



**CHAPTER OFFICERS**

**President  
& 2 Year International Director**  
Karen Williams, SR/WA  
602.542.8857  
[president@irwaChapter28.org](mailto:president@irwaChapter28.org)  
[karen.williams@azag.gov](mailto:karen.williams@azag.gov)

**1 Year International Director**  
Kathie Sholly, SR/WA, R/W - AMC  
623.930.3652  
[ksholly@glendaleaz.com](mailto:ksholly@glendaleaz.com)

**President Elect**  
Mary A.M. Smith  
602.540.6036  
[presidentElect@irwaChapter28.org](mailto:presidentElect@irwaChapter28.org)

**Treasurer**  
Jason Foster  
602.328.1959  
[treasurer@irwaChapter28.org](mailto:treasurer@irwaChapter28.org)  
[jason.foster@aps.com](mailto:jason.foster@aps.com)

**Secretary**  
Vance Tuttle  
602.604-8118  
[secretary@irwaChapter28.org](mailto:secretary@irwaChapter28.org)  
[vtuttle@ufsaz.com](mailto:vtuttle@ufsaz.com)

**Professional Development Committee**  
Gayle Leonard, SR/WA  
602.506.1421  
[gayleleonard@mail.maricopa.gov](mailto:gayleleonard@mail.maricopa.gov)



Please join us at the original Garcia's \*for

**Coral Sheehan's**

**Retirement Lunch**

Tuesday January 4, 2011

11:30 AM

\*2212 North 35th Avenue, Phoenix

R.S.V.P. to [layniebell@mail.maricopa.gov](mailto:layniebell@mail.maricopa.gov) by Friday December 21<sup>st</sup> 2010 With Name(s) or to 602-506-4149

**A POCO POLLO**  
Delicious chicken dish  
Rice and Beans

**D CHIMICHANGA**  
With guacamole, sour cream  
Rice and Beans

**B Taco, Tostada, Cheese Enchilada** **E ENCHILADA**  
Beef, Chicken or Cheese

**C BURRO ENCHILADA STYLE** **F Chicken and Avocado Salad**  
Red, Green, Special Beef or Chicken  
Rice and Beans  
Served with choice of dressing



**\$15.00 person**, includes tax and gratuity  
Pay in advance by 12/21 to Laynie Bell, Maricopa County Public Works  
2801 W. Durango St., Phoenix, AZ 85009

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# A Word From Our President ...

**Karen L. Williams, SR/WA**

## **Happy New Year Kachina Chapter 28!**

This past year has been quite a challenge to many of us both professionally and personally. Let's all hope for a new year filled with peace and prosperity.

We have all heard of people doing "random acts of kindness". Perhaps we can help bring about positive change this year by doing this very thing. Try it, it certainly can't hurt. I was the recipient of one of these acts the other day. While pulling up to pay at a fast food drive through, I was told by the cashier that the car ahead of me had already paid for my order. It is amazing how that can brighten your day! Returning this favor is just as rewarding!

January has historically been the time for the new President to introduce themselves and to begin their year in office for the Chapter. With the change to the fiscal year the new officers will not begin until July 1. I want to thank you all for the support you have given the Board through this change and I look forward to remaining as your President through June.

On that note ..... a key member meeting is coming up on **February 8**. This is the meeting that we will be accepting nominations from the floor for the 2011/2012 year. Service on the board is rewarding, educational, and a great opportunity to get to know the membership as well as how the organization functions. It does require a commitment of your time to do the job properly but we all work together to help get the job done. We will be looking for new candidates to fill the Secretary and the Treasurer positions. So please, consider throwing your name in the hat or nominating someone that would like to take on the challenge.

Elections will take place at the **March 8** Member meeting and Officer Installations will occur at the **June 7** Member meeting. So, once elected, you have plenty of time to prepare for the 2011/2012 year.

Mark your calendars for these important meetings! See you in February!

# COMMITTEES

## **Education**

Kaye Bockmann, SR/WA  
602.236.3129

[Education@irwachapter28.org](mailto:Education@irwachapter28.org)  
[kaye.bockmann@srpnet.com](mailto:kaye.bockmann@srpnet.com)

## **Education Certification & Credits**

Mark Keller, MAI, SR/WA  
602.236.8164

[mark.keller@srpnet.com](mailto:mark.keller@srpnet.com)

## **Elections & Awards**

Chris Banks, SR/WA  
602.236.8175

[chris.banks@srpnet.com](mailto:chris.banks@srpnet.com)

## **Environmental**

Vance Tuttle  
[vtuttle@ufsaz.com](mailto:vtuttle@ufsaz.com)

## **Ethics**

Mark Keller, MAI, SR/WA  
602.236.8164

[mark.keller@srpnet.com](mailto:mark.keller@srpnet.com)

## **Job Bank**

IRWA Chapter 28 Secretary  
[secretary@irwachapter28.org](mailto:secretary@irwachapter28.org)

## **Local Public Agency**

Caroline Tillman, SR/WA,  
R/W-RAC  
602.234.1000

[carolinet@acqsl.com](mailto:carolinet@acqsl.com)

## **Luncheons**

Sharon Dyke  
602.386.3000

[luncheons@irwaChapter28.org](mailto:luncheons@irwaChapter28.org)

## **Marketing/Public Awareness/Public Relations**

Kathie Sholly, SR/WA, R/W-AMC

623.930.3652

[ksholly@glendaleaz.com](mailto:ksholly@glendaleaz.com)

## **Membership Chair**

Kristina Guzman  
602.604.8118

[MemberChair@irwachapter28.org](mailto:MemberChair@irwachapter28.org)  
[kguzman@ufsaz.com](mailto:kguzman@ufsaz.com)

## **Newsletter**

Cory Waltemath

[cwaltemath@ufsaz.com](mailto:cwaltemath@ufsaz.com)

## **PDC**

Gayle Leonard, SR/WA  
602.506.1421

[gayleleonard@mail.maricopa.gov](mailto:gayleleonard@mail.maricopa.gov)

Rebekah Louis, SR/WA, R/W-NAC

602.236.8195

[rebekah.louis@srpnet.com](mailto:rebekah.louis@srpnet.com)

Robert Sachs, SR/WA

602.506.4744

[res@mail.maricopa.gov](mailto:res@mail.maricopa.gov)

## **Property Management**

Vicki Chamberlin, R/W-AMC  
602.262.6739

[vicki.chamberlin@phoenix.gov](mailto:vicki.chamberlin@phoenix.gov)

## **Region 1 Chair**

Chris Banks, SR/WA  
602.236.8175

[chris.banks@srpnet.com](mailto:chris.banks@srpnet.com)

## **Relocation**

Roger Ottaway  
602.604.8115

[r.ottaway@mcspecialist.com](mailto:r.ottaway@mcspecialist.com)

## **Seminar**

Mary A.M. Smith  
602.540.6036

[presidentElect@irwachapter28.org](mailto:presidentElect@irwachapter28.org)

## **Survey & Engineering**

Todd Rakstad  
602.236.3170

[todd.rakstad@srpnet.com](mailto:todd.rakstad@srpnet.com)

## **Title & Escrow**

Sharon Dyke  
602.386.3000

[sharond@ewtaz.com](mailto:sharond@ewtaz.com)

## **Transportation**

Michael Wilson, SR/WA  
602.506.4706

[mdw@mail.maricopa.gov](mailto:mdw@mail.maricopa.gov)

## **Utilities**

Mike Burns, SR/WA  
602.236.3108

[mike.burns@srpnet.com](mailto:mike.burns@srpnet.com)

## **Valuation**

Mark Keller, MAI, SR/WA  
602.236.8164

[mark.keller@srpnet.com](mailto:mark.keller@srpnet.com)

## **Website**

[support@irwaChapter28.org](mailto:support@irwaChapter28.org)



MARK HENLE/ARIZONA BUSINESS GAZETTE

Dennis Lopez, in his office at Dennis L. Lopez & Associates LLC, became an apprentice appraiser in 1978. He specializes in commercial appraisals including land and income-producing property.

## Appraiser enjoys his job

By Luci Scott  
ARIZONA BUSINESS GAZETTE

**D**ennis Lopez found his calling as a student at Arizona State University, the day he attended a meeting of the Real Estate Club for a speech by an appraiser.

"It was interesting," Lopez recalled. "Right away I was sold."

As a senior in 1978, Lopez became an apprentice appraiser, and since then he's "enjoyed every minute of it."

In 1988, he opened his Tempe-based business, Dennis L. Lopez & Associates LLC. It specializes in commercial appraisals including land, shopping centers and industrial buildings – all types of income-producing property.

That specialty includes appraisals for condemnations and eminent domain, so he works for governmental agencies that acquire real estate for public projects such as freeways, parks, schools and stadiums. It also includes work on

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## Appraiser finds his calling interesting, challenging

APPRAISER  
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easements for power lines, roads, sidewalks and bus stops.

His roster of 50 to 60 clients includes the state Land Department, Arizona Department of Transportation, the Flood Control District of Maricopa County and almost every city, county and state agency in Arizona.

Lopez also consults for law firms, real-estate brokers, accountants and property owners.

His appraisal work in eminent domain and condemnation often takes him to court, so he has testified at 38 trials, been deposed at least 150 times and attended about 300 other hearings.

Although the market remains depressed in all segments – residential, commercial, multi-family, industrial and land – he sees a glimmer of hope.

"It appears that maybe these various market segments have bottomed out or are nearing the

bottom," he said.

"Buyers are finally returning to the marketplace, bringing hoarded cash and buying again."

Low prices may remain in Arizona's population centers for two to five years, he predicted.

Residential land in most areas of Maricopa and Pinal counties has declined in value 70 percent to 90 percent.

"Housing values, for the most part, have gone back to the values we saw in, say, the year 2000," Lopez said. "Appreciation gained this decade has been lost."

Those benefiting are first-time home buyers and investors, he noted.

But regardless of the state of the real-estate market, his job remains interesting.

In November, he was involved in a trial in which a title company had failed to alert a buyer, a developer, that a residential homeowners association had the power to approve, oversee and restrict commercial development on a piece of

### Dennis L. Lopez & Associates LLC

Founded: 1988.

Employees: Five.

**What it does:** Provides real-estate appraisal and consultation services to governmental agencies, utility companies, Indian communities, banks, mortgage brokers, real-estate brokers, developers, attorneys, portfolio managers, accountants, school districts and universities, engineering firms, corporations, property owners and tenants.

**Lopez:** Holds the respected MAI and SRA designations awarded by the Appraisal Institute, the premier organization overseeing appraisers' ethics and standards.

**Address:** 8631 S. Priest Drive, Suite 103, Tempe.

**Contact:** 480-838-7332; lopezappraisal.com.

land in Scottsdale.

The jury found the title company liable and awarded \$1.5 million to the buyer, although the title company was offering \$25,000.

There is more litigation involving title companies these days, and he suspects it's because the companies in the past weren't checking for every po-

tential restriction on the use of the land.

These days appraisers are doing fewer lender-oriented appraisals because risk-averse banks are being cautious and conservative. The drop in business has made appraisers more competitive.

Lopez said his profession, including work in litigation valuation and especially condemna-

tion and eminent domain, is a good opportunity for young appraisers.

"Most people don't know much about real-estate appraisal, and on the surface it sounds very dry, boring possibly, but it can be an exciting profession."

Very few young appraisers are being trained, and the legal community and governmental agencies are concerned about who's going to replace the current group of experienced and skilled eminent-domain appraisers in the future.

So Lopez speaks to ASU students about the rewards of his profession.

An appraiser has independence in running a business, choosing clients and expanding his or her knowledge, Lopez said.

"Every day I'm always running into new issues, new problems and circumstances I've never seen before," he said.

"There are always new, original problems that must be solved, and I enjoy tackling the challenge."

## IRWA EDUCATION CALENDAR

### 2011 COURSE SCHEDULE

(All courses subject to change.)

January - SR/WA Review Month

SR/WA : SR/WA Review Study Session - Francy - 1/(tba)

March - Property/Asset Management Month

703 : Real Property/Asset Management – Amos - 3/28  
701 : Property/Asset Management: Leasing - Sholly - 3/29 & 3/30

May - Real Estate Law Month

800 : Principles of Real Estate Law - Guzman - 5/(tba)  
801 : United States Land Titles - 5/(tba)

July - Engineering Month

900 : Principles of Real Estate Engineering - 7/(tba)  
901 : Engineering Plan Development & Application - 7/(tba)

September - Education Seminar Month

600 : Environmental Awareness - 9/(tba)  
802 : Legal Aspects of Easements - 9/(tba)

November - Communications Month

200 : Principles of Real Estate Negotiations - 11/(tba)  
205 : Bargaining Negotiations - 11/(tba)

TO LEARN MORE OR SIGN UP  
WWW.IRWACHAPTER28.ORG

# Some Arizona homeowners still owe after short sale

## *Some former homeowners unaware that debt may linger*

by **Catherine Reagor**  
The Arizona Republic

Short sales allow people to sell their homes for less than they owe on their mortgage to avoid foreclosure. In Arizona, though, some former homeowners are finding they are still in debt to their lenders, even after completing a short sale.

Short sales, unlike foreclosures, are not typically covered by Arizona's anti-deficiency law.

That law protects most distressed homeowners if lenders foreclose. It bars lenders from seeking payment from the borrower if the home doesn't sell for as much as the amount owed on the mortgage.

Some lenders apply the same protection to borrowers who complete a short sale.

But a growing number of former homeowners in metro Phoenix are receiving unwelcome calls and letters from lenders or collection agencies telling them they still owe on mortgages for houses they no longer own.

Because the short-sale concept is designed specifically to help homeowners avoid having to pay their lenders more money, some sellers have been careful to negotiate their deals so the lender, by contract, can't later seek payment. Those who haven't done so are at risk.

"I know that there is a great deal of confusion and uncertainty about this issue," said Michelle Lind, general counsel for the Arizona Association of Realtors. She said that real-estate lawyers differ on which situations are subject to the anti-deficiency statutes but that, depending on the kind of loan and the terms of the short-sale contract, the seller can be liable.

"The law is unclear," she said, "and there are many variables that factor in."

### **Sellers should tread carefully**

Tricia Goldblatt sold her Phoenix home through a short sale last year after losing her job as an executive assistant at an engineering firm. A few months ago, she started receiving calls from a collection agency.

"They are telling me I owe \$10,000. I did a short sale to get out from under my mortgage," she said. "I don't have that money. I had to move in with my mom."

Goldblatt said she thought the documents for her short sale specifically stated her liability for both her first and second mortgage would be terminated. But the collection agency said it bought the note on her home-equity loan from her lender and wants to be paid.

Home-equity loans, or second mortgages, appear to be the biggest pitfall in such cases.

Plunging home values in metro Phoenix left many homeowners unable to sell their homes for enough money to cover what they owed on their first mortgages, let alone a second mortgage. In short sales, lenders agree to let homeowners sell for less than what they owe. The seller typically gets nothing, but the lenders are at least paid a portion of the original principal.

Some homeowners can work out deals to close their second mortgages. Often, lenders who issued a home-equity loan will accept \$2,000 to \$5,000 to let the homeowner walk away from the debt.

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Some lenders also seek to recoup more of the debt, requiring sellers to sign promissory notes to pay a portion later.

But many sellers think that once the short sale is completed, they are free of liability. That's when the unwelcome calls can begin.

There usually is a lag between a short sale and when a lender will try to collect on unpaid debt or sell it to a collection agency. It was almost a year after Goldblatt's short sale when she was contacted by the collection agency.

Many real-estate agents working with homeowners on short sales refer them to attorneys or make sure the deal calls for the dismissal of all the debt related to the house. The sales require more paperwork and negotiations and are still relatively new to many agents. And, with short sales at record levels in metro Phoenix and nationally, lenders are continuously updating their guidelines.

"It's tough to figure out who owes what to whom in a short sale," said Margie O'Campo De Castillo, a Phoenix real-estate agent. She said she advises sellers to visit an attorney before closing their deals.

### **'Deficiency issue is muddy'**

Real-estate agents and attorneys say some lenders are forgiving all portions of mortgages not covered by the home's resale. But homeowners shouldn't count on it.

"The short-sale contract controls the liability between the seller/borrower and the lender. The anti-deficiency statutes apply only to trustee sales and judicial foreclosures," said Diane Drain, a Phoenix real-estate attorney. "If the short-sale contract does not provide for a full release of personal liability, then the seller has a high probability of receiving a demand for the deficiency."

Kevin Kauffman of Keller Williams Arizona Realty said some of the big lenders, including Bank of America, have said they are applying Arizona's anti-deficiency law to short sales.

"But it's still important to get it in a signed contract. The deficiency issue is muddy, to say the least," said Kauffman, who has closed 120 short sales this year. "You can talk to 10 different lawyers or real-estate agents and get 10 different answers."

Andrew Houglom hired Kauffman to handle the short sale of his Queen Creek home last year.

"We made sure it said in my documents that the deficiency on my loan was paid in full with the short sale," Houglom said. "I did a lot of research before I did the deal and knew lenders were holding some homeowners liable for part of their loan after a short sale."

Lawsuits are stemming from deficiency judgments. Lenders sue homeowners who don't pay, and then homeowners sue their real-estate agents, accountants or other consultants for not protecting them for the liability.

"My warning is that short sales are very dangerous for the seller," Drain said. "They must get legal and tax advice from someone who does not profit from the short sale."

Reach the reporter at [catherine.reagor@arizonarepublic.com](mailto:catherine.reagor@arizonarepublic.com) or 602-444-8040.

Read more: <http://www.azcentral.com/business/realestate/articles/2010/11/26/20101126arizona-homeowners-short-sale.html#ixzz18foqiWQf>

# Builders Mark Time on Outlet Centers

Amid Little or No New Construction of Traditional Malls, Real-Estate Developers Dive Into Discount-Shopping Projects.

**Wall Street Journal**

**By Kris Hudson**

Mall developers, desperate for growth, are rushing downscale to build outlet centers that hawk brand-name clothes at discount prices.

"Clearly, when it comes to retail real-estate development, the only thing that seems to be getting done for the next few years is outlets," said Gary Skoien, chief executive of closely held outlet developer Horizon Group Properties.

In October, Horizon landed mall giant CBL & Associates Properties Inc. as the majority partner in an outlet center planned in Oklahoma City. The Horizon project is the first outlet center for CBL, which owns 84 regular malls.

Taubman Centers Inc., owner of 26 upscale malls in the U.S., plans to build its first outlet center next year after it converted its Great Lakes Crossing mall near Detroit and Dolphin Mall in Miami to outlet centers this year.

Construction of traditional malls that sell full-price merchandise has come to a standstill in recent years due to market saturation, scarce capital, weak housing growth and curtailed consumer spending. Outlets, meanwhile, have grown popular with shoppers hunting for discounted designer goods and retailers wanting to reach those shoppers. For what they might lack in glamor, they make up elsewhere for their owners—namely larger rent increases, lower operating costs and stronger leasing activity than traditional enclosed malls.

The rush into the outlet market raises some concerns. Overbuilding isn't as dire a threat for shopping centers as for other property types, because lenders typically won't finance construction until half or more of a project's planned space is committed in leases. But even slight increases in the ranks of outlet centers stand to erode the format's appeal, since that appeal is based partly on scarcity.

There are roughly 214 outlet centers in the U.S. with another 40 on the drawing board, according to the International Council of Shopping Centers, a trade group. In comparison, there are an estimated 1,400 malls, but only a handful under development, according to real-estate data company CoStar Inc.

Outlet centers are likely to play a big role this holiday season. Based on a survey of 9,234 shoppers last December, the National Retail Federation calculated that 14% of U.S. shoppers last year planned to finish their holiday gift buying at outlet centers.

Some companies are focused solely on overhauling struggling malls as outlet centers. Poag & McEwen Lifestyle Centers LLC is converting its 680,000-square-foot Promenade Shops at Orchard Valley in Manteca, Calif., to an outlet center after plans to make it a fashion mall fizzled.

In Paramus, N.J., Vornado Realty Trust converted the former Bergen Mall from 2006 to 2009 into an outlet mall with tenants including Nordstrom Rack, a Gap Inc. outlet and a Bloomingdale's Inc. outlet. The Vornado executive who oversaw that conversion, Sandeep Mathrani, could find similar opportunities after he takes over in January as CEO of General Growth Properties Inc., owner of 185 U.S. malls.

"The outlet business has proven itself to be a sustainable business model with excellent cash flows," said Bobby Taubman, CEO of Taubman Centers. "It is a natural extension of a mall company's capabilities."

Even the companies that dominate the outlet-center market don't object to the well-heeled new arrivals. Tanger Factory Outlet Centers Inc. operates 33 outlet centers in the U.S., and Simon Property Group Inc. operates 73. "If you have to compete, it's better to compete against smart, rational people who aren't going to do foolish things," Tanger President and CEO Steven Tanger said. Taubman and CBL, he says, "will build a quality product with quality tenants that will elevate outlets in the consumer's mind."

Outlet centers originated in the 1970s as shopping centers where manufacturers and clothing brands could unload at steep discounts their excess and flawed inventory. Initially, the centers were built along highways far outside of cities because mall retailers didn't want their suppliers selling the same merchandise at a discount too near the mall.

As outlets evolved in the 1980s and 1990s, mall retailers like Gap began opening their own stores in outlet centers, dropping their insistence that the centers remain far outside of town. Meanwhile, outlet centers shifted from focusing solely on excess merchandise to also offering brand-name fare produced specifically to be sold at outlets. malls more often.

# DECEMBER 2010 MEETING





## PASSING OF A FRIEND

It is with great sadness that I must share with you the passing of one of our members and friend, Bruce Olson from SRP. Bruce passed away on Friday, December 17, after battling cancer. I understand that he kept his good sense of humor up until the very end.

Please keep Bruce and his family in your thoughts and prayers.

**Karen L. Williams**  
President, SR/WA

Dear Kachina Chapter 28,

On behalf of all of our employees, I'd like to say thank you for naming Maricopa County Public Works Real Estate Division, as the chapter Employer of the Year. In these strained financial, political and economic times, it was nice to receive something so positive, about our organization. We look forward to continuing our relationship with the IRWA and specifically with Chapter 28, as our preferred professional organization, and primary training provider. We hope you all enjoy a very Merry Christmas, happy holidays, and a safe and successful New Year.

Sincerely,

Michael D Wilson  
Manager, Maricopa County Public  
Works Real Estate Division



The IRWA Young Professionals Group is made up of individuals 30 and under currently in the Right of Way profession or individuals who are new to the right of way profession and would like to start their careers off in the right direction.

It is critical at the beginning of a right of way career that a path is mapped out through credentialing, targeted coursework and leadership opportunities at the chapter, regional and international levels.

Involvement in key committees from members of this group will be strongly encouraged as the IRWA leadership develops the strategic direction of the organization for the next 75 years.

The IRWA is connecting young right of way professionals through our Linked In Young Professionals sub-group of the Official International Right of Way Group as a place to network on unique challenges they face.

A 2 ½ day meeting of Young Professionals will be held in Las Vegas, March 23 - 25, 2011. The preliminary agenda for the event has been created by a committee of IRWA Young Professionals currently working in Right of Way and consists of:

- Introduction to Right of Way
- Right of Way Business Ethics and Etiquette
- Changing Industry Standards and Regulations/How does Congress affect the ROW Industry?
- IRWA Career Path, Designations and Certifications
- How You Can Get Involved with IRWA Leadership and What Does it Entail?
- Tips and Tricks of the ROW Industry

Special activities at the Annual Education Conference for Young Professionals as well as other events will be planned as the group expands.

Anyone interested in learning more and joining the IRWA Young Professionals group can visit the IRWA Young Professionals webpage at: [http://www.irwaonline.org/eweb/dynamicpage.aspx?webcode=irwa\\_young\\_pro](http://www.irwaonline.org/eweb/dynamicpage.aspx?webcode=irwa_young_pro)

You can also contact Jade Yoong at IRWA Headquarters. Contact Information Below.

**Jade Yoong**  
Meeting & Events Manager  
Tel: (310) 538-0233 ext. 140  
Fax: (310) 538-1471  
[www.irwaonline.org](http://www.irwaonline.org)

**International Right of Way Association**  
19210 S. Vermont Ave., Building A, Suite 100  
Gardena, CA 90248



Calling all young professionals!

## CONGRATULATIONS!!!

### Annual Chapter Awards:

Special Services Award - Tamar Salpeter  
Professional of the Year - Kaye Bockmann  
Employer of the Year - Maricopa County Public Works

### December Course Certificate winners:

Barbara Heimer  
Cathy Hartman  
Susan Orlando

### New members for month of December:

Martha Ojeda, Acquisition Sciences II, LLP  
Charles Vencill, Arizona State Land Department  
Adam Sharp, Arizona State Land Department

