, and other industry professionals to prevent liability from a risk management perspective.

Before joining Epsten Grinnell & Howell, APC, David spent 7 years representing community associations in litigation, assessment collection, and transactional matters. His extensive experience includes defending homeowners associations against claims of housing discrimination filed with the Department of Fair Employment and Housing (DFEH); litigating matters involving violations of architectural restrictions, pet restrictions and senior occupancy violations; preparing amendments and restatements of governing documents; and advising boards of directors regarding their responsibilities under the Davis-Stirling Act and the governing documents.
JODI A. KONORTI

Senior Attorney at Law

Practice Areas:
Community Association Counsel
Contract Counsel

Jodi A. Konorti graduated from California Western School of Law in 2005. Jodi originates from Vancouver, British Columbia, and holds her Bachelor of Arts degree in criminology from Simon Fraser University in Vancouver. While at California Western, Jodi served on the Board of Editors as Executive Lead Articles Editor for the California Western Law Review and International Law Journal and was an Honors Instructor for Legal Skills I. Jodi also served as a Judicial Extern to Justice Alex C. McDonald in the California Court of Appeal, Fourth District, Division One.

After passing the California State Bar in 2005, Jodi was Associate General Counsel for one of San Diego’s largest real estate brokerages, until she moved to private practice. Jodi practiced in the area of real estate law where she represented real estate brokers, agents, and private parties in transactional and litigation matters, including landlord-tenant disputes, residential and commercial real property purchase and sale disputes, residential and commercial lease disputes, and easement disputes.

Jodi joined Epsten Grinnell & Howell, APC, in 2008 as a transactional attorney and assists the firm’s clients with document interpretation and amendment, contract review and negotiation, dispute resolution, easement issues, covenant enforcement, corporate governance, and a multitude of other common interest development and real estate matters. Since joining the firm, Jodi has authored and published numerous legal advisories and magazine articles on a wide-range of common interest development legal issues and has gained a reputation for bringing reason to high-conflict disputes and being prompt in project completion and response.

Jodi is a member of the State Bar of California, the American Bar Association, and the Real Estate Division of the San Diego County Bar Association.
KARYN A. LARKO

Senior Attorney at Law

Practice Areas:
Community Association Counsel
Contract Counsel

Karyn Larko joined Epsten Grinnell & Howell, APC, after graduating cum laude from California Western School of Law in 2007. While attending law school, Karyn worked as a law clerk for Ezekiel Cortez, a prominent federal criminal attorney in San Diego.

Before becoming an attorney, Karyn had a successful career spanning more than 15 years in business management, marketing and public relations. As a result of her substantial business experience, Karyn possesses well-honed communication, problem solving and conflict resolution skills, which are of particular benefit in the practice of community association law. Karyn assists the firm's clients on a wide range of matters, including covenant and rule enforcement, document interpretation, restatement and amendment, ADA and DFEH compliance, contract preparation and negotiation, loan document review, preparation, interpretation and enforcement of licenses and easements, and dispute resolution. Karyn also assists the firm's condominium association clients navigate the dynamic FHA certification and VA approval processes. Since joining the firm's transactional law department, Karyn has earned a reputation among her clients and her colleagues for being both knowledgeable and accessible.

Karyn has written articles on a variety of issues pertaining to community association law.

Karyn holds a bachelor's degree in commerce and administration with a double major in marketing and business operations from Victoria University, Wellington, New Zealand. She is a member of the State Bar of California, the San Diego County Bar Association, the Community Associations Institute (CAI) and the California Association of Community Managers (CACM).
ELISA M. PÉREZ

Senior Attorney at Law

Practice Areas:
Assessment Recovery

Elisa M. Pérez is a native of Southern California and received her Bachelor of Arts degree from the University of California, San Diego, where she studied history, international relations and economics. Prior to passing the California State Bar, Elisa concentrated her law school curriculum on international business and real estate. She received high honors from the University of San Diego School of Law for her work in land use with the City of San Diego Redevelopment Agency and completed graduate course work in International Business Transactions and Comparative Constitutional Law under the instruction of United States Supreme Court Justice Antonin Scalia, in Nice, France. She also attained an internship with the Spanish law firm of De Pasqual & Marzo in Barcelona, Spain, where she dealt with real estate and corporate matters for companies operating primarily in Spain, England and France.

Since 2008, Elisa has maintained her focus on property law matters in representing homeowners and homeowner associations alike in litigation, small claims, assessment collection, and enforcement matters. She has counseled municipal agencies in landlord/tenant actions involving habitability issues in mobilehome parks and has worked with the California Department of Housing and Community Development on behalf of property owners. Elisa is well-versed not only in property law at the local and state levels, but also in the practical aspects of how such laws affect homeowner associations, property owners and tenants on a day-to-day basis here in California. In keeping her focus on property law, Elisa joined Epstein Grinnell & Howell, APC, in 2012. She currently handles litigation matters related to the recovery of assessments and assists in supervising the firm’s Assessment Recovery Department. Elisa is also admitted to practice before the U.S. District Courts for the Southern and Central Districts of California.

As an active member of the community, Elisa enjoys volunteering for organizations promoting equality of opportunity and human rights, such as Habitat for Humanity, the San Diego County Hispanic Chamber of Commerce, and Rachel’s Woman Center. She is also fluent in Spanish.
Trinette Sachrison graduated magna cum laude from University of California, at Berkeley in 1992, with a Bachelor of Arts degree in psychology. She has been a member of the California State Bar since 1995, having graduated from California Western School of Law, cum laude, in 1994. During law school, Trinette served as a Judicial Extern to Justice Don R. Work in the California Court of Appeal, Fourth District, Division One. She was also a staff editor of the California Western Law Review, and served on the Executive Council of the Advocacy Honors Board.

Over the course of 18 years, Trinette’s practice has focused primarily on civil litigation, specializing in construction defect litigation, insurance bad faith and personal injury. For the past several years, Trinette has placed an emphasis on handling state and federal court appeals. Trinette’s appellate work has resulted in several successful published and unpublished opinions. The most recent include Shirk v. United States, 773 F.3d 999 (9th Cir. 2014), and Lano v. Carnival Corporation, 621 Fed.Appx. 373 (October 22, 2015).

Prior to joining Epsten Grinnell & Howell, APC in December of 2015, Trinette was a senior attorney with Kaye, Rose & Partners, where she defended major international and domestic cruise line clients in matters arising on the high seas and in international and state territorial waters. She was also responsible for instituting a nationwide transformation of the consumer arbitration procedures in cruise line passage contracts for United States citizens.

Trinette is also licensed to practice in Arizona, having passed the bar in 2007, and admitted to practice before the U.S. District Courts for the Northern, Southern and Central Districts of California, as well as the Ninth Circuit Court of Appeals. Trinette, a San Diego native, is a member of the American Bar Association and San Diego County Bar Association.
VINCENT J. SINCEK

Senior Attorney at Law

Practice Areas:
Community Association Counsel
Civil Litigation
Real Property & Land Use Counsel

Vince Sincek is a native San Diegan. He received a B.A. in philosophy from the College of San Luis Rey in 1969. Vince's early career was that of a Licensed Land Surveyor in the State of California. His strong aptitude for mathematics and trigonometry soon propelled him into civil engineering where his land use experience, the recommendations of others in the profession, and the successful completion of a State of California licensing examination earned him the professional designation Registered Civil Engineer. Vince spent fifteen years in the engineering and land use professions, including owning and managing his own firm.

In 1997, Vince earned his law degree cum laude from the University of San Diego School of Law. Joining Epsten Grinnell & Howell, APC in the spring of 1998, his expertise in engineering and land use has enabled him to make valuable contributions to the firm’s real estate and construction law practice areas. Respectfully dubbed the “dirt expert” by his Epsten Grinnell & Howell, APC colleagues, Vince continues to be an important source of knowledge in legal matters involving litigated boundary disputes, drainage, land use and easement issues. He also represents homeowner associations in governance matters.
GORDON A. WALTERS

Senior Attorney at Law

Practice Areas:
Construction & Remediation
Construction Defect
Appellate Litigation

Gordon Walters is an associate attorney with Epsten Grinnell & Howell, APC. Gordon has been a part of the construction department since joining the firm in 2011 and has handled numerous complex litigation matters since his time as a law clerk while attending law school. Gordon has also assisted in the handling of numerous appellate matters for the firm’s clients and has successfully litigated governing documents disputes through trial.

Gordon graduated from the University of San Diego School of Law in 2010, where he participated in several Moot Court competitions and was a member of the Intellectual Property Legal Association and the Sports and Entertainment Law Society. Prior to law school, Gordon graduated from the University of Maryland, College Park, where he received a B.A. in criminology and criminal justice and a citation from the College Park Scholars Program.

Gordon is a member of the State Bar of California and the San Diego County Bar Association.
JILLIAN A. WRIGHT

Attorney at Law

Practice Areas:
Community Association Counsel
Construction Defect Litigation
Assessment Recovery

Jillian Wright graduated, cum laude, from the University of California, Hastings College of the Law in 2012. She received her B.A. in both psychology and political science from University of Southern California, magna cum laude. While in law school, Jillian worked as a certified law student for Hastings Civil Justice Clinic where she successfully represented plaintiffs in a wage and hour bench trial. While at Hastings, Jillian served as the Executive Submissions and Acquisitions Editor for the Hastings Women's Law Journal and competed in the ABA's Law Student Division Client Counseling Competitions. In 2011, Jillian was awarded the California Bar Association's Wiley Manuel Award for Outstanding Achievement in Pro Bono.

Jillian is a member of the State Bar of California, the San Diego County Bar Association and is a former member the Consumer Attorneys of California, the Consumer Attorneys of San Diego, and of the Louis Welsh Inn of Court (2013-2014).
DEBORA M. ZUMWALT

Senior Attorney at Law
Co-Chair, Assessment Recovery Practice Group

Practice Areas:
Assessment Recovery

Debora Zumwalt graduated from the University of California, Irvine, in 1984 with degrees in economics and political science. She received her law degree from California Western School of Law in 1990.

Debora’s entire legal career has been spent representing community associations throughout Southern California. She joined Epsten Grinnell & Howell, APC, in 1994, where she supervises the firm’s Assessment Recovery Department. Debora oversees nearly 2,500 collection matters and her department successfully collects an average of $250,000.00 in delinquencies each month for our association clients. Debora frequently publishes articles on assessment recovery issues in the firm’s newsletter, as well as in industry-related publications.

Debora recently retired as a Girl Scout leader after 13 years of leading her daughter’s Girl Scout troop. She continues her long-time volunteering at the Old Globe Theatre in San Diego.
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<td><a href="mailto:suzie.salazar@aus.com">suzie.salazar@aus.com</a></td>
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<td><a href="mailto:liz@amspaving.com">liz@amspaving.com</a></td>
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<td>Association Reserves, Inc.</td>
<td>Kevin Leonard</td>
<td><a href="mailto:kleonard@reservestudy.com">kleonard@reservestudy.com</a></td>
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<td>Flood Resonse</td>
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<td><a href="mailto:micha@floodresponse.com">micha@floodresponse.com</a></td>
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<td><a href="mailto:julie@frazierpestcontrol.com">julie@frazierpestcontrol.com</a></td>
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