



October 15, 2018

****Via Electronic Mail & Hand-Delivery****

Gary Willey, APCD Executive Director
San Luis Obispo County APCD
3433 Roberto Court
San Luis Obispo, CA 93401
legal@slocleanair.org

Mr. Willey:

Enclosed please find Frederickson Hamilton LLP's ("FHLLP") response to the Request for Proposals to provide legal services for the Air Pollution Control District, San Luis Obispo County ("District").

The proposed lead attorney for this representation would Roger B. Frederickson, Esq.:

Roger B. Frederickson
Frederickson Hamilton, LLP
755 Santa Rosa Street, Suite 300
San Luis Obispo, CA 93401
(805) 541-4900
roger@fh-legal.com

Thank you for the opportunity to submit the enclosed response. We are confident that the District will see that FHLLP has the resources and legal expertise necessary to assist the District in all areas enumerated by the Request for Proposals. Please do not hesitate to contact me should you have any questions about our firm, or if I can be of assistance in any way.

Sincerely,

Roger B. Frederickson

RBF:ks
Enclosures

Roger B. Frederickson
Frederickson Hamilton, LLP
755 Santa Rosa Street, Suite 300
San Luis Obispo, California 93401 (805) 541-4900

Employment History

Frederickson Hamilton, LLP (2018 to present)

San Luis Obispo, California

Partner in professional partnership, with a focus in real property, regulatory and commercial disputes, litigation, and probate.

Frederickson Law Group (2015 to 2017)

San Luis Obispo, California

Sole practitioner with a focus in real property, civil litigation, and business and commercial disputes.

Frederickson Pick, LLP (2011 to 2015)

San Luis Obispo, California

Partner and manager of a civil litigation law firm, with a focus in real property and commercial disputes and litigation.

Sinsheimer, Schiebelhut & Baggett, Partner (2006 to 2011)

San Luis Obispo, California

Partner in business civil litigation firm, with a focus in real property, land use and commercial disputes and litigation. Represented King City and the cities of Pismo Beach, Atascadero and Santa Maria in various municipal matters and litigation.

Hansen Dordell, Associate (2000 to 2006)

Saint Paul, Minnesota

Trial counsel in civil litigation firm that focused primarily in the area of insurance defense litigation.

Contract Deputy City Attorney (1997 to 2000)

San Mateo, California

Represented the City in all aspects of its management and operations, including both civil and criminal litigation, land use, and employment and labor issues.

Ropers, Majeski, Kohn & Bentley, Partner (1994 to 2000)

Redwood City, California

Partner in business civil litigation firm, with focus in insurance defense litigation, physician group practice and physician peer review and privilege defense; real property and commercial disputes and litigation.

Los Angeles County District Attorney's Office (1992 to 1994)

Pasadena, California

Deputy prosecutor assigned to prosecute felony criminal offenses.

Education

B.A. Political Science and History, UCLA
J.D., Pepperdine School of Law

June 1987
May 1992

Military Experience

Judge Advocate, California Army National Guard, Major (2006 to present)
Infantry Officer, United States Army Reserve (1992 to 1996)
Infantry Officer, United States Army (1987 to 1992)
Afghanistan Deployment, 2009 to 2010

Professional Associations

Admitted to California State Bar 1992
Admitted to practice before the United States District Courts for the Central,
Northern and Eastern Districts of California
Admitted to practice before the 9th Circuit Court of Appeals
Admitted to practice before Military Courts of the United States
American Board of Trial Advocates, Associate Member (ABOTA)
San Luis Obispo County Bar Association, Member
 Past-Chair, Civil Litigation Section (2007 through 2010)
Military Officers Association
San Luis Obispo United Way, Board member
Veterans of Foreign Wars, Member
American Legion, Member

FIRM DESCRIPTION

Frederickson Hamilton, LLP (“FHLLP” or “Firm”) is a local disabled veteran-owned law firm with an office in San Luis Obispo, California. The firm represents individuals and businesses throughout the Central Coast in the areas of litigation, employment, environmental, corporate, transactional, real estate and probate law. The Firm has the capacity to service the Air Pollution Control District, San Luis Obispo County (“the District”) and provide prompt service within the time limits specified by the District.

PROPOSED LEAD ATTORNEY

Roger B. Frederickson earned a Bachelor of Arts in History and Political Science from the University of California, Los Angeles. Mr. Frederickson was commissioned into the United States Army upon graduation, serving as an infantry officer at bases located in California, Washington and Korea. Upon the completion of his active duty, he earned his J.D. from the Pepperdine School of Law, while remaining a company commander with the United States Army Reserve. Mr. Frederickson concentrates his practice in the areas of Real Estate, Civil Litigation, and Probate. He is currently serving as a Judge Advocate with the California Army National Guard, assigned as the Deputy Staff Judge Advocate for the 40th Infantry Division. He deployed to Afghanistan from 2009 to 2010. He holds a top-secret security clearance.

Mr. Frederickson’s public works practice includes representation of public entities, such as the cities of San Mateo and King City, California, as well as the King City Redevelopment Agency. As the San Mateo Deputy City Attorney, Mr. Frederickson handled all aspects of municipal representation, including employment, land use, Brown Act issues, contracting, municipality franchise issues, redevelopment agency disposition agreements and ground leases, claims and litigation.

In addition, as a Judge Advocate with the California Army National Guard, he has handled numerous employment, contracting, construction, and base management issues, including assignments as the legal advisor to the Camp Roberts’ Garrison Commander. In that role, he has handled numerous construction projects, including a dining facility, barracks and range training facility. He has also represented the Commander in shared lease issues, contracting and environmental matters.

Mr. Frederickson represents private entities and public and institutional owners in a wide range of real estate related transactions. He has represented developers and lenders on condominium and other common interest development projects, advised on office buildings and commercial developments, counseled on property management, evictions and other legal actions for a variety of commercial, industrial park and residential developments. Mr. Frederickson is experienced in easements, licenses and leases.

Mr. Frederickson has extensive court and jury trial experience, having tried more than thirty jury trials and almost fifty court matters during his career. He is an associate member of the prestigious American Board of Trial Advocates (ABOTA) and is an advisor to the California State Bar Civil

Jury Instruction Commission, which advises the Bar with regard to revisions and additions to the jury instructions adopted by the California courts.

Throughout the course of his representation of California public entities, he has analyzed various administrative and local municipal codes and examined relevant state law and regulation, as well as federal statutes and regulations. His experience has run the gamut of Building Codes, redevelopment agency law, municipal charters, administrative codes and municipal codes, HUD regulations, prevailing wage and Davis-Bacon law, ARRA requirements and the state Public Contract Code.

Mr. Frederickson is admitted to practice in the State of California and the United States Military Courts.

Examples of Services Rendered to Municipal and Military Agencies Include:

- Negotiation, review and drafting of all manner of contracts and agreements - with other public agencies, contractors, developers, consultants, non-profits.
- Legal representation with respect to revolving loan fund for small businesses, including preparation of forms, security agreements, review of title and loan documents and analysis of legal issues relative to loan transactions.
- Litigation - contractual, real estate, personnel and labor.
- Loan workout and re-structuring advice.
- Conflict of interest, Political Reform Act and Brown Act advice.
- Negotiation of agreements with Housing Commissions, Small Business Incubators and cities.
- Advise on corporate documents including bylaws, personnel manual, articles of incorporation.
- Advising city elected officials and staff regarding board agenda, statutory and agreement authority for board action, voting issues, officer and director elections.
- Assistance to president, board, and special counsel regarding disposition and development agreements and project area development.
- Advise on techniques for issuance of public financing by agency.
- Insurance, indemnity and liability matters.
- Construction contracts and bonding.

- Real property leases.
- Creation of an amendment to redevelopment project areas.
- Reviewed and drafted disposition and development agreements, and loan agreements, for redevelopment agency with respect to low and moderate-income housing.
- Advised the Community Redevelopment Agency of the City of San Mateo in establishing project areas. This included reviewing and analyzing draft EIRs, reviewing comments submitted thereto, assisting staff in preparing final EIRs in a manner that will survive legal challenge. Prepared agreements with property owners and interested parties to allow the preservation of historic structures, including relocation, and rehabilitation of a current, viable use consistent with maintaining the historic character of, and land use guidelines for the structures.
- Provided assistance to the City of San Mateo Housing Department with questions relating to prevailing wage requirements.
- Worked with a public agency's insurance broker to craft language in a disposition and construction agreement, which included public works, for insurance coverages during construction and then for operations of a mixed-use facility. Coverage at issue included: commercial general liability; workers compensation and employer's liability; an owner's protective policy; design professionals E&O; construction phase builder's risk; and post-construction property insurance.

EXAMPLES OF SERVICES RENDERED WITH RESPECT TO LITIGATION INCLUDE:

- Mr. Frederickson represented the City of San Mateo in a construction claims dispute involving demolition work and asbestos removal of blighted buildings. He advised the Community Development Commission of the City of San Mateo on construction claims disputes involving a public works project, represented the City in construction disputes, stop notice questions, bonding issues and the like with respect to construction loans.
- He defended a lawsuit brought against City of San Mateo by a contractor and subcontractor on a rehabilitated apartment unit building. The multi-unit apartment building had been the subject of City secondary financing to the owner for rehabilitation. The rehabilitation work was approximately \$1.8 million. Ultimately, the contractor went into receivership. A subcontractor, who had performed much of the work, filed an action against the owner and the City, in part, claiming in essence that the City had managed the construction contract and was liable under the construction agreement. Mr. Frederickson provided guidance on Construction workout issues, contractor's license issues, contractor in receivership, demands on sureties, and stop notice concerns.

- Mr. Frederickson aggressively defended King City against an inverse condemnation claim, obtained a favorable demurrer on numerous causes of action and ultimately a settlement was reached. The City made only a contribution to the settlement.
- He represented the City of San Mateo in an attempt to collect an over \$2 million obligation owed. The City had transferred property to a limited partnership for the development of affordable housing. No development ever took place on the vacant parcel and real property taxes were never paid. Problems with respect to the City's efforts were complicated by the fact that there was a significant statute of limitations issue, and the note included nonrecourse language and the borrower was a limited partnership composed of corporate general partners. Mr. Frederickson filed an action utilizing the somewhat novel bad faith waste theory based upon, among others, nonpayment of taxes. Ultimately, a financial payment was made by the defendants to the satisfaction of the client.

TEAM MEMBERS

David S. Hamilton received his B.A. from San Diego State University and his J.D. from Thomas Jefferson School of Law. He has been in practice for more than 20 years and is an experienced trial attorney, having tried numerous jury trials and arbitrations.

In the private sector, Mr. Hamilton represents individuals and small and medium-sized businesses in various litigation matters. Mr. Hamilton's practice is primarily in the areas of real property, civil litigation, business and commercial disputes and employment. He defends employment matters, including claims for wrongful termination, discrimination (race, age, and disability), retaliation, and harassment. He has also defended claims for violation of wage and hour standards and violations of the California Business and Professions Code.

Sarah Pazdan received her B.A. from the University of California, Los Angeles and her J.D. from the San Luis Obispo School of Law. Ms. Pazdan primarily handles civil litigation and real estate matters for the firm.

EXISTING AND POTENTIAL CONFLICTS OF INTEREST

Frederickson Hamilton, LLP does not have any potential conflicts of interest representing the District, members of the District Board, any entity that appointed a member of the District Board, or any other person or entity represented by Frederickson Hamilton, LLP.

LOCAL GOVERNMENT CLIENT REFERENCES

Frederickson Hamilton, LLP does not currently represent any local government clients. With regard to references, we would refer the District to the San Luis Obispo County Board of Supervisors and District Board Directors Debbie Arnold, Lynn Compton, and Adam Hill.

We would also refer you to San Luis Obispo City Attorney Christine Dietrich who can be reached at (805) 781-7140 and Steve Adams, former Arroyo Grande City Manager and current King City Manager who can be reached at (831) 386-5925.

ADDITIONAL INFORMATION

Our firm is located conveniently in downtown San Luis Obispo and our attorneys are available as needed for meetings and as needed by the District. Also, Mr. Frederickson, being a disabled veteran, the firm would seek a veteran's preference in the District's consideration for the position.

BUDGET, RETAINER AND/OR RATES

Proposed hourly rates for this representation are as follows:

Roger B. Frederickson	\$200.00
David S. Hamilton	\$200.00
Sarah Pazdan	\$125.00
Paralegal/Law Clerks/Legal Assistants	\$75.00

Costs below \$100 to be advanced subject to reimbursement. Costs in excess of \$100.00 to be pre-approved by the District and either advanced or reimbursed. Travel of less than 50 miles not charged. Travel in excess of 50 miles charged at \$100 an hour.