

1 Gerard A. Rose (CSB No. 058156)  
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2 808 Sheridan Road, Wilmette, IL 60091  
3 Telephone: (831) 333-0200  
E-Mail: Gerard@gerardroselaw.com

4 Attorneys for Respondent Carmel-by-the-Sea

5  
6 Superior Court of the State of California  
7 County of Monterey  
8 Unlimited Jurisdiction  
9

10 Royal Calkins,

Case No. 18 CV 002532

11 Petitioner,

12 vs.

Declaration of Gerard A. Rose In  
Opposition to Motion for Writ of  
Mandate

13 Carmel-by-the-Sea; and Does 1  
14 through 10, inclusive,

Ex Parte Hearing:  
July 12, 2018,, 10:00 am  
Dept. 13

15 Respondents.  
16

17 I, Gerard A. Rose, declare:

18 1. I am an attorney representing the City of Carmel-  
19 by-the-Sea ("Respondent"). I have personal knowledge of  
20 the facts set out below, and could testify thereto if  
21 called upon to do so.

22 2. The Verified Answer to Plaintiff's Petition for  
23 Writ of Mandate that is filed herein sets out Respondent's  
24 legal factual position concerning this controversy. That  
25 Answer is incorporated herein by reference as though fully  
26 set out at this point.

27 3. Petitioner Calkins ("Calkins") is a failed  
28 journalist who has a reputation for publishing phony

Answer to Petition For Writ of Mandate

1

Monterey County Superior Court Action Number 18 CV 002532

1 stories and false statements about public figures.

2 Consistent with that reputation, he has been carrying on a  
3 one-man crusade to besmirch the reputation of Glen Mozingo,  
4 the contract city attorney of the City of Carmel-by-the-  
5 Sea.

6 4. Calkins' Petition is riddled with falsehoods and  
7 unsupported innuendos, but the gist of the Petition is that  
8 Mr. Mozingo submitted documents to the City in connection  
9 with its RFQ for a new City Attorney, and refused to turn  
10 them over to the City. That is simply a lie. The truth is  
11 that the City was asked to supply those documents to  
12 Calkins' attorney, Mr. Shapiro, and it did so.

13 5. Calkins disputes the accuracy of some of the  
14 statements made in Mr. Mozingo's resume. See the request  
15 for qualification which is attached hereto as Exhibit 1,  
16 and Mr. Mozingo's response thereto which is attached as  
17 Exhibit 2. The gist of Calkins' current claim is his  
18 demand that the City turn over backup to Mr. Mozingo's  
19 resume, even though it was not submitted to the City at the  
20 time Mr. Mozingo was hired. In fact, Calkins has no right  
21 to those documents.

22 6. It is well settled that all California residents  
23 have a right to privacy that is guaranteed by Article I,  
24 section 1, of the Constitution of the State of California,  
25 and Mr. Mozingo is entitled to his privacy as much as  
26 anyone else.

27 7. Calkins' false allegations against Mr. Mozingo in  
28 his Petition do not entitle him to waste Mr. Mozingo's time

1 and effort in what is obviously a misplaced and unlawful  
2 attempt to satisfy his prurient interest in trying to bring  
3 down Mr. Mozingo. His motive is transparent, and appears  
4 in his moving papers: he wants relief against the City and  
5 Mr. Mozingo prior to the Carmel election scheduled for  
6 November of this year. See the Petition, page 8:1-6. This  
7 is nothing new for Calkins.

8 8. Calkins first threatened to sue the City of Carmel  
9 vis a vis Mr. Mozingo in early April of this year (see  
10 Exhibit 3 hereto). And he renewed that threat on June 19<sup>th</sup>  
11 of this year (see Exhibit 4 hereto). In the latter threat,  
12 Calkins made it clear that he was not satisfied when he was  
13 given all of the documents that had been submitted to the  
14 City in response to its RFQ, and he threatened to sue the  
15 City if he was not given ADDITIONAL DOCUMENTS that had NOT  
16 been given to the City by Mr. Mozingo before he was hired.

17 9. In early June the City decided that it had enough  
18 of Calkins' threats, and it scheduled and held a closed  
19 session which dealt with Calkins' assertions of misconduct  
20 on the part of Mr. Mozingo. The closed session took place  
21 on June 4<sup>th</sup>, and consisted of discussions between the City  
22 Council, Mr. Mozingo, and two other attorneys for the City.

23 10. Calkins' response to that closed session was  
24 predictable: he claimed he was entitled to anything shown  
25 to the City during closed session, even if that material  
26 was privileged. That claim, which is the essence of the  
27 pending Petition, is unwarranted and illegal. Aside from  
28 breaching Mr. Mozingo's privacy, disclosure of material

1 shown to the City Council during a closed session would  
2 violate the attorney-client and work product privileges,  
3 and would also violate the letter and spirit of the Public  
4 Records Act. See Government Code section 6254(k) [exempting  
5 the production of "records, the disclosure of which is  
6 exempted or prohibited pursuant to federal or state law,  
7 including but not limited to, provisions of the Evidence  
8 Code relating to privilege"]; and Government Code section  
9 54957(b), which covers closed sessions which consider the  
10 "performance, discipline or dismissal of a public  
11 employee."

12 11. Calkins repeatedly claims that there is "no  
13 dispute" that any material shown to the City during closes  
14 session are "public records." That is nonsense. First of  
15 all, none of the documents shown to the City during closed  
16 session were ever given to the City, and any allegation by  
17 Calkins that they were later "returned" to Mr. Mozingo is  
18 false, purely and simply. So, too, are Calkins' many  
19 misrepresentaitons about Mr. Mozingo, which go to the heart  
20 of this controversy. For example, Calkins claims that Mr.  
21 Mozingo lied when he said in his resume that he had not  
22 been sued for malpractice. But Calkins omits the fact that  
23 Mr. Mozingo's representation about malpractice suits ONLY  
24 CONCERNED MALPRACTICE SUITS THAT WERE SUCCESSFULLY ASSERTED  
25 AGAINST HIM, HIS PARTNERS OR HIS ASSOCIATES. See Exhibit  
26 1, page 3. As another example, Calkins accuses Mr. Mozingo  
27 of lying when he stated that he was the lead attorney in  
28 his law firm. In fact, he was lead counsel in his law

1 firm, even though its name changed over the years, and  
2 eventually became Mozingo and Patel. As another example,  
3 Calkins claims that the two congressional medals awarded to  
4 Mr. Mozingo were Republican rewards for campaign  
5 contributions. In fact, Mr. Mozingo never donated any  
6 money whatsoever to any congressional campaign prior to the  
7 award of those medals. In short, Calkins is a liar, and  
8 demonstrably so. Perhaps that is why his former employer,  
9 the Fresno Bee, had to pay several hundred thousand dollars  
10 to settle a defamation case arising from a story written by  
11 Calkins.

12 12. It is time to stop the pattern of lies being  
13 peddled by Calkins. His motion for a writ of mandate  
14 should be rejected out of hand.

15 13. I declare under penalty of perjury, under the laws  
16 of the State of California, that the foregoing is true and  
17 correct, and that I executed this verification on this 10th  
18 day of July, 2018, in Carmel-by-the-Sea, California.

19  
20  
21 

22 Gerard A. Rose

**CITY OF CARMEL-BY-THE-SEA  
REQUEST FOR QUALIFICATIONS (RFQ)**

**For:  
RFQ 16-17-11  
LEGAL SERVICES**



**Proposal Release Date:**  
Wednesday, February 22, 2017

**Proposal Submittal Due Date and Time:**  
Friday, March 10, 2017 at 4:00 PM

EXHIBIT 1

## **CITY OF CARMEL-BY-THE-SEA**

### **REQUEST FOR QUALIFICATIONS (RFQ) FOR LEGAL SERVICES**

The City Council of the City of Carmel-by-the-Sea ("City") invites interested law firms and individuals to submit written proposals to provide legal services to the City and the City Council.

#### **Background and overview**

After serving numerous City Councils during his 33-year tenure as City Attorney, Don Freeman recently announced his pending retirement. The City Council more recently established process for the recruitment of new legal services, and the Mayor appointed a temporary advisory committee (ad hoc) consisting of Council Member Carolyn Hardy and Council Member Jan Reimers. The City Council is looking for an experienced law firm or individual to serve at the pleasure of the City. The firm or individual will act as legal representative of the City and advisor to the City Council, Mayor, City Administrator, City staff, and various boards and commissions of the City. This position requires a highly experienced executive-level attorney who can provide expert assistance and solid legal advice as well as provide routine legal services for the City of Carmel-by-the-Sea. The selected firm or individual will analyze issues and advise the City Council of the legal aspects of its policy decisions and action matters, and perform other work as required.

The selected firm or individual will be accountable for the legal direction of municipal affairs. In addition to providing a broad range of routine legal services; however, court litigation, eminent domain proceedings, labor negotiations and bond issue proceedings are considered special legal services and would be provided using an agreed upon hourly rate over and above a monthly retainer fee or contracted out with prior approval of the City Council. The selected firm or individual will have outstanding communications and interpersonal skills, and the ability to work with a wide variety of individuals. It is essential that the City's selected firm or individual stays current in municipal law, is well versed in the "art of the possible", and is not risk adverse in terms of problem solving or approaches to best meet the City's needs. The selected firm or individual must also recognize the importance of retaining trust and confidence, and is highly accessible. The selected firm or individual must have an interest in and appreciation for Carmel's community and work to understand it, its history and unique character, and its actively-engaged citizens.

#### **What the City Council is looking for in its next City Attorney:**

**Submittal Package:** Proposals must provide specific and succinct answers to all questions and requests for information. Please answer the questions in the format and order presented. (Submissions of resumes alone will not be considered responsive.)

- A. **Qualifications to provide services:** As an introduction, please describe the firm's or individual's qualifications for providing City legal services, overall capabilities, training, and areas of expertise for the partner/principal who would be the designated 'City attorney,' and the person most likely to be the principal deputy. Responses must include:
- Length of employment with the firm;
  - Specialization;
  - Legal training;
  - Scholastic honors and professional affiliations;
  - Date of admittance to California Bar;
  - Years of practice;
  - Municipal or other local public sector experience;

- Knowledge of, and experience with California Municipal Law (what percentage of practice represents municipal law, and statement of other types of clientele represented).
- Litigation experience and track record;
- Knowledge and practice of law relating to land use and planning, California Environmental Quality Act (CEQA), general plans, real estate, environmental issues, hazardous waste and other related law;
- Experience in the areas of personnel, workers' compensation, general liability and employee relations;
- Experience in the area of contracts and franchises;
- Experience in the preparation and review of the ordinances and resolutions;
- Experience in the area of the Public Records Act, the Ralph M. Brown Act, the Political Reform Act and conflicts of interest, and the Elections Code;
- Experience in negotiating agreements and disputes;
- Whether the partner/principal or likely associates have been successfully sued for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.

#### **B. Scope of Services**

The selected firm or individual will be required to enter into a Professional Services Agreement. Although it is the intention of the City Council to develop a long-term relationship with its legal services provider, the initial term of the agreement for legal services shall be for period of one (1) year, with an option to renew for one (1) additional year at the sole discretion of the City Council. Either party may terminate the engagement with 60 days prior written notice. The City does not guarantee a minimum amount of legal service hours to be rendered by the selected individual or firm, however, it is anticipated to be between 20 and 25 hours per week.

The selected firm or individual will advise the City Council, and would be expected to work closely with any special counsel representing the City in areas that the Council's legal counsel may be less familiar. The selected firm or individual will be required to work closely with the City Administrator, and members of the City Administrator's staff, and will be closely associated with the City Administrator's Executive Team. The selected legal counsel will neither direct nor supervise City staff.

The scope of the services of the legal counsel would include, but is not limited to, the following:

- Attend regular City Council meetings, Planning Commission meetings, and other board and commission meetings, and special City Council meetings on request;
- Provide legal advice, written legal opinions and consultation on matters relating to normal day-to-day business of the City to the City Council, City Administrator, boards, commissions, committees, and officers of the City as requested by the City Council or the City Administrator;
- Be available for telephone consultations with City Staff and City Council members;
- Prepare or review normal legal documents such as City ordinances, resolutions, and ordinary contracts and legal agreements;
- Prosecute Municipal Code violations including Health and Building Code violations;
- Represent the City in all non-monetary lawsuits such as writs of mandate; Pitchess motions, suits for declaratory relief and injunctions;
- Use a wide variety of legal research methods, study and review as necessary to properly advise and protect the interests of the City.
- Review and provide advice regarding Council meeting agendas and proposed staff reports;
- Provide guidance as needed on the Ralph M. Brown Act and other procedural issues;

- Advise City on Public Records Act requests as needed;
- Advise City on pending and potential litigation;
- Monitor pending and current legislation and case law as appropriate and inform City of items of interest; keep the City Council informed of significant developments.
- Supervise outside legal services as authorized by City Council.

To reinforce, the selected legal counsel must have knowledge and experience in the following areas of law: Ralph M. Brown Act, Political Reform Act, Public Records Act, Coastal Act, public contracting law, and other areas of municipal law. Applicants with direct experience in advising a public entity, and familiarity with current issues in municipal law, are essential.

**C. Your Current Practices / Conflicts of Interest**

- Please list any political contributions of money, in-kind services, or loans made to any member of the City of Carmel-by-the Sea Council within the last five years by the applicant law firm and all of its attorneys (including the attorney being proposed as City Attorney).
- Please list all public clients for which your firm currently provides legal services. Please list all public clients for which your firm has provided services over the last five years.
- For the proposed City Attorney, please specify current or known future professional commitments in order that the City may evaluate your continuing availability for providing legal services to the City.

**Submittal Content and Procedures**

Submit three copies of the following:

- 1) A one page cover letter with the name and contact information for the proposed lead attorney.
- 2) Description of the demonstrated qualifications and experience of the proposed lead attorney and any associates to be assigned to work for the City Council in the areas of law described above.
- 3) Three client references.
- 4) List of current hourly rates for each attorney and support staff proposed to be assigned to work for the City Council.

All proposals are due by **4:00 pm on Friday, March 10, 2017.**

Proposers are required to submit:

- Four (4) hard copies of the proposal shall be submitted in a sealed envelope bearing the caption: "City of Carmel-by-the-Sea – Proposal for City Attorney Legal Services (RFQ #16-17-11)"

AND

- A PDF of the proposal on a CD or USB drive addressed to:

Chip Rerig, City Administrator  
 City of Carmel-by-the-Sea  
 City Hall  
 Carmel-by-the-Sea, CA 93921

A temporary advisory committee (ad hoc) composed of less than a quorum of the City Council will conduct a review and evaluation of all proposals. The City Council reserves the right to reject any and all submittals and to waive minor inconsistencies. The cost of preparing responses to this Request for Qualifications shall be borne by the respondents and will not be reimbursed by the City.

**G.R. MOZINGO, ESQ. APC**  
LAWYER

CARMEL-BY-THE-SEA  
225 CROSSROADS BLVD., SUITE 133  
CARMEL, CALIFORNIA 93923  
EMAIL: GRMOZINGO@AOL.COM  
TELEPHONE (831) 622-9679 FACSIMILE (831) 622-9685

GLEN R. MOZINGO, ESQ.

MEMBER  
CALIFORNIA STATE BAR  
UNITED STATES FEDERAL BAR  
UNITED STATES TAX COURT  
U.S. COURT OF INTERNATIONAL TRADE  
UNITED STATES SUPREME COURT  
LAW SOCIETY OF ENGLAND AND WALES\*

Dear Mr. Rerig,


In response to the City of Carmel-by-the-Sea's "Request for Qualifications" (RFQ), I hereby offer the following information and details regarding my professional qualifications and experience.

In further response to the request for contact details, I have made reference to my "AV"<sup>®</sup> Preeminent™ rating by Martindale-Hubbell®, in which I have been awarded the highest possible rating of five (5) out of a possible five (5) by members of the California Bar and Judiciary in the following areas:

Legal knowledge  
Analytical Capabilities  
Judgement  
Communication Ability  
Legal Experience

You may review these ratings on the Martindale-Hubbell website at:  
<http://www.martindale.com/Glen-Randy-Mozingo/169187-lawyer.htm>.

Respectfully submitted,

  
Glen R. Mozingo, Esq.

**Response to City of Carmel-by-the-Sea  
Request for Qualifications for Legal Services  
RFQ 16-17-11**

The principal attorney who would be designated "City Attorney" under this contract would be Glen R. Mozingo, Esq. The associate to Glen R. Mozingo, Esq. would be Don Freeman, Esq. of Perry and Freeman, LLP. (Mr. Freeman has served the City of Carmel-by-the-Sea as City Attorney for the past 33 years).

**Length of employment with the firm:**

Response:

As founder of the firm Mozingo and Patel, A.P.C., I served as lead counsel for 37 years from 1979 through December 31, 2016.

**Specialization:**

Response:

During the course of my practice I concentrated on issues relating to corporate and general business law, litigation, municipal law, real estate transactions, employer/employee relations, environmental issues, hazardous waste issues and the California Environmental Protection Act.

I have provided professional and experienced representation to individual, corporate and governmental clients dealing in both domestic and international legal matters in the courtroom, boardroom and legislature.

**Legal Training:**

Response:

After completing my Bachelor of Arts degree in Political Science and Government Relations from California State University, Long Beach, in 1974, I earned a Bachelor of Science in Law in 1977 at Western State University and a Juris Doctor Degree from Thomas Jefferson School of Law in 1979. I continued my studies in 2001 in International Law at Balliol College, Oxford University, England where I was awarded a postgraduate diploma in International Law, permitting me to practice law in England & Wales as well as forty-nine other Common Law Countries.

### **Scholastic Honors and Professional Affiliations:**

Response:

With over thirty seven years of experience practicing law in both the United States and the United Kingdom, I have received the distinction of being named as one of California's Top Lawyers by the American Lawyers Media Association and have been rated as A.V.® "Preeminent™ by Martindale Hubbell", a distinction reserved for the top 1% of lawyers in the United States, reflecting the confidential opinions of members of the Bar and Judiciary in the areas of general business and corporate law, civil litigation, as well as municipal, county and state governmental regulations and administration.

I am the recipient of both the United States Congressional Medal of Distinction and United States Congressional Gold Medal for my work in aiding Congressional Conference Committees of the United States House of Representatives and Senate, where I assisted in negotiating legislative proposals that resulted in the passage of significant legislation in the area of highway funding for both federal and state programs. I have been retained on several occasions as a lecturer on issues related to Corporate Governance.

Additionally, I have received the following awards, honors and appointments:

- "A.V."® Preeminent™ Rating – Martindale-Hubbell®
- American Jurisprudence Award in Trial Practice
- United States Congressional Medal of Distinction
- United States Congressional Gold Medal
- Top Lawyers in California – American Lawyers Media (2013)
- Judicial Edition- Martindale-Hubbell- "A.V."® Preeminent™ Rating reflecting the confidential opinions of members of the Bar and Judiciary
- Judge Pro-Tem Los Angeles Superior Court
- Judge Pro-Tem Orange County Superior Court
- Arbitrator- London Court of International Arbitration

I currently maintain professional affiliations and memberships in the following:

- United States Supreme Court Bar Association
- American Bar Association; Orange County Bar Association
- California State Bar Association
- California Trial Advocates
- American Trial Advocates
- The Law Society of England and Wales
- The United States Court of International Trade
- The London Court of International Arbitration

**Date of Admittance to California Bar:**

**Response:**

I was admitted to the California Bar on November 17, 1979.

I was admitted to the United States Eastern, Southern and Northern Federal District Courts in 1981, 1982 and 1983, respectively.

I was admitted to the United States Supreme Court in 1989.

**Years of Practice:**

**Response:**

I have been actively and continually engaged in the practice of law for 37 years.

**Municipal or Other Local Public Sector Experience:**

**Response:**

- Served a special counsel to the Chief of Police, Los Angeles Police Department, (8 years), 1984-1992 Daryl Gates, Chief. (This work was related to reviewing and consulting with the Chief of Police regarding proposed municipal ordinances that would or could affect Department policies of enforcement, as well as drafting proposed testimony for City Council presentation.)
- Appointed Counsel by Mayor Pete Wilson, City of San Diego -Contract negotiations for eminent domain and construction agreements (Horton Plaza Redevelopment Project). (This assignment was given after several lawsuits had been filed regarding the design and construction of parking lot structures that were deemed to be unsafe. The need for the inverse condemnation action was brought about by the necessity to acquire adjacent privately owned property).
- Design and implementation of the City of San Diego's "Traffic Watch Program", (This project involved the drafting and negotiation of contracts with the Federal Communications Commission, Highway Patrol, Air Traffic Control and broadcasting radio stations).
- Negotiated and implemented contracts with the California Department of Motor Vehicles on behalf of 87% of the cities within the thirteen (13) Southern California Counties for the authorization to process D.M.V. services and citation fee collection for the Automobile Club of Southern California.
- Served as trial counsel for assigned litigation for the California cities of Escondido, San Diego, Laguna Hills, Vista, and Mission Viejo, (The litigation included: Personal Injury, Writs of Mandate, Pitchess Motions, and Inverse Condemnation matters).

- Served as a member of the Board of Trustees for the Harrison Memorial Library, Carmel-by-the-Sea, CA.
- Negotiated sale, lease and zoning modifications with the City of Newport Beach, CA to accommodate the sale of Edwards Cinema Theaters chain.
- Served as special litigation defense counsel to members of the City of San Juan Capistrano, CA Planning Commission, (In this matter the then sitting City Attorney recused himself as having a conflict of interest).
- Served as General Counsel to the County of Sacramento Fire District. (During this representation seven (7) fire districts were merged into a single district).

**Knowledge of, and experience with California Municipal Law:**

Response:

Approximately 30% of my practice has involved either Federal, State or Municipal laws or regulations. The balance of my practice was focused on business and corporate law, including but not limited to, contract negotiation and drafting, employer/employee relations, litigation, (both plaintiff and defense work) and domestic and international mediation.

**Litigation Experience and Track Record:**

Response:

My litigation experience has included mediations, arbitrations, bench trials and jury trials. Of the 100's of cases I have tried, 138 were jury trials. Of those 138 cases, two decisions were not in my favor.

**Knowledge and Practice of Law Relating to Land Use, Planning, CEQA, etc....:**

Response:

In addition to those items referenced above, many of the matters in which I was involved included CEQA, real estate, environmental issues and hazard waste. They included, but were not limited to, soil contamination remediation from industrial projects, new construction of commercial properties, negotiation with municipalities relating to compliance with General Plans and contamination resulting from natural and manmade disasters. These projects further included litigation, negotiation and proposed ordinance provisions to accommodate the construction of a narrow rail trolley car system for the City of San Diego, California.

**Experience in the Areas of Personnel, Worker's Compensation and General Liability and Employee Relations:**

Response:

During the course of my representation of corporate clients, I drafted and prepared corporate employee policy manuals, presented seminars pertaining to SB-176 requirements relating to anti-harassment policies and practices, as well as, representation of employers in wrongful termination, sexual harassment and constructive discharge cases. I have no experience in worker's compensation matters.

**Experience in the Area of Contracts and Franchises:**

Response:

During the course of my practice, I drafted, prepared and negotiated hundreds of contracts for real estate, merger and acquisition, employee/employer agreements, stock purchase agreements, corporate/government contracts, military supply contracts, independently-owned franchise agreements (represented nine McDonald's corporation franchisees owning a total of over 72 franchises), buy/sell agreements, as well as corporate succession planning contracts and agreements.

**Experience in the Preparation and Review of Ordinances and Resolutions:**

Response:

I have drafted and prepared hundreds of corporate resolutions and reviewed a plethora of municipal resolutions and ordinances as those resolutions and ordinances affected my corporate clients. I have worked with city attorneys and county counsel in recommending or objecting to proposed ordinance provisions.

**Experience in the Area of Public Records Act, the Ralph M. Brown Act, the Political Reform Act, Conflicts of Interest and the Elections Code:**

Response:

I have read each of the Acts and codes referenced above. I have participated in the re-drafting and modifications of the Fair Political Practices Commission recommendations in 1981 and 1990, respectively. I am aware of the court decisions interpreting each of these acts and the application of practices necessary to comply with these acts and codes.

As I hold a California College Teaching Credential and a Juris Doctorate degree, I am qualified to instruct others as to the circumstantial application of each of these acts and codes. In addition, having served on a Carmel-by-the-Sea city board, I am well-versed in conflicts of interest and the required disclosure filings.

**Experience in Negotiating Agreements and Disputes:**

Response:

My transactional experience in negotiating agreements and disputes has spanned over a period of 37 years. These agreements and disputes have involved corporate, municipal and individual clients and have addressed a multitude of issues, including, but not limited to, merger and acquisition, employer/employee disputes, real estate, personal injury, California Environmental Protection Act, business acquisition and sale, independent contractor agreements, consulting agreements and numerous other types of agreements.

**Malpractice claims, State Bar Complaints/Disciplinary Actions:**

Response:

I have never been the subject of a malpractice claim, complaint with the State Bar or disciplinary action of any kind during my 37 years of practice.

**Current Practices/Conflicts of Interest:**

Political Contributions: During the most recent Carmel-by-the-Sea city council and mayoral election, I made the following individual contributions: 1. Steve Dallas for Mayor, \$99; 2. Bobby Richards for City Council, \$250; 3. Jan Reimers for City Council, \$250.

Public Clients: I am currently under contract to provide legal services to the City of Carmel-by-the-Sea.

Professional Commitments: I currently do not have any professional commitments that would interfere with my continuing availability to provide legal services to the City of Carmel-by-the-Sea. (I am currently under contract with the City of Carmel-by-the-Sea to provide legal services).

**Current Hourly Rates:**

Under the current contract with the City of Carmel-by-the-Sea, I have agreed to provide legal services at a reduced hourly rate of \$250 per hour.

Rate and retainer amounts under this proposed legal services contract would be subject to negotiation given the specific expectations and hourly commitment of the City Council and City Administrator. Support staff is billed at \$75 per hour.

**Client References:**

Mayor Ronald Piazza, City of Lakewood California  
5050 Clark Avenue  
Lakewood, California 90712  
(562) 866-9771

Mr. Harmon Kong, Apriem Financial Advisors  
19200 Von Karman Avenue, Suite 1030  
Irvine, California 92612  
(949) 253-8888

Ms. Angie Sinclair, Teach for Mastery  
1095 Hilltop Drive, #507  
Redding, California 96003  
(760) 586-1365

GLEN R. MOZINGO, ESQ. J.D. M.I.C.A.  
CURRICULUM VITAE

Summary:

With over thirty-seven years of experience practicing law in both the United States and the United Kingdom, I have received the distinction of being named as one of California's "Top Lawyers" by the American Lawyers Media Association and have been rated as "A.V."® Preeminent™ by Martindale-Hubbell®, a distinction reserved for the top 8% of lawyers in the United States, reflecting the confidential opinions of members of the Bar and Judiciary in the areas of business and corporate law, civil litigation, as well as municipal, county and state governmental regulations.

After completing my Bachelor of Arts degree in Political Science and Government Relations, I earned a Bachelor of Science in Law in 1977 at Western State University and a Juris Doctor Degree from Thomas Jefferson School of Law in 1979. I continued my studies in International Law at Balliol College, Oxford University, England where I was awarded a postgraduate diploma permitting me to practice law in England & Wales as well as forty-nine other Common Law Countries.

I have provided professional and experienced representation to clients dealing in both domestic and international legal matters in the courtroom, boardroom and legislature.

I am the recipient of both the United States Congressional Medal of Distinction and Congressional Gold Medal for my work in aiding Congressional Conference Committees of the United States House of Representatives and Senate, where I assisted in negotiating legislative proposals that resulted in the passage of significant legislation. I have been retained on several occasions as a lecturer on issues related to Corporate Governance.

During my years of practice, I have represented the Automobile Club of Southern California as supervisor of the Governmental Relations Division; served as special counsel to the Chief of Police of the Los Angeles Police Department and served as General Counsel to the County of Sacramento Fire District where I oversaw the merger of the seven (7) Fire Districts. I also assisted in periodic revisions to the California Fair Political Practices Commission in 1981 and 1990 respectively.

## **Career Information**

### **Education:**

- Balliol College, Oxford University, England, Diploma-International Law 2001
- Thomas Jefferson School of Law, Juris Doctor, 1979
- Western State University, Bachelor of Science in Law, 1977
- California State University, Long Beach, Bachelor of Arts, Political Science/Governmental Relations, 1974

### **Admissions:**

- Supreme Court of the United States
- United States Tax Court
- California State Supreme Court
- United States District Court, Central, Southern Eastern & Northern District of California
- The United States Court of International Trade
- The London Court of International Arbitration, Judge

### **Professional Memberships:**

- United States Supreme Court Bar Association
- American Bar Association; Orange County Bar Association
- California State Bar Association
- California Trial Advocates
- American Trial Advocates
- The Law Society of England and Wales
- The United States Court of International Trade
- The London Court of International Arbitration

### **Awards & Honors:**

- "A.V."® Preeminent™ Rating – Martindale-Hubbell®
- American Jurisprudence Award in Trial Practice
- United States Congressional Medal of Distinction
- United States Congressional Gold medal
- Top Lawyers in California – American Lawyers Council (2013)
- Judicial Edition- Martindale-Hubbell- "A.V."® Preeminent™ Rating  
Reflecting the confidential opinions of members of the Bar and Judiciary

### **Licenses:**

- California State Bar
- California College Teaching Credential
- Law Society of England and Wales (Solicitor, Advocate)

### Publications:

- Tax Reform: Opportunity Knocks- Published Arabian Horse World
- New Beginnings under Tax Reform - Published Newsweek
- California Use Tax-Sales, Use and Personal Property Taxes -Published Investment Journal

### Appointments:

- Judge Pro-Tem Los Angeles Superior Court
- Judge Pro-Tem Orange County Superior Court
- Arbitrator- London Court of International Arbitration

### State, County & Municipal Representation:

- Served a special counsel to the Chief of Police, Los Angeles Police Department, (8 years), 1984-1992 Daryl Gates, Chief.
- Appointed Counsel by Mayor Pete Wilson, City of San Diego -Contract negotiations for eminent domain and construction agreements (Horton Plaza Redevelopment Project).
- Design and implementation of the City of San Diego's "Traffic Watch Program". Drafted and negotiated contracts with the Federal Communications Commission, Highway Patrol, Air traffic control and broadcasting radio stations.
- Negotiated and implemented contract with the California Department of Motor Vehicles on behalf of 87% of the cities within the thirteen (13) Southern California Counties for the authorization to process DMV services and citation fee collection for the Automobile Club of Southern California.
- Served as trial counsel for assigned litigation for the California cities of Escondido, San Diego, Laguna Hills, Vista, and Mission Viejo.
- Served as a member of the Board of Trustees for the Harrison Memorial Library, Carmel-by-the-Sea, CA.
- Negotiated sale, lease and zoning modifications with the City of Newport Beach, CA to accommodate the sale of Edwards Cinema Theaters.
- Served as special litigation defense counsel to members of the City of San Juan Capistrano, CA Planning Commission.
- Served as General Counsel to the County of Sacramento Fire District.



Tom Graves &lt;tgraves@ci.carmel.ca.us&gt;

**Re: Your PRA Request**

1 message

**Tom Graves** <tgraves@ci.carmel.ca.us>  
**To: Chip Rerig** <crerig@ci.carmel.ca.us>

Mon, Apr 2, 2018 at 9:59 AM

I spoke with Glen this morning. I agree with you that no response until Glen returns is a good way to handle this.  
 Tom

Tom Graves, MMC  
 City Clerk  
 831-620-2016 - o  
 831-970-1511 - c  
 Call Link is HERE Call me for free at this link.



On Mon, Apr 2, 2018 at 9:51 AM, Chip Rerig <crerig@ci.carmel.ca.us> wrote:  
 No response to this email or Mr. Calkins at this time please. The three of us need to discuss when GM returns.

Take good care.

Chip Rerig, City Administrator  
 City of Carmel-by-the-Sea  
 831.620.2058

----- Forwarded message -----

From: **Royal Calkins** <calkinsroyal@gmail.com>  
 Date: Mon, Apr 2, 2018 at 9:47 AM  
 Subject: Fwd: Your PRA Request  
 To: Chip Rerig <Crerig@ci.carmel.ca.us>

Chip

Here is the response I received from Tom Graves regarding my request for records detailing payments, and explanations, for the city's payments to Mr. Mazingo since last July. Initially in a telephone conversation on Friday Mr. Graves said he would be able to provide the requested information with some redaction but subsequently he sent me this, indicating that he had been overruled by the city attorney, He did not provide any rationale or city any exemptions from the Public Records Act.

I responded to him by email saying it seems to me the city attorney has a conflict of interest and should not be involved in this matter. Mr. Graves has not responded to that.

It is my reading of the applicable law and related court rulings that I am entitled to a detailed account of each billing from Mr. Mazingo and each payment to Mr. Mazingo on any and all matters that are not the subject of continuing litigation or enforcement action. FYI, we are prepared to go to court to press this claim, and as you probably are aware, if we prevail, the city would be required to pay our attorney fees and court costs.

EXHIBIT 3

Thanks for your attention

Royal Calkins  
484-5068

Begin forwarded message:

**From:** Tom Graves <tgraves@ci.carmel.ca.us>  
**Subject:** Your PRA Request  
**Date:** March 30, 2018 at 7:43:29 AM PDT  
**To:** calkinsroyal@gmail.com  
**Cc:** Leslie Fenton <lsfenton@ci.carmel.ca.us>

Good Morning,

I want to thank you for our several conversations yesterday. They were interesting and informative, not to mention lively. But after researching your request, and in keeping with legal advice from our City Attorney, we will not be offering any more detail than we already have in response to this request.

Tom Graves, MMC  
City Clerk  
831-620-2016 - o  
831-970-1511 - c  
Call Link is [HERE](#) Call me for free at this link.



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**couple questions**

5 messages

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**Royal Calkins** <calkinsroyal@gmail.com>  
To: Steve Dallas <dallasforcarmel@gmail.com>

Tue, Jun 19, 2018 at 11:37 AM

Hey Steve:

First, are you recusing yourself from the police station renovation? Because you live too close?

Second, is Glen M. still handling public records requests involving himself? (We are preparing to go to court over the resume issues.)

Third, Is it now city policy not to respond to specific reporters? That is a serious question.

Glad to see you are running. I don't know if you read my piece about Potter getting into the race, but do yourself a favor. Go back and take a look and click on the links to previous stories.

Thanks  
Royal

---

**Steve Dallas** <dallasforcarmel@gmail.com>  
To: Royal Calkins <calkinsroyal@gmail.com>  
Bcc: mdallas@svmh.com, cavanhardy@sbcglobal.net, carmelcityatty@aol.com, carrie@hofsashouse.com

Tue, Jun 19, 2018 at 12:03 PM

Royal

I'm on vacation with my daughter sorry family time.

Have a great week

Steve

Sent from my iPhone  
[Quoted text hidden]

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**Royal Calkins** <calkinsroyal@gmail.com>  
To: Steve Dallas <dallasforcarmel@gmail.com>

Tue, Jun 19, 2018 at 1:13 PM

when you get back  
[Quoted text hidden]

1 Proof of Service

2 I, Gerard A. Rose, declare:

3 1. I am an active member of the State Bar of  
4 California, I am admitted to practice in the State of  
5 California, and I practice law in the City of Carmel-by-  
6 the-Sea, California.

7 2. My mailing address is 808 Sheridan Road, Wilmette,  
8 Illinois 60091.

9 3. On July 10, 2018 I electronically sent the  
10 attached Answer to Plaintiff's counsel by e-mailing it to  
11 nlshapiro@sbcglobal.net. I also mailed a copy of that  
12 document by first class mail by depositing it in the  
13 outgoing mail box in the Carmel Post Office addressed as  
14 follows: Neil Shapiro, PO Box 4086, Carmel, CA 93921.

15 4. I declare under penalty of perjury, under the laws  
16 of the State of California, that the forgoing is true and  
17 correct, and that I executed this document on July 10,  
18 2018, in Carmel-by-the-Sea, California.  
19

20  
21 

22  
23 Gerard A. Rose  
24 Attorney for Respondent