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STATE OF WASHINGTON
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No. 99331-9

SUPREME COURT
OF THE STATE OF WASHINGTON

RALPH A. HEINE,

Appellant,

v.

TIM S. RUSSELL and ROBERTA A. RUSSELL and their
marital community; JOHN PURDY, a single man; and
NORMAN STOW and SARINA STOW and their marital
community; and WILLIE R. KENDALL, a single man,

Respondents,

and

STEVEN RUSSELL and STEPHANIE COLEMAN,

Defendants.

**MEMORANDUM OF AMICI CURIAE BERESFORD, JENSEN,
HIXSON, SMIRNIOTOPOULOS, AND SOLI IN SUPPORT OF
ACCEPTANCE OF REVIEW**

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I. INTRODUCTION

Boundary disputes are one of the most common forms of real-property-focused litigation. A common genesis for such disputes is the discovery that improvements—such as roads, driveways, fences, landscaping, or even structures—were built and maintained on a neighbor’s land for many years. Another is longstanding use of a neighbor’s land for ingress and egress. This case involves the intersection of two closely related, long-established doctrines that address these problems—adverse possession and easement by prescription.

Property owners and other land users benefit from certainty in the law regarding these twin doctrines, which “protect[] the expectations of purchasers and creditors who act on the basis of the apparent ownerships suggested by the actual uses of the land.” RESTATEMENT (THIRD) OF PROPERTY (SERVITUDES) § 2.17 cmt. c (2000). Yet the doctrines continue to be a source of confusion, which results in uncertainty of legal titles and, not uncommonly, litigation. This case presents an opportunity for this Court to continue its efforts to bring clarity to this important area of law by addressing a significant question of first impression and eliminating uncertainty introduced by the Court of Appeals’ decision on multiple issues.¹ Amici believe that review is warranted under RAP 13.4(b)(1), (b)(2), and (b)(4) and urge this Court to grant the petition for review.

¹ Although the Court of Appeals’ decision is unpublished, unpublished decisions may be cited for their persuasive value and are known to have significant persuasive effect. *See* GR 14.1(a). Lawyers also rely on them in advising their clients.

II. IDENTITY AND INTEREST OF AMICI CURIAE

Amici curiae are:

(1) the following experienced, practicing members of the Washington bar who focus their practices largely or fully on representing clients in matters involving real property law:

- ***Richard R. Beresford***, WSBA No. 3873, of Beresford Booth, PLLC in Edmonds, Washington;
- ***Howard F. Jensen***, WSBA No. 25144, of Veris Law Group PLLC in Seattle, Washington;
- ***Greg T. Hixson***, WSBA No. 39223, of Veris Law Group PLLC in Seattle, Washington;
- ***Sandip Soli***, WSBA No. 29534, of Real Property Law Group, PLLC in Seattle, Washington; and

(2) ***Peter Smirniotopoulos***, an academic, author, and consultant on real property matters and presently an adjunct professor of real property law and related subjects at Seattle University School of Law.

Each participant's biography or curriculum vitae is included in the appendix to this memorandum.

Amici are concerned about the development of real property law in Washington, including specifically on the important doctrines of adverse possession and easement by prescription. Amici believe that greater certainty regarding those doctrines—and specifically the issues raised by the petition in this case—will serve the citizens of this state by increasing certainty regarding legal titles and thus reducing litigation. Amici seek to provide a broader perspective on why review of the Court of Appeals'

decision in this case is warranted within the context of Washington law as it now stands.²

III. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

A. The Court of Appeals resolved an issue of first impression that this Court should decide: whether a dominant owner claiming that an easement was extinguished or modified by adverse possession must establish the same heightened degree of hostile possession as a servient owner making the same claim would be required to establish.

A party acquires legal title to another's land after possessing the land for at least ten years in a manner that is (1) open and notorious, (2) actual and uninterrupted, (3) exclusive, and (4) hostile. *ITT Rayonier, Inc. v. Bell*, 112 Wn.2d 754, 757, 774 P.2d 6 (1989). The hostility element is the “marrow” of adverse possession—“the element that makes adverse possession adverse.” WILLIAM B. STOEBUCK & JOHN W. WEAVER, 17 WASH. PRAC., REAL ESTATE § 8.12 (2d ed., database updated May 2020). It is also the element that yields “most of the complications and intricacies that make adverse possession a mystery to many lawyers[.]” *Id.* Hostile possession is essentially wrongful possession of another's land. According to Professors Stoebuck and Weaver, the “most useful” test of

² Lawyers acting as amici curiae fit the traditional role of amici curiae. Although amicus curiae briefs are now commonly submitted by organizations as amici curiae represented by counsel, “[f]ormerly, the amicus curiae stood in an essentially professional relation to the Court and organizations were not regarded as the amicus but rather the lawyer himself.” Samuel Krislov, *The Amicus Curiae Brief: From Friendship to Advocacy*, 72 YALE L.J. 694, 703 (1963). This Court regularly receives amicus submissions from groups of lawyers with a demonstrated interest in the subject matter of a case before it. Here, one of those lawyers is fulfilling the dual role of amicus curiae and counsel for the group of professionals to which he belongs and who have come together to act as friends of the Court.

hostility is: “Considering the character of possession and the locale of the land, is the possession of such a nature as would normally be objectionable to owners of such land.” *Id.*; see also *ITT Rayonier*, 112 Wn.2d at 759 (“The ultimate test is the exercise of dominion over the land in a manner consistent with actions a true owner would take.”).

This case is about an easement, and easements are not immune to adverse possession. Like other interests in property, they can be extinguished or modified by hostile use for the statutory period. *Howell v. King County*, 16 Wn.2d 557, 559–60, 134 P.2d 80 (1943). A claim by the owner of a servient estate (land burdened by the easement) to have extinguished or modified an unopened easement by adverse possession presents a unique problem because such an owner “has the right to use [the] land for purposes not inconsistent with its ultimate use for the reserved purpose during the period of nonuse.” *Thompson v. Smith*, 59 Wn.2d 397, 407–08, 367 P.2d 798 (1962). Our courts developed a special rule that governs such a claim: the servient owner’s obstructing the easement “will not be considered adverse until (1) the need for the right of way arises, (2) the owner of the dominant estate demands that the easement be opened, and (3) the owner of the servient estate refuses to do so.” *Cole v. Laverty*, 112 Wn. App. 180, 185, 49 P.2d 924 (2002).

The reasons for that special rule do not apply when the owner of a dominant estate (land benefited by the easement) claims to have extinguished or (as here) modified an easement by adverse possession,

because a dominant owner has only the rights afforded by the easement grant. Thus, the standard for hostility need not be the same when the claimant is a dominant owner. A dominant owner's use of an easement is hostile—at least as to the servient owner—where it “exceed[s] a reasonable exercise of that easement right.” *Timberlane Homeowners Ass’n, Inc. v. Brame*, 79 Wn. App. 303, 311, 901 P.2d 1074 (1995).

Nevertheless, the Court of Appeals applied the servient-owner standard in evaluating the exclusive possession of easement-burdened land by Heine's predecessors, the Styles, who were dominant owners. *Slip Op.* at 5–6. Even though the Styles' acts of possession went well beyond what might be considered a reasonable exercise of their ingress-and-egress rights under the express-easement grant, the court held their possession was insufficient as a matter of law to be characterized as hostile because they did not “unreasonably interfere with the future use of the property for ingress and egress.” *Id.* at 6. In other words, the Styles' improvements were not so permanently obstructive that they could not have been removed at the demand of the other dominant owners, to allow widening the road to occupy the easement's full, 30-foot width.³

This Court should consider whether the Court of Appeals made the right call, as a matter of public policy, in deciding the rule that was developed for the unique circumstance of a servient owner's claim to have extinguished or modified an easement by adverse possession also applies to

³ Indeed, the affirmed judgment here provides for removal of the improvements, at the demand of the other dominant owners.

dominant owners making similar claims. A rule that a dominant owner can adversely possess an easement only by permanently obstructing it renders the easement less susceptible to adverse possession than the land it benefits—it allows a third party to acquire title to the land based on a lower standard of hostility than a dominant owner. Whether that should be the law of this state is an issue of substantial public interest that this Court should decide. RAP 13.4(b)(4).

B. Review by this Court is warranted to address the continued viability of the concept of a “shifting” easement, which the Court of Appeals applied in two previous cases with similar facts, but not here.

Express easements for the mutual benefit of multiple lots are commonplace. Like other interests in land, they are subject to change. This Court held long ago that owners whose titles derive from a common grantor may not *extinguish* their mutual easement by adverse possession. *Burkhard v. Bowen*, 32 Wn.2d 613, 621, 203 P.2d 361 (1949); *see also Van Buren v. Trumbull*, 92 Wash. 691, 694, 159 P. 891 (1916). But the Court of Appeals has since held that an easement can *shift* to a different location after a long period of use of an alternative route, because of the combined effect of the doctrines of adverse possession and easement by prescription. *See Barnhart v. Gold Run, Inc.*, 68 Wn. App. 417, 843 P.2d 545 (1993); *Curtis v. Zuck*, 65 Wn. App. 377, 829 P.2d 187 (1992).

Curtis and *Barnhart* both involved a scenario that is not uncommon: all parties benefited by an express easement had long used an alternative

route over private land for ingress and egress, and individual dominant owners had meanwhile exclusively possessed the land that had been expressly set aside as an easement. The result in *Curtis* and *Barnhart* was that the Court of Appeals confirmed the longstanding status quo, holding that the easement itself had shifted from its described location to the existing road. *Barnhart*, 68 Wn. App. at 420–23; *Curtis*, 65 Wn. App. at 380–84. These courts distinguished *Burkhard* and *Van Buren* because unlike in those cases, the claimants in *Curtis* and *Barnhart* maintained not that an easement was extinguished, but rather that its location had shifted. *Barnhart*, 68 Wn. App. at 421–23; *Curtis*, 65 Wn. App. at 380–82. This Court subsequently confirmed the validity of that distinction, in *Heg v. Alldredge*, 157 Wn.2d 154, 137 P.3d 9 (2006). This Court held that the rule of *Barnhart* did not apply in *Heg* because, unlike in *Barnhart*, the claimants sought to “exclude Ms. Heg from using her recorded easement rights, not merely alter the location where they exist.” *Id.* at 164.

Amici can discern no material difference between Heine’s position and that of the claimants in *Curtis* and *Barnhart*. The road here straddled one of the easement’s described boundaries, partially within the easement area but partially on adjacent land. Meanwhile, most of the described easement area had never been opened for neighborhood ingress and egress, but was instead improved and otherwise used exclusively by the Styles (and later Heine) as a front yard and parking area, as if it were their own. Like the claimants in *Curtis* and *Barnhart*, Heine claimed not that the easement

was extinguished, but that its location shifted to the long-established road. And yet the Court of Appeals not only reached the opposite result here as in *Curtis* and *Barnhart*, it deemed the result so clear as to have been properly resolved on summary judgment. *See Slip Op.* at 8–9.

The Court of Appeals’ decision creates uncertainty by casting significant doubt on what had been settled law. This case marks the third time that the Court of Appeals has considered similar facts, yet the results now diverge. Amici urge this Court to grant review to address whether the concept of a “shifting” easement remains viable under Washington law and, if so, to define the circumstances in which it applies. Review is warranted under RAP 13.4(b)(1), (b)(2), and (b)(4).

C. Review by this Court is warranted to clarify the requirements to establish a prescriptive easement.

The doctrines of adverse possession and easement by prescription are “nearly for all purposes...the same doctrine, except in one case the adverse claimant has possession, and in the other he makes only use of the land.” *STOEBUCK & WEAVER, supra*, § 8.1. The Court of Appeals’ decision addressed two of the elements for a prescriptive easement—the requirements that the use was (1) hostile (a.k.a. adverse) and (2) actual and uninterrupted (a.k.a. continuous). *Slip Op.* at 7–8; *see Gamboa v. Clark*, 183 Wn.2d 38, 43, 348 P.3d 1214 (2015) (citing *Nw. Cities Gas Co. v. W. Fuel Co.*, 13 Wn.2d 75, 83, 85, 123 P.2d 771 (1942)). The existence of these elements is a question of fact. *Nw. Cities Gas*, 13 Wn.2d at 84.

Driving vehicles on another's land is a classic example of hostile use that may give rise to a prescriptive easement. *See, e.g., Dunbar v. Heinrich*, 95 Wn.2d 20, 27-28, 622 P.2d 812 (1980); *Huff v. N. Pac Ry. Co.*, 38 Wn.2d 103, 107, 228 P.2d 121 (1951); *Nw. Cities Gas Co.*, 13 Wn.2d 75, 90-91; *Lingvall v. Bartmess*, 97 Wn. App. 245, 252-53, 982 P.2d 690 (1999). Yet the Court of Appeals held that the Styles' driving on land that they did not own, and over which they had no express easement, was "not...adverse[] to the owner of the land." *Slip Op.* at 8 (emphasis added). This holding confounds, in light of the cases just cited.

As for the continuous-use element, it does not require constant or even frequent use. *810 Props. v. Jump*, 141 Wn. App. 688, 702, 170 P.3d 1209 (2007); *see also* RESTATEMENT, *supra*, § 2.17 cmt. i. Rather, the use need only be consistent with how a true owner would use the land, given the property's nature and location, and uninterrupted by an act of dominion by the true owner. *810 Props.*, 141 Wn. App. at 702; *Lee v. Lozier*, 88 Wn. App. 176, 185, 945 P.2d 214 (1997). "Seasonal uses, intermittent uses, and changing uses all may meet the continuity requirement so long as they are open or notorious." RESTATEMENT, *supra*, § 2.17 cmt. i; *see e.g., 810 Props.*, 141 Wn. App. 688 (seasonal use); *Lee*, 88 Wn. App. 176 (same). Heine's evidence was that the Styles used the road beyond their driveway seasonally with their motorhome and that the delivery vehicles, garbage trucks, and other large service vehicles that regularly visited their property would drive to the end of the road and turn around. Yet, the Court of

Appeals held—as a matter of law—that such use was not “use of the same character a true owner might make under the circumstances.” *Slip Op.* at 8.

There is no discernable way to reconcile the Court of Appeals’ analysis of the hostility and continuous-use elements for a prescriptive easement with the prior case law from this Court and from the Court of Appeals. Amici urge this Court to accept review to clarify the required showing for a prescriptive easement for the benefit of all Washington property owners and users of land. Review is warranted under RAP 13.4(b)(1), (b)(2), and (b)(4).

IV. CONCLUSION

Amici are troubled by the apparent inconsistency between the Court of Appeals’ decision here and prior case law and believe that review is warranted both to decide a significant issue of substantial public interest regarding extinguishment or modification of an easement and to clarify the law in other important respects. Amici urge this Court to accept review of the Court of Appeals’ decision.

Respectfully submitted this 19th day of February, 2021.

REAL PROPERTY LAW GROUP, PLLC

By /s/ Sandip Soli

Sandip Soli, WSBA No. 29534

Attorneys for Amici Curiae

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the state of Washington that I am a member of Real Property Law Group, PLLC, over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

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DATED this 19th day of February, 2021.

/s/ Sandip Soli

Sandip Soli, WSBA No. 29534

APPENDIX

Richard R. Beresford
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Biography

Dick has practiced law in the Greater Seattle Area since 1972 and has extensive experience in legal matters in the areas of Business and Finance including the representation of major companies and banks as well as individuals attending to their business and estate planning needs. Dick has represented a wide range of contractors, developers, buyers and sellers in all areas of real estate handling both transactional and litigation matters. Dick has also represented many individuals both purchasing and selling their businesses. Dick's mission, which has been adopted by this firm, is to provide highly effective legal services at a reasonable cost.

Dick and his wife, Pam, have resided in Edmonds, Washington his entire professional life and have two children, a daughter-in-law and three grandchildren. Dick's interests vary from business and professional matters to his extended family as well as an occasional game of golf, a cruise around Puget Sound, vacationing at Port Ludlow and watching his grandchildren's games.

Practice Areas

- Commercial Litigation
- Real Estate Law
- Banking and Lease Law
- Estate Planning
- Deputy Examiner of Titles for King County

Admitted

- Washington State Bar Association
- U.S. District Court, Western District of Washington
- U.S. District Court Eastern District of Washington

Education

- Willamette University School of Law, J.D.
- University of Washington, B.A. Finance

Professional Associations

- Washington State Bar Association, Member: 1972
- Trustee, Young Lawyers Section, 1975-1981
- Washington State Bar Association: Rules of Professional Conduct Committee
- American Bar Association
- King County Bar Association
- Snohomish County Bar Association
- American Arbitration Association
- Phi Delta Phi legal fraternity

Community and Business Associations

- Edmonds Community College Foundation, (Trustee and former President)
- Puget Sound Center of Learning and Technology, (Past Chairman)
- Joint Venture with Edmonds Community College and Shoreline Community College, (Past Board Member)
- Mountain Pacific Bank (Director)



Howard F. Jensen

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Howard focuses his practice on real estate development. He has extensive experience handling the complexities associated with contaminated property, including litigating cost recovery actions, negotiating consent decrees and administrative orders with federal and state agencies, securing insurance coverage for clients facing significant environmental liabilities, and obtaining regulatory closure for complex sites. As part of this practice, he counsels clients on the risks of buying and selling contaminated property and assists them in drafting contractual protection against such risks. Howard frequently prepares and negotiates

real estate documents such as purchase and sale agreements, options, leases, construction contracts, and easement agreements.

Representative Matters

- Represents national and regional development companies on real estate and environmental matters, typically involving acquisition and development of property for multimillion dollar, mixed-use projects.
- Helps clients with all aspects of commercial and residential development projects, including purchase and sale negotiations, financing and title issues, construction contracts, tenant leases, and property management agreements.
- Represents mining and aggregate companies and assists them with cleanup and reclamation activities.
- Works extensively with federal and state cleanup laws including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Clean Water Act (CWA).
- Works daily on projects involving liabilities arising under the Washington Model Toxics Control Act (MTCA), and helps clients and environmental consulting firms develop and complete remedial investigations, feasibility studies, disproportionate cost analyses, interim actions, and cleanup actions.
- Counsels lenders on the risks of lending funds for the development of projects on contaminated property and drafts loan conditions to mitigate those risks.
- Negotiates consent decrees, agreed orders, and enforcement orders with federal and state regulators, including the U.S. Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology), and the Oregon Department of Environmental Quality (DEQ).
- Successfully litigates actions in court to recover costs spent to investigate and remediate contaminated property.
- Secures insurance coverage for clients facing significant cleanup liabilities.
- Serves as outside environmental counsel to publicly traded corporations, multi-state companies, and small businesses.



Admissions

- Member, King County Bar Association (KCBA)
- Member, Washington State Bar Association (WSBA)
- Member, Oregon State Bar Association (OSBA)
- Member, American Bar Association (ABA)
- Admitted, Supreme Court of the State of Washington
- Admitted, U.S. District Court for the Western District of Washington
- Admitted, U.S. District Court for the Eastern District of Washington
- Admitted, U.S. Court of Appeals for the Ninth Circuit

Articles and Presentations

- Panelist, *Voluntary Cleanup Program (VCP) and the “New” NFA Policy: How’s It Coming?* MTCA Seminar, Law Seminars International (2013).
- Presenter, *Managing Uncertainty, Cost, and Risk*, Re-Using Contaminated Land Conference, Sound Earth Strategies, Inc. (2013).
- Presenter, *How to Effectively Use an Environmental Consultant*, 11th Annual Washington CLE Bootcamp (2006).
- Presenter, Northwest Environmental Business Council Management Forum (2006).
- Presenter, WSBA Environmental Law & Land Use Section Midyear (2004, 2006).
- Presenter, Washington State Association of Municipal Attorneys Annual Conference (1998).

Honors and Recognition

Named to the 2020 Best Lawyers in America list for Environmental and Real Estate law Super Lawyer®, Super Lawyers and *Washington Law & Politics* magazine (2004–Present)
Rated 10.0 by Avvo, the leading lawyer-rating website

Education

J.D., University of Washington School of Law (1995)
B.A., Whitman College (1991)

Personal

Howard is happiest when he spends time with his wife and children. They love to travel, ski, and hike, and when at home, play board games. Howard has a great joy for life and you will rarely find him without a smile.



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Greg has a diverse practice with experience involving environmental, construction, and real estate matters. His environmental and real estate practice primarily focuses on regulatory issues associated with contaminated properties. Greg advises clients regarding regulatory compliance and cost recovery actions under the Washington Model Toxics Control Act (MTCA) and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). He represents clients ranging from individuals to Fortune 100 companies in matters involving contaminated property remediation, and frequently counsels clients on environmental risk and liability strategies (analysis of cost recovery options, pursuit of contribution claims against prior owners and operators, and consideration of coverage claims against insurers); negotiates remediation agreements, access agreements, and settlement agreements; and prosecutes and defends environmental claims under federal and state laws. He also has substantial experience representing clients in multi-party allocations.

Greg's real estate practice involves assisting clients with negotiating, drafting, and reviewing all types of property transactions, including purchase and sale agreements and leases, and litigating property disputes, lease disputes, and condemnation actions. His real estate work often intersects construction or environmental issues, including evaluating and mitigating risks associated with contaminated property transactions.

Greg is also an experienced in construction law matters. His construction law practice involves representing owners, developers, general contractors, owner representatives, and subcontractors in a variety of matters, including drafting and negotiating construction contracts, prosecuting lien foreclosure actions and litigating construction defect and complex construction claims, and defending against OSHA and L&I citations. Greg has litigated numerous construction related disputes before judges, juries, and arbitrators. His work often involves handling insurance coverage related issues on behalf of insureds, and working with his client's appointed insurance defense counsel to protect his client's interests.

Greg has the highest possible rating on Avvo, the leading lawyer-rating website, was recognized as a Rising Star® by Thomson Reuters between 2013 and 2017, and has been recognized as a Super Lawyer® Thomson Reuters since 2018.

Representative Matters

- Represents a Fortune 100 company in environmental matters involving contaminated sites. Frequently assists client with environmental risk evaluation, advises client in negotiating remediation and settlement agreements, and serves as lead counsel in litigation.
- Represents numerous owners of contaminated properties throughout Washington. Work includes advising clients with respect to the environmental liabilities associated with these properties under MTCA, development of remedial strategies, providing assistance in obtaining regulatory closure from the Washington Department of Ecology, negotiation with regulators and potentially liable parties, and pursuit of cost recovery for remedial action costs under MTCA.
- Defended a local municipality against a State Environmental Policy Act (SEPA) challenge to the adequacy of its Environmental Impact Statement (EIS). The hearing examiner dismissed several of the challenger's claims in response to a motion filed by the municipality and ultimately upheld the EIS after the presentation of factual evidence and expert witness testimony at the hearing.
- Represents clients in large, multi-party Superfund allocations. Works closely with clients and experts to position clients for a favorable resolution, whether through a contractual allocation process or litigation.

- Defended several companies, ranging from family-owned businesses to publicly traded international corporations, in citizen suit actions under the Clean Water Act (CWA) for alleged stormwater permit violations. Each action required an evaluation of stormwater practices necessary to achieve permit compliance, defensive litigation in federal court, and negotiation of a favorable resolution.
- Represented an Indian tribe in a Natural Resource Damages (NRD) claim under CERCLA. Prosecution of the claim involved review and development of technical evidence supporting the claim and coordination with other federal, state, and tribal trustees to develop and implement a successful settlement strategy.

Admissions and Civic Involvement

- Member, Greater Bothell Chamber of Commerce, 2015–Present.
- Committee Chair, Boy Scout Troop 582, Kenmore, Washington, 2010–Present.
- Volunteer and Donor, Progressive Animal Welfare Society, 2002–Present.
- Member, Washington State Bar Association, Environmental & Land Use Law Section.
- Member, King County Bar Association, Environmental & Land Use Law Section.
- Admitted to the Supreme Court of the State of Washington.
- Admitted to U.S. District Court for the Western District of Washington.
- Admitted to U.S. District Court for the Eastern District of Washington.
- Admitted to U.S. Court of Appeals for the Ninth Circuit.

Articles and Presentations

- Presenter, “Environmental Case Law Update,” WSBA Environmental and Land Use Law Section Midyear (2015).
- Presenter, “Tribal and State Perspectives,” LSI Natural Resource Damages Conference (2014).
- Guest Lecturer, “Construction Law Contract Interpretation & Change Orders,” University of Washington Construction Management Program (2013-2017).
- Author, “Applicable Legal Tools for Managing Gas Exploration/Extraction Near Tribal Lands,” National Forum on Solid Waste, Emergency Response, Contaminated Sites, and Underground Storage Tanks, Hydraulic Fracturing in Indian Country (2013).
- Presenter, “Update on Industrial Stormwater General Permit and Trends in Enforcement Litigation,” Washington Public Ports Association Legal Committee Meeting (2013).
- Presenter, “The Risks of Non-Compliance: Enforcement Actions and Citizen Suits,” Current Issues in Storm Water Regulation in Washington, Lorman Educational Services (2012).

Honors & Recognition

- Recognized as a Super Lawyer, Thomson Reuters (2018-Present).
- Recognized as a Rising Star, Thomson Reuters (2013-2017).
- Rated 10.0, the highest possible rating, on Avvo, the leading lawyer-rating website.

Education

J.D., *magna cum laude*, Seattle University School of Law, 2007.

B.S., Western Washington University, Biochemistry, 1997.



SANDIP SOLI

(206) 625-0049 | ssoli@rp-lawgroup.com

Practice: Over the last 17 years, my law practice has developed to serve clients active in real estate, hospitality and business. I have represented clients that include Nordstrom, Aegis Living, Washington Restaurant Association and Washington Lodging Association.

Real Estate: My primary practice is commercial real estate transactions, including retail, office and industrial leasing, acquisitions, dispositions, real estate finance, real estate development, transit-oriented development, design professional services agreements, and construction contracts.

Hospitality/Business: Further, I assist hospitality and business clients with corporate formation and governance, limited liability company operating agreements, management agreements, franchise agreements, master services agreements, vendor contracts, and liquor licensing.

Construction: Over many years, I have represented owners, developers, design professionals, general contractors, subcontractors and suppliers in a wide variety of construction claims. This construction litigation experience has assisted in preparing and negotiating comprehensive construction contracts, master subcontractor agreements, architect agreements, engineering contracts and other construction project documents.

Practice Style: Having worked closely with business owners and general counsel over many years, I understand our clients need to make prompt and well informed business decisions based on trust and confidence in my analysis of the pertinent issues. I use my market knowledge, communication skills and experience working on a variety of high profile, complex projects to advocate for clients, close transactions and achieve fair results.

Representative Transactions:

- Assisted large technology company in many corporate campus activities, including negotiating leases and vendor agreements with retailers, restaurants and specialty food vendors, advising on food and beverage regulatory issues and preparing operational agreements with businesses such as AT&T, Verizon, T-Mobile, Sprint, Compass USA, Wolfgang Puck and others
- Represented Nordstrom in retail lease negotiations in several shopping centers and mixed use projects
- Negotiated hotel acquisition, financing, franchise and management agreements on behalf of hotel owners and developers
- Represented online retailer in leasing over 1,500,000 square feet of office space and fulfillment facilities
- Prepared corporate merger and governance documents for the Washington Restaurant Association and Washington Lodging Association to become the unified Washington Hospitality Association
- Represented regional healthcare provider in securing over 250,000 square feet of office space and urgent care facilities in downtown high-rise buildings



- Drafted construction contracts and design professional service agreements for Aegis Living, ABKJ, developers, regional healthcare provider, outdoor recreational equipment retailer and other clients
 - Closed the acquisition and financing of hotel properties, assisted living facilities, multifamily buildings, single-family residential plats and vacant land
 - Restructured financing arrangements and leases in workout conditions for a wide variety of clients in retail, office, industrial and agricultural contexts
 - Advised the Washington Hospitality Association and its members on a variety of restaurant, liquor and hospitality issues
-

Background:

- Cairncross & Hempelmann, P.S., Principal, Real Estate Practice Chair, Retail Hotel Restaurant Industry Leader
- Carney Badley Spellman, P.S., Associate, Real Estate, Construction, Litigation
- University of Washington School of Law, J.D., 1999
- University of Washington, B.A., with Honors, 1996
- Washington State Bar Association, Member
- Super Lawyer Award Recipient, Washington Law & Politics Magazine

Sandip Soli is licensed to practice in the State of Washington

SEATTLEU

SCHOOL OF LAW

Peter Smirniotopoulos

Curriculum Vitae

Founder & principal

petersgroup consulting

703.969.6272

smirn@msn.com

219 Woodward Ave.

Kalamazoo, MI 49007

Forbes Real Estate Contributor

<https://www.forbes.com/sites/petersmirniotopoulos/>

Adjunct Professor of Law

Seattle University School of Law

901 12th Avenue, Sullivan Hall

P.O. Box 222000

Seattle, WA 98122-1090

E-mail: psmirniotopoulos@seattleu.edu

Faculty Profile: <https://law.seattleu.edu/faculty/profiles/adjunct/peter-smirniotopoulos>

Visiting Assistant Professor of Practice

A. Alfred Taubman College of

Architecture and Urban Planning

University of Michigan

2000 Bonisteel Boulevard

Ann Arbor, MI 48109-2069

smirn@umich.edu

<https://taubmancollege.umich.edu/urbanplanning/faculty/directory/peter-smirniotopoulos>

Degrees Conferred

J.D. 1981 Georgetown University Law Center

B.A. 1978 Georgetown College, Georgetown University
Public Administration

Non-Degree Programs Completed

AUG 1990 Yestermorrow Design/Build School, Warren, VT

NOV 2013 *Walkable Urban Development and Place-Based Strategic Planning Seminar*
The George Washington University School of Business, Center for Real Estate
and Urban Analysis

Academic Affiliations and Teaching Positions Held

NOV 2019 -- PRESENT	Visiting Assistant Professor of Practice A. Alfred Taubman College of Architecture and Urban Planning University of Michigan, Ann Arbor
DEC 2018 -- PRESENT	Adjunct Professor of Law Seattle University School of Law, Seattle, Washington
DEC 2014 -- MAY 2018	Adjunct Professor of Real Estate and Urbanism, George Mason University, School of Business, Fairfax, Virginia
DEC 2013 -- JAN 2018	Adjunct Professor of Real Estate and Urbanism, Department of Finance The George Washington University School of Business, Washington, D.C.
JUN 2014 -- MAR 2015	Research Director, Lead Author, and Project Manager Research study on conflicts of interest in commercial real estate transactions Center for Real Estate and Urban Analysis The George Washington University School of Business, Washington, D.C.
DEC 2012 -- AUG 2013	Adjunct Faculty, Masters Program in Real Estate (MPRE) School of Continuing Studies, Georgetown University, Washington, D.C.
AUG 1999 -- MAY 2004	Adjunct Faculty, Real Estate Program School of Professional Studies, Johns Hopkins University, Washington, D.C.
MAY 1998 -- AUG 1999	Guest Lecturer, Real Estate Program School of Professional Studies, Johns Hopkins University, Washington, D.C.
DEC 1985 -- DEC 1988	Instructor, Washington Metropolitan Area Northwest Center for Professional Education, Bellevue, WA

Assigned Courses: Summer 2020 Semester

Seattle University School of Law, Second Annual Summer Institute on Technology, Innovation and Entrepreneurship (SITIE), June 2020

<https://law.seattleu.edu/academics/programs/entrepreneurship-immersion>

Innovating the Built Environment: How the Law Responds to Disruptive Change

Assigned Courses: Fall 2020 Term

A. Alfred Taubman College of Architecture and Urban Planning, Department of Urban and Regional Planning, Graduate Certificate in Real Estate program

Foundations of Real Estate Development URP 595.

Assigned Courses: Winter 2020 Term

A. Alfred Taubman College of Architecture and Urban Planning, Graduate Certificate in Real Estate

Financing Real Estate Development, URP 591

Courses Currently in Development

"The Meaning of Place"

Creativity, Innovation, and Critical Thinking: A Design/Build Approach to Problem-Solving

Awards

- SEP 2013 2013 Current Planning Award
American Planning Association, Texas Chapter
City of Houston Urban Case Study
- MAY 2002 2002 **Apgar Urban Land Award**, Urban Land Institute
"The Meaning of Place," Urban Land (Vol. 60, No. 3, March 2001)

Publications

Books

Smirniotopoulos, Peter E., **Undertanding *The Development Process***, Routledge, an imprint of Taylor & Francis, New York, N.Y. (JAN 2020). This book is a *Special Edition* reprint of selected chapters from Professor Smirniotopoulos's textbook, **Real Estate Law: Fundamentals for *The Development Process***, listed below. Professor Smirniotopoulos he arranged with his publisher for the production of this *Special Edition* for use by his students in courses outside of the Seattle University School of Law, spefically to help bring down the overall cost of textbooks in his classes at the Taubman College of Architecture.

Smirniotopoulos, Peter E., **Real Estate Law: Fundamentals for *The Development Process*** (Routledge, NOV 2016). Routledge, an imprint of Taylor & Francis, is the world's largest publisher of academic journals and textbooks. This title has been available for course adoptions since the Spring 2017 Semester, and is used in graduate real estate programs throughout the country. <https://www.routledge.com/Real-Estate-Law-Fundamentals-for-The-Development-Process/Smirniotopoulos/p/book/9781138790988>

Book Chapters (Refereed), Selected for Publication 2017

Smirniotopoulos, J.D., Peter E., and Dean D. Bellas, Ph.D, *“Understanding the Greek Economy: How a Small Country Has Influenced Global Financial Markets,” Handbook Of Global Financial Markets: Transformations, Dependence, And Risk Spillovers*, World Scientific Publishing (2017)

Book Chapters (Non-Refereed)

“Financing Acquisition, Development, and Construction (Chapter 3.),” Residential Development Handbook, Third Edition, ULI Development Handbook Series, Urban Land Institute, Washington, D.C., 20004 (ISBN-10: 0-87420-918-8)
<https://uli.bookstore.ipgbook.com/residential-development-handbook-products-9780874209181.php>

Academic Symposiums

Founder, Organizer, and Moderator, *“SITIE2020 Symposium: Innovating the Built Environment”* **Seattle University School of Law, Summer Institute for Technology, Innovation, and Entrepreneurship (SITIE)**, June 13, 2020

Founder, Organizer, and Moderator, *“SITIE Symposium: How Real Estate Responds to Disruptive Change”* **Seattle University School of Law, Summer Institute for Technology, Innovation, and Entrepreneurship (SITIE)**, June 22, 2019

George Mason University, Inaugural Mason Multi-Disciplinary Research Symposium, April 27, 2015. **Research Problem Pitch Presenter**

- *“GMU’s Campus of the Future – 50:50 by 2050: Urban Design, Walkability, Health, and Sustainability”*
- *“Sleep Good: No Rest for the Weary on the Fairfax Campus,”*

Professional Journals, Industry Periodicals, and Commissioned Reports

Smirniotopoulos, Peter E. and Ryan S. Mathisen, *“DAVID v. GOLIATH: How the Replacement of a Commercial Real Estate Agent’s Common Law Duty of Undivided Loyalty with Washington State’s More-Limited Statutory Obligations Advantages Landlords to the Detriment of Commercial Tenants,”* 43 SEATTLE U. L. REV. 169 (2019). **Seattle University Law Review**, Seattle University School

of Law, Seattle Washington. **SHORT TITLE: DAVID v. GOLIATH: How Dual Agency Harms Commercial Tenants**
<https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2633&context=sulr>

Smirniotopoulos, Peter E., **Who Represents the Tenant in Commercial Real Estate Transactions?**, Center for Real Estate and Urban Analysis, The George Washington University School of Business, Washington, D.C., March 2015,
https://www.academia.edu/11351622/Who_Represents_the_Tenant_in_Commercial_Leasing_Transactions

Smirniotopoulos, Peter E., **Conflicts of Interest in Commercial Real Estate Transactions: Who Represents the Tenant?**, Center for Real Estate and Urban Analysis, The George Washington University School of Business, Washington, D.C., November 2014,
https://www.academia.edu/9488812/Conflicts_of_Interest_in_Commercial_Leasing_Transactions_Who_Represents_the_Tenant

Point Park University, Pittsburgh, Pennsylvania: Creating a Campus Neighborhood, Section Author, ULI Point Park University Advisory Services Panel Report, Urban Land Institute, Washington, D.C., Spring 2008

“Walking the Walk: The public sector leads by example with pioneering projects that exhibit smart growth,” **Journal of Housing and Community Development**, National Association of Housing and Redevelopment Officials, Washington, D.C., November/December 2003

“Matriculation Reloaded: University town centers can fuel local economies,” **Urban Land**, Urban Land Institute, Washington, D.C., Vol. 62, No. 10, October 2003,
https://www.academia.edu/10364539/Matriculation_Reloaded_University_town_centers_can_fuel_local_economies

“Housing Echo Boomers: Student housing is revitalizing surrounding neighborhoods,” **Urban Land**, Urban Land Institute, Washington, D.C., Vol. 62, No. 10, October 2003

“Smart Growth and Affordable Housing in the United States: An uneasy romance,” **Canadian Housing**, Vol. 20, No. 2, Fall 2003

A Master Planning Process for Downtown, Editor, ULI Birmingham City Center Advisory Services Panel Report, Urban Land Institute, Washington, D.C., November 2002

“Viewpoint: What the 2000 Census says about sprawl and the future of American cities,” **Planning**, American Planning Association, Vol. 68, No. 10, October 2003

Engaging the Private Sector in HOPE VI, Contributing Editor, an Urban Land Institute Report Commissioned by the U.S. Department of Housing and Urban Development, Urban Land Institute, Washington, D.C., May 2002

A Reuse Program, Editor, ULI Homestead Air Reserve Base Advisory Services Panel Report, Urban Land Institute, Washington, D.C., May 2002

“Valuing the Public Sector’s Contribution to Public/Private Partnerships: The HOPE VI experience,” **HOPE VI Developments**, U.S. Department of Housing and Urban Development, Washington, D.C., Vol. 50, February 7, 2002

“Transforming More Than Just Public Housing,” **Multifamily Trends**, Urban Land Institute, Washington, D.C., Vol. 4, No. 4, Fall Meeting Issue 2001

“The Meaning of Place,” **Urban Land**, Urban Land Institute, Washington, D.C., Vol. 60, No. 3, March 2001.¹ http://uli.org/wp-content/uploads/ULI-Documents/2001_MeaningPlace.pdf

“Maximizing Opportunity: New Smart Growth Strategies for the Atlanta Region,” **Urban Land**, Urban Land Institute, Washington, D.C., Vol. 59, No. 11, November/December 2000.

Evaluation of the Residential Communities Initiative (RCI) Program and Recommendations for a Long-Range Conceptual Plan, Section Author, ULI Ft. Meade RCI Advisory Services Panel Report, Urban Land Institute, Washington, D.C., Spring 2001

Regional Economic Development for Hartsfield International Airport and Vicinity, Section Author, ULI Hartsfield Atlanta International Airport Advisory Services Panel Report, Urban Land Institute, Washington, D.C., November 2000

“Demystifying Asset Management: A Guide of LHAs,” **Journal of Housing and Community Development**, National Association of Housing and Redevelopment Officials, Washington, D.C., September/October 1999

¹ *“The Meaning of Place”* received the Urban Land Institute’s 2002 **Apgar Urban Land Award** as the article published in *Urban Land* in 2001 judged to best contribute to the principles of excellence in land use, development, and management in the development process, as reflected in the Urban Land Institute’s mission to provide responsible leadership in the use of land in order to enhance the total environment.

A Strategy for Community Revitalization of the Northeast Neighborhood, Section Author, ULI Northeast Kansas City, Kansas Advisory Services Panel Report, Urban Land Institute, Washington, D.C., July 1999

“Alternative Approaches to Public Housing,” **Journal of Housing and Community Development,** National Association of Housing and Redevelopment Officials, Washington, D.C., July/August 1996

“Uncommon Architecture for Commonplace Buildings,” **Investment Properties International,** Merk Publishing Company, New Haven, CT, November/December 1989

“Letters of Intent: More Than a Gentleman’s Handshake?” **Commercial Investment Real Estate Journal,** CCIM Institute, Chicago, IL, Winter 1989

Conference Presentations

Invited Industry Presentations

- OCT 2009 *“Workforce Housing in Washington D.C.”* Moderator, **ULI Young Leaders Group,** Urban Land Institute, ULI Headquarters, Washington, D.C., October 28, 2009
- MAR 2009 *“Battle of the Best Ideas,”* Moderator, **Developing Resort Communities: Finding Your New Frontiers,** ULI Global Real Estate Conference, The Omni at Championsgate, Orlando, FL, March 3, 2009
- FEB 2008 *“Resort Worker Housing,”* Panel Member, **Developing Resort, Second Home, and Golf Course Communities,** Annual ULI Conference, Arizona Grand Resort, Phoenix, AZ, February 26, 2008
- OCT 2007 *“Presentation of ULI Advisory Services Panel Recommendations,”* Panel Member, **ULI Point Park University Advisory Services Panel,** Urban Land Institute, George White Theater, Pittsburgh, PA, October 5, 2007
- OCT 2003 *“In-Fill Development: What Doesn’t Kill You Will Make Your Project Stronger,”* **Building a Stronger America through Housing, Economic and Community Development,** National Association of Housing and Redevelopment Officials (NAHRO)

- National Conference and Exhibition, Adam's Mark Hotel and Conference Center, Dallas, TX, October 20, 2003
- JUN 2003 *"Defining the Workforce Housing Challenge,"* ULI Washington, District of Columbia, Johns Hopkins Business, and Fannie Mae Conference, **The District of Columbia's Workforce Housing Challenge**, Washington Convention Center, Washington, D.C., June 4, 2003
- MAY 2003 *"Creating Workforce Housing in Washington, D.C.: Inclusionary Zoning as a Public Policy Tool,"* Johns Hopkins University Real Estate Program, presentation of research findings from graduate seminar in housing policy to the ULI District Council's Workforce Housing Committee, Johns Hopkins University's Washington Convention Center, Washington, D.C., May 21, 2003
- OCT 2002 *"The Need for Workforce Housing in the District of Columbia: Defining the Problem,"* **ULI Washington District Council Workforce Housing Advisory Group**, Bank of America, Washington, D.C., October 24, 2002
- MAY 2002 *"Presentation of ULI Advisory Services Panel Recommendations,"* Panel Chair, **ULI Birmingham City Center Advisory Services Panel**, Urban Land Institute, Birmingham Library, Birmingham, AL, May 10, 2002
- SEP 2001 *"Presentation of ULI Advisory Services Panel Recommendations,"* Panel Chair, **ULI Homestead Air Reserve Base Advisory Services Panel**, Urban Land Institute, South Dade Government Center Library, Cutler Ridge, FL, September 14, 2002
- JAN 2001 *"Privatization of Military Housing: A New Vision for Ft. George G. Meade,"* Briefing Team Member, ULI Advisory Services Panel Special Department of Defense Briefing, **ULI Ft. Meade RCI Advisory Services Panel Recommendations**, Department of the Army, Pentagon, Arlington, VA
- NOV 2000 *"Presentation of ULI Hartsfield Atlanta International Airport Advisory Services Panel Recommendations,"* Panel Member and Featured Guest Speaker, **Metro Atlanta Southern Crescent: Regional Economic Development for Hartsfield International Airport and Vicinity**, Metro Atlanta Chamber of Commerce, Clayton College and State University, Morrow, GA

- NOV 2000 *“Presentation of ULI Advisory Services Panel Recommendations,”*
Panel Member, **ULI Ft. Meade RCI Advisory Services Panel**,
Fort Meade, MD, November 17, 2000
- JUL 2000 *“Presentation of ULI Advisory Services Panel Recommendations,”*
Panel Member, **ULI Hartsfield Atlanta International Airport
Advisory Services Panel**, Georgia International Convention
Center, College Park, GA, July 28, 2000
- FEB 2000 *“Working with the Private Sector to Create/Capture New
Resources for the PHA Mission,”* Panel Discussion, **The Future of
Public Housing under QHWA: Challenges and
Opportunities**, sponsored by Bank of America and LISC,
Jacksonville, FL
- FEB 2000 *“Development without HOPE VI Funds,”* Panel Discussion,
Strategies for Success: 2000 Mid-Winter Conference, NAHRO
New England Regional Council, Providence, RI
- SEP 1999 *“Unsubsidized Housing Owned or Controlled by Public Housing
Agencies”* Panel Discussion, **The Future of Public Housing
under QHWA: Challenges and Opportunities**, sponsored by
Bank of America and LISC, Washington, D.C.
- MAR 1999 *“Presentation of ULI Advisory Services Panel Recommendations,”*
Panel Member, **ULI Northeast Kansas City, Kansas Advisory
Services Panel**, Heart of America, Kansas City, KS, March 5,
1999
- JAN 1999 *“Urban Infill: Traditional Urban Forms,”* Samuel Madden Homes
Case Study Presentation, U.S. Department of Housing and Urban
Development and the Congress for the New Urbanism,
Rebuilding Communities: HOPE VI and New Urbanism,
Renaissance Baltimore Harbor Place, Baltimore, MD
- SEP 1998 *“Public-Private Partnerships: Case Study for Affordable Housing,”*
Coordinator & Moderator, Institute for Public-Private Partnerships,
Alexandria, VA
- SEP 1997 *“Defensible Space: Redesigning Public Housing Communities,”*
Panelist, APA/WAF Regional Planning Conference, Washington,
D.C.

MAY 1997 *“Revisiting Revitalization: Rebuilding Community in the Aging Suburb,”* Panelist, APA/VCPA Annual Virginia Planning Conference, Lynchburg, VA

Teaching

Summary of Classes Taught

Financing Real Estate Development	(MA)
Innovating the Built Environment: How the Law Responds to Disruptive Change	(LAW)
Principles of Real Estate	(BS)
Real Estate Development	(BS)
Foundations of Real Estate Law	(MA)
Housing Policy Seminar	(MA)
Urban Regeneration	(MA)
Residential Development and Property Management	(MA)
Housing Finance	(MA)

Executive and Professional Education

MAR 13
-- MAY 13 **Lead Instructor, Facilitator, and Real Estate SME**
Community Development Financial Institutions Fund, U.S. Department of the Treasury, “Innovations in Small Business Lending,” Two-Day Training for CDFIs
May 8-9, Federal Reserve Bank of Boston, Boston, MA
April 9-10, Federal Reserve Bank of Chicago, Chicago, IL
March 13, Federal Reserve Bank of Richmond, Charlotte Office

JUL 10
-- SEP 10 **Lead Instructor, Curriculum Author, and LIHTC SME**
U.S. Department of Housing and Urban Development, “Low-Income Housing Tax Credit Training” Two-Day Training for HUD Multifamily Lending Staff
Sept. 23-24, Boston Marriott Long Wharf, Boston, MA
Sept. 20-21, Sheraton Chicago Hotel and Towers, Chicago, IL
Sept. 16-17, Sheraton Dallas Hotel, Dallas, TX
Sept. 13-14, Atlanta Marriott Buckhead Hotel & Conference Center, Atlanta, GA
Sept. 8-9, Hilton San Francisco Union Square, San Francisco, CA
Sept. 1-2, HUD Headquarters, Washington, D.C.

- Aug. 26-27, Sheraton Denver Downtown Hotel, Denver, CO
Aug. 23-24, Baltimore Marriott Inner Harbor at Camden Yards, Baltimore, MD
- MAR 00 **Workshop Instructor**, *"Affordable Housing Development Opportunities,"* National Association of Housing and Redevelopment Officials, Mid-Atlantic Regional Council, 2000 Annual Conference and Trade Show
- OCT 99 **Lead Instructor & Curriculum Author**, *"Affordable Housing Finance Series,"* National Association of Housing and Redevelopment Officials, **Creating Communities for the New Millennium**, NAHRO National Conference, Philadelphia, PA
101: Introduction to Affordable Housing Development
102: Understanding Common Financing Techniques
103: Doing the Deal
- AUG 99 **Guest Lecturer**, *"Urbanism vs. Sprawl: Can Enlightened Development Save Our Metropolitan Areas?"* Johns Hopkins University, School of Continuing Education, Real Estate Program, Washington, D.C.
- JUL 99 **Instructor & Curriculum Author**, *"Basics of Affordable Housing Development: A Mini Training Session,"* National Association of Housing and Redevelopment Officials, **Creating Excellence During Times of Changes**, NAHRO Summer Conference, Minneapolis, MN
- AUG 98 **Guest Lecturer**, *"Revitalizing Our Cities: Old Urbanism, New Urbanism, and Real Urbanism"* Johns Hopkins University, School of Continuing Education, Real Estate Program, Washington, D.C.
- JUN 96
-- MAY 97 **Lead Instructor, Facilitator, and Curriculum Author**
Association of Local Finance Agencies and the National Association for County, Community, and Economic Development, "How to Finance Affordable Housing: Bringing It All HOME," Two-and-One-Half-Day Professional Training
March 1997, Dallas, TX
December 1996, San Diego, CA
June 1996, Baltimore, MD

- OCT 96
-- DEC 96 **Lead Instructor, Facilitator, and Curriculum Author**
Association of Local Finance Agencies and the National
Association of Housing and Redevelopment Officials, "Financing
Affordable Housing: Innovative Solutions for Local Housing
Agencies," Two-and-One-Half-Day Professional Training
December 1996, San Francisco, CA
October 1996, Atlanta, GA
- DEC 88 **Workshop Instructor**, Northwest Center for Professional
Education, "*Real Estate Tax Planning*," Arlington, VA
- MAY 88 **Instructor**, "*Real Estate Investments in the 1990's*," **IAFP Mid-
Atlantic Conference & Exposition**, McLean, VA
- JAN 88 **Workshop Instructor**, Northwest Center for Professional
Education, "*Negotiating and Drafting Commercial Leases*,"
Washington, D.C.
- OCT 87 **Workshop Instructor**, Northwest Center for Professional
Education, "*Leasing Commercial Real Estate*," Washington, D.C.
- OCT 87 **Workshop Instructor**, Northwest Center for Professional
Education, "*Mastering Real Estate Investment Analysis*,"
Washington, D.C.
- NOV 86 **Workshop Instructor**, Northwest Center for Professional
Education, "*Financing Multi-Family Projects*," Bethesda, MD
- NOV 86 **Workshop Instructor, Program and Curriculum Co-Developer**,
Deloitte Haskins + Sells et al., "*FINANCING SUCCESS: Financing
Strategies for the Privately Held Company*," Tysons Corner, VA
- OCT 86 **Workshop Instructor**, Northwest Center for Professional
Education, "*Tax Structuring for Real Estate After 1986 Tax
Reform*," Arlington, VA
- JUN 86 **Workshop Instructor**, Northwest Center for Professional
Education, "*Real Estate Investment Analysis*," Bethesda, MD
- DEC 85 **Workshop Instructor**, Northwest Center for Professional
Education, "*Real Estate Investment Analysis*," Arlington, VA

Selected Consulting and Advisory Engagements

COMPLETED AS OF:

- MAR 15 Research study, study report, and report executive summary regarding conflicts of interest in commercial real estate transactions focusing on who represents the tenant, Research Director, Lead Author, and Project Manager for the Center for Real Estate and Urban Analysis, The George Washington University School of Business, Washington, D.C.
- MAY 13 Urban Houston Framework, Housing Strategist, Design Workshop Team, City of Houston and Houston-Galveston Area Council (HGAC), City of Houston Urban Case Study
- SEP 13 U.S. Department of the Treasury, Community Development Financial Institutions Fund (CDFI) , Technical Assistance engagements, serving as Principal TA Consultant, as subcontractor to Deloitte Financial Services Consulting, serving the following CDFI TA clients:
 Bridgeway Capital, Pittsburgh, PA
 Gulf Coast Renaissance Corporation, Gulfport, MS
 Vermont Community Loan Fund, Montpelier, VT
 Neighborhood Lending Partners, Tampa, FL
 Northside Community FCU, Chicago, IL
- JAN 13 U.S. Department of the Treasury, Community Development Financial Institutions (CDFI) Fund, development of Compliance, Loan Monitoring, and Impact Analysis Framework, Protocols, and SOPs in preparation for launch of CDFI's Bond Guarantee Program under 2012 JOBS Act, as Real Estate Development, Housing, and Finance SME to DEVAL, LLC (Prime Contractor), together with Deloitte Financial Services Consulting.
- SEP 10 U.S. Department of Housing and Urban Development, "Low-Income Housing Tax Credit Training 2010," principal curriculum developer, course content creator, and Lead Instructor for series of eight (8) national, two-day workshops for HUD Multifamily Loan staffs
- JAN 10 Steamboat 700, LLC, community housing plan for 2,000 DU MPC in Steamboat Springs, CO

- AUG 09 See Forever Foundation, Washington, D.C., Feasibility Study and Development Plan for 166-DU mixed-density, workforce housing, for-sale PUD to support the operations of the See Forever Charter High School
- MAR 09 City of Henderson, NV, Feasibility Study and Development Plan for 107-DU, in-fill, for-sale workforce housing subdivision
- OCT 07 City of Las Cruces, NM, Feasibility Study and Development Plan for Downtown workforce housing development, Phase1: 164 urban townhouses; 277-space garage, 9,600 sq. ft. retail
- NOV 06 Santa Barbara School Districts, Feasibility Study and Development Plan for 374 DU, mixed-density, workforce housing PUDs providing for-sale workforce housing units on two sites
- MAY 07 City of Portales, NM, 130-DU workforce housing MPC with for-sale patio and courtyard homes
- MAY 07 Town of Clayton, NM, 100-DU workforce housing MPC with for-sale patio and courtyard homes, to support the construction and operation of NMCD's Northeast New Mexico Detention Facility
- NOV 06 City of Hobbs, NM, 589-DU mixed-density, mixed-tenure MPC
- OCT 06 City of Eunice, NM, 136-DU for-sale, in-fill development with patio and courtyard homes
- SEP 06 Town of Taos, NM, 205 DU for-sale MPC featuring 8-plex, townhome, and SFD homes
- MAY 06 New Mexico Corrections Department, New Mexico State Penitentiary, Santa Fe County, NM, 300-DU mixed-density, mixed-tenure MPC

Professional Experience

- JUN 2010 - Present** Founder & Principal, [petersgroup consulting](#), Falls Church, VA
- JAN 09—JUN 10** Senior Vice President, UniDev, LLC, Bethesda, MD
OCT 04—DEC 08 Vice President—Development, UniDev, LLC, a leader in the design, development, financing, and management of workforce housing communities throughout the mainland United States and Hawaii, providing advisory and project management services to

colleges and universities, local and state governmental entities, healthcare providers, non-profit organizations, and private-sector developers. Responsibilities include identifying, evaluating, and generating new project opportunities and undertaking early stage project conceptual development and feasibility analysis companywide, as a predicate to predevelopment financing. Also served as Project Director for UniDev's workforce housing development programs in Colorado, New Mexico, and Santa Barbara, CA, as well as providing support to other projects nationwide.

- FEB 99 - OCT 04** Founder/Managing Director, [petersgroup companies](#), Falls Church, VA, a national, multidisciplinary, real estate strategies consulting firm, providing project planning and finance expertise in the development of mixed-income, mixed-use projects with emphasis on urban revitalization initiatives involving the transformation of public housing under HUD's HOPE VI program.
- AUG 99 - JUN 04** Adjunct Faculty, Johns Hopkins Univ., Masters in Real Estate Program, teaching residential development, finance, and management; housing policy; and Urban Regeneration courses offered at the Program's Washington, D.C. campus.
- MAR 95 - FEB 99** Program Administrator, Alexandria Redevelopment & Housing Authority
- DEC 85 - DEC 88** Workshop Instructor, Northwest Center for Professional Education
- AUG 81 - FEB 95** Real estate, federal tax, and corporate finance attorney with various Washington, D.C. and Northern Virginia law firms

Community Involvement

- FEB 1994** **THE AVENUE PARTNERSHIP**
Co-founded collaboration of businesses, citizens, and government to make Alexandria's Mount Vernon Avenue corridor a thriving, urban "Main Street," which was launched through Prof. Smirniotopoulos' grass-roots community development work in Del Ray. He also developed design & livability initiatives and helped create the Del Ray Farmers' Market in 1994.

NOV 1992

ARTS RESOURCE FOUNDATION

Prof. Smirniotopoulos founded this 501(c)(3) to support community based arts organizations and promote the arts as a resource for community development, through DEL RAY ARTISANS' CENTER.

JAN 1992

DEL RAY ARTISANS' CENTER

Prof. Smirniotopoulos founded this storefront alternative arts space, featuring functional art and craftsmanship, to promote the arts and demonstrate the "Main Street" retail potential of Alexandria's emerging Del Ray community. He served as executive director of the Center from its founding until December 1994, overseeing sixteen exhibitions and personally organizing and curating two exhibitions each year, including the annual Furniture Show.

SEP 1991

COMMUNITY DESIGN SERVICES

Modeled after Baltimore's Neighborhood Design Center, The Washington Architectural Foundation, under the leadership of Prof. Smirniotopoulos as the organization's President, sponsored this program to provide pro bono, multi-disciplinary, conceptual design services to non-profits and community groups.

SEP 1990

WASHINGTON DESIGN CELEBRATION

This gala event celebrated the renaissance of Washington D.C.'s East End. Prof. Smirniotopoulos served on the Steering Committee and developed and implemented an operating strategy which raised \$190,000 and contributed \$48,000 in net proceeds to Jubilee Housing (\$36,000) and The Washington Architectural Foundation (\$12,000).

JAN 1990

ACCENT ON ARCHITECTURE

Sponsored by The American Institute of Architects and The American Architectural Foundation, Accent on Architecture is the profession's most ambitious public outreach effort. In addition to providing strategic guidance for this ground-breaking, inaugural event, Prof. Smirniotopoulos raised \$50,000 in corporate funds for the inaugural event.

NOV 1988

THE WASHINGTON ARCHITECTURAL FOUNDATION

Sponsored by The Washington Chapter/American Institute of Architects (DC/AIA), this 501(c)(3) organization promotes excellence in architecture and urban design. Prof. Smirniotopoulos

was a founding Board member, serving as the organization's elected vice president in 1990 and president for two consecutive terms (1991 and 1992). Under his leadership, the Foundation launched many successful programs, including Community Design Services and Architecture in the Schools, and published Graffiti.

SEP 1986

MANNA, INC.

MANNA is a pioneer and recognized leader in creating ownership opportunities for low and moderate-income families. Prof. Smirniotopoulos initially acted as MANNA's pro bono tax counsel--assisting in the development of the nation's first multi-family, mixed-use, limited equity coop--and subsequently served four years on the MANNA Board of Directors. He also co-founded the MANNA CDC and assisted in the formation of the Coalition of Non-Profit Housing Developers.

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