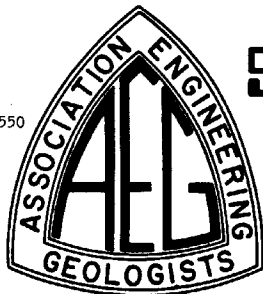


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# SOUTHERN CALIFORNIA SECTION

# newsletter

2550 BEVERLY BOULEVARD, LOS ANGELES, CALIFORNIA 90057

## NOVEMBER MEETING

**DATE:** Tuesday, 13 Nov 1984

**PLACE:** Stevens Steak House  
5332 Stevens Place  
Commerce

**COST:** \$ 13.00, including tip.

**RESERVATIONS:** Leroy Crandall & Associates  
213-413-3550, ext. 50, ask for Jan  
Please make reservations by none on previous Friday.

**TIME:** 5:30 Social Hour  
6:30 Dinner  
7:30 AEG Business  
8:00 Speaker  
9:00 Section affairs, if scheduled.

**SPEAKER:** Dennis A. Evans, Registered Civil Engineer and  
Engineering Geologist.

**SUBJECT:** BIG ROCK: A case history in CYA; Past and Present.  
Dennis was selected in 1983 from among a pack of wildeyed,  
frenziyed geologists and soil engineers who submitted pro-  
posals to the County to study the Big Rock landslide. Sub-  
sequently, he hired several other consultants who provided  
ancillary services during his overall investigation.

Dennis plans to discuss his work at Big Rock, utilizing  
slides (what else?) and his droll wit. One may speculate  
whether the subject matter or the speaker will be more  
interesting.

As you recall from the sermon on the mount during the  
annual field trip, Big Rock is attempting to become a lot  
of small rocks. The subject has been studied intensely by  
Dennis and his associates who have issued a "Second Interim  
Report of Geotechnical Evaluation...", dated 20 Aug 84,  
which is available from County Engineer for about \$50.00.

Dennis, always reticent, provided no curriculum vital,  
but there's no question about the B.S.

HUGH ROBERTSON requests that your participation as a speaker will be well received. If you have suggestions, or want to enlighten us about some vague geological concept please contact Gary Guacci at Leroy Crandall & Associates (213) 413-3550.

Persons or companies interested in sponsoring a student should contact JEFF HOLT (818) 889-5174.

While you are discussing students/sponsoring with Jeff, please note his address so that you will send him your payment of \$12.50 for subscription to the Newsletter and section membership for 1985. Otherwise, you may pay this one time annual charge at the November meeting.

We need a field trip chairman and suggestions for a place to go. The following committee chairmen will be seeking your participation. Affix your name on the roster at the meeting. If you cannot attend, please call and get on the list.

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The newsletter reports your activities and presents your views, but you have to provide the basics. In order to make the deadline (whatever that is), the paper must go to the printer about 2½ weeks before the meeting - check your calendar and get the stuff in here.

Advertising rates for space-cards-or announcements are quoted by Jeff Holt (818) 889-5174.

South Coast Geological Society Completes 700 page volume on the Geology and Mineral Wealth of the California Transverse Ranges. The publication is dedicated to Mason Hill and is available for \$45.00 (postage and handling included) from South Coast Geological Society, P.O. Box 10244, Santa Ana, CA. 92711.

# County Countersues in Big Rock Slide Case

By LYNDON STAMBLER, *Times Staff Writer*

A Los Angeles County agency, maintaining that Big Rock Mesa homeowners are responsible for a landslide that occurred in September, 1983, has filed a suit countering their damage claims.

The countersuit, filed in Santa Monica Superior Court by County Waterworks District 29, names as defendants more than 300 past and present homeowners, developers, water companies and geologists. Many of the defendants have not been involved in suits against the county.

Superior Court Judge Laurence J. Rittenband is scheduled to decide on Oct. 5 whether to allow the countersuit to proceed.

"The original owners who developed the area without sewers, and developed to the density that exists there today all share in the responsibility for what's happened," said Kenneth Putnam, assistant deputy county engineer.

"I'm emotionally very distressed," said geologist Eugene Don Michael, who was named as a defendant in the suit and who has been working to stop the slide. "I guess they're naming just about every guy who's ever worked in the area."

## Continued from Page 1

Rock resident who represents about 150 homeowners, said the county knew in 1973 that the water table in Big Rock was rising and residents faced the risk of a landslide if the water was not pumped out. He has claimed about \$1 million in damages for each home.

"I think it's ironic that the water district is suing its customers for using water it sold them with full knowledge they could only use it in one way, in their septic tanks," said Chiate. "The only purpose of the lawsuit is to intimidate residents of Big Rock and discourage them from proceeding with their lawsuit."

Homeowners formed an assessment district in December to find a way to stop the slide. Michael said that large areas of the slide have stopped moving, but there is still movement in some areas. "It's too early to say what's going to happen," he said about the slide.

At a community meeting at the end of August, lawyers represent-

In March, about 200 residents sued the water and flood control districts, the state Department of Transportation and the state Coastal Commission for millions of dollars in property damages.

Their suit claims that the agencies, in approving the Big Rock subdivisions and building permits, were responsible for the slide. The suit also claims that the county made inadequate provisions for drainage in the area and the earth became saturated with water, which caused the slide.

In its first major response to the homeowners, the water district has claimed that homeowners, developers and geologists who developed the Big Rock Mesa area were responsible.

Atty. David B. Casselman, who represents the water district, said that 80% of the water added to the slide area came from the homeowners' septic tanks. He said the tracts were approved with the condition that homeowners would continue a dewatering program, and that homeowners have rejected attempts to install sewers in the area.

Atty. Kenneth Chiate, a Big

ing the county said that public officials would no longer be allowed to talk directly with residents about progress made in stopping the slide.

"Two lawyers appeared and said we had corrupted the efforts (to stop the slide) by filing the lawsuits," said Big Rock resident Kara Knack.

"The lawyers for the plaintiffs were taking advantage of the open forum questions," Casselman said.

"The government has really been saddled as the only group of defendants in the (homeowners') lawsuit," Casselman added. "It's not righteous. . . . We don't have any choice. . . . We want to bring all of the responsible parties to the front."

Resident Knack, who has been looking for another house, said that the matter has become frustrating. "Although I signed up with a lawsuit, it is not my main interest," she said. "Stopping the landslide is what I'm mainly interested in."

## In Board-Sponsored Seminar

# Realty Agents Warned Of Geological Liability

By HILL BURRIS

SAN DIEGO DAILY TRANSCRIPT Staff Writer

Liability of real estate brokers and agents for failing to warn homebuyers of geological problems under new California case law was discussed recently at a San Diego Board of Realtors-sponsored workshop attended by 70 local realtors and associates.

Atty. William Fishbeck and two geologists from Leighton and Associates, Ernie Artim and Steve Jensen, discussed the new law and how real estate sales people representing home sellers may protect themselves from geological problems liability.

Justices of the First District Court of Appeal in February in the *Easton v. Strassburger and Valley of California Inc.* (Valley Realty) case held that real estate brokers or their agents have a "duty to conduct a reasonably competent and diligent inspection of the residential property listed for sale and to disclose to prospective purchasers all facts materially affecting the value or desirability of the property that such an investigation would reveal."

Fishbeck said the California Supreme Court's refusal to hear the case leaves the appeal court decision as new law and leaves real estate brokers responsible for action of their agents in much the same manner as a general contractor has liability for work done by subcontractors on a project.

In the landmark case discussed, Leticia Easton purchased a 3,000-square-foot home with a pool and guest house for \$170,000 from William F. Strassburger for \$170,000.

After the sale closed, massive earth movement on the parcel caused the foundation of the home to settle and the home to become virtually worthless. The buyer sued the former owner and the realty firm and its agents who had handled the sale.

Evidence presented showed the agents who had sold the home had inspected the property several times and were aware of certain "red flags" which should have indicated soils problems to them.

During the time the property had been owned by Strassburger, there had been a two minor slides involving filled slope but the realty firm agents had not been advised of them.

The appeal court found that a real estate broker is a licensed person or entity who holds himself out to the public as having particular skills and knowledge in the real estate field.

"If a broker were required to disclose only known defects, but not also those that are reasonably discoverable, he would be shielded by his ignorance of that which he holds himself out to know," the court said.

Fishbeck discussed the broker's or sales agent's duty to investigate for possible geological problems and to arrange for identification of any problem found and for its repair.

Potential problems discussed included those from soils and water, structural defects, borrower qualifications, flood plain exposure, special studies zones (such as shown on earthquake zone maps), zoning switchability and deed irregularities.

The sales people attending were encouraged to conduct their own investigation of a property — including looking for repairs that could indicate a cover-up of a structural problem.

"Risks must be clear to the buyer," Fishbeck said. He called for the individual handling a sale to inquire, inspect, investigate, recommend an expert if problems are found and provide a written disclosure of any problem detected for the prospective buyer.

Fishbeck called the appeal court decision in the *Easton* and *Strassburger* case the largest single step in increasing realtor exposure in the last 15 years.

Artim, chief geologist for Leighton & Associates, and Jensen, a geologist and senior project manager, showed slides and described how an inspection of a home and property can enable the sales representative to determine whether geological or structural problems exist.

Also discussed by Artim were various planning documents, seismic studies and geologic publications that are available through local and state governmental agencies that may be obtained or viewed by the agent to aid in determining whether a property is in an area likely to be a geologic hazard area.

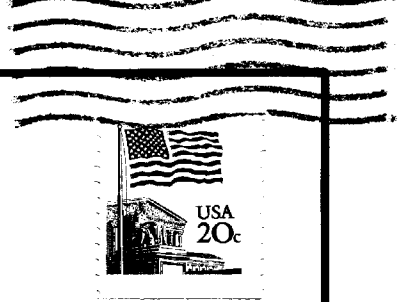
He also discussed how experts may be called in, if needed, to do visual site inspections, aerial photo studies and limited or extensive analysis of problem sites.

Costs for such assistance may run from \$100 or \$150 to many thousands of dollars — depending on the seriousness of the problem, he indicated.

"Sometimes we can resolve a problem by just advising a homeowner to cut back on watering his lawn," Artim said. "In other cases you may have to provide site treatment of soils and virtually build a damaged structure."

Leighton & Associates is based in Irvine and has offices in San Diego and several other locations throughout Southern California.

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