



**COUNTY ADMINISTRATION
OFFICE
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: November 5, 2019 -REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Jason T. Britt PHONE: 636-5005				

SUBJECT: Approve payment to David Allen Law Firm

REQUEST(S):

That the Board of Supervisors:

1. Approve payment for prior year invoices to David Allen Law Firm in the amount of \$37,420 for legal services rendered for the Red Sol case from January 4, 2016 through July 22, 2019; and
2. Approve the necessary budget adjustment per the attached AUD 308 (4/5ths vote required)

SUMMARY:

The Conflict Defender contract previously included provisions to include payment for special circumstance cases, specifically Red Sol. The contract term dates were extended for the calendar year 2019 with no provision to reimburse the contractor for special circumstance cases. The David Allen Law Firm had directed the County prior to the extension that all attorney claims for reimbursement have been processed.

The Red Sol case began in 2015 predating the contract with the David Allen Law Firm. This was the time period when Jay Powell held the contract and retired abruptly. Due to the large nature of the Red Sol operation and the transition from Jay Powell to the David Allen Law Firm many attorneys appointed to the case were not paid timely. Ultimately, amendments to the contract (27754A) came to the Board of Supervisors to include provisions to pay the special circumstances cases.

Attorney Robert C. Lamanuzzi was assigned to represent one of the defendants of the Red Sol case under the Conflict Defender contract, until they were retained private

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counsel. Lamanuzzi submitted two interim billing. The first was promptly paid by Jay Powell. The second was submitted when David Allen took over the Conflict Defender contract and was paid with delay because of the amendments needed to the contract. The defendant was reappointed to private counsel that was defending other Red Sol defendants. Lamanuzzi was hesitant to closeout his billing because of the possibility that he may be reassigned the same defendant. The Defendant has resolved his case and has been sentenced.

The majority of the request for payment is from Lamanuzzi for \$27,140 during the transition of contract between Jay Powell and David Allen Law Firm.

FISCAL IMPACT/FINANCING:

There will be no additional Net County Cost. The funding for expenses will be covered by the Conflict Defender Sub Fund 536 and processed from the Miscellaneous Criminal Justice Budget.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Tulare County's Strategic Plan includes the initiative of Organizational Performance to promote continuous improvement of organization effectiveness and fiscal stability. The Board's approval of these request helps fulfill this Initiative by ensuring the stability of county operations through efficient financial processes.

ADMINISTRATIVE SIGN-OFF:



Jason T. Britt
County Administrative Officer

cc: Auditor-Controller
County Administrative Office
County Counsel

Attachment 1: David Allen Law Firm Invoice (August 27, 2019)
Attachment 2: Letter from Attorney Robert C. Lamanuzzi (February 28, 2019)
Attachment 3: Budget Adjustment AUD 308

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE PAYMENT) Resolution No. _____
TO DAVID ALLEN LAW FIRM) Agreement No. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: Jason T. Britt
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved payment for prior year invoices to David Allen Law Firm in the amount of \$37,420 for legal services rendered for the Red Sol case from January 4, 2016 through July 22, 2019; and
2. Approved the necessary budget adjustment per the attached AUD 308 (4/5ths vote required)

Attachment 1 – David Allen Law Firm Invoice

ALLEN LAW FIRM
Professional Law Corporation
805 W. Main St.
Visalia California 93291

David W. Allen
Jamie E. Allen

Telephone (559) 627-3855
Facsimile (559) 627-3847

August 27, 2019

Jason Britt, County Administrative Officer
Tulare County, County Executive Office
2800 W. Burrell Avenue
Visalia CA 93291

Re: Red Sol Invoices

Dear Ms. Almanza,

Enclosed please find the outstanding invoices we currently have for the Red Sol Case in the amount of \$37,420.00. I am requesting the county deposit \$37,420.00 into the account so we can pay these outstanding invoices.

For any questions or concerns, please feel free to contact our office at (559) 627-3855 at your earliest convenience.

Respectfully,



David W. Allen

cc: Cassie Alegre

RECEIVED

AUG 27 2019

TULARE COUNTY
ADMINISTRATIVE OFFICE

ALLEN LAW FIRM
805 W. Main St.
Visalia, CA. 93291
August 27, 2019

David W. Allen
Jamie E. Allen
Telephone: (559) 627-3855
Facsimile: (559) 627-3847

ATTORNEY	REGARDING	PROVIDER	INVOICE DATE	INVOICE #	DEFENDANT'S NAME	CASE #	AMOUNT
SOK, CURTIS	COMPENSATION (RS-ATTORNEY)	SOK, CURTIS	R 7/23/2019	NONE PROVIDED	BARAJAS, SABASTIAN	VCF-325028M	\$ 9,000.00
MCKNEELY, MICHAEL	COMPENSATION (RS-ATTORNEY)	MCKNEELY, MICHAEL	R 6/10/2019	166	OROZCO, JOEL	VCF-325028	\$ 1,280.00
LAMANUZZI, ROBERT C	COMPENSATION (RS-ATTORNEY)	LAMANUZZI, ROBERT	R 8/5/2019	NONE PROVIDED	MARTINEZ, JOSE	VCF-325028	\$ 27,140.00
Total							\$ 37,420.00

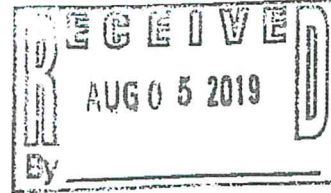
**Attachment 2 – Letter from Attorney Robert C.
Lamanuzzi**

ROBERT C. LAMANUZZI

Attorney at Law
1330 L STREET, SUITE D
Fresno California 93721
Tel: (559) 441-1979

February 28th. 2019

RE: People v. Jose Martinez VCF325028



To whom it may concern:

On or about October 26th, 2015 I was appointed in Tulare Superior Court to represent Jose Martinez in the RED SOL Case # VCF325028JJJ. This appointment was coordinated through the Law office of Jay Powell. The only instructions were to bill at \$200 per hour and to direct billing to Mr. Powell.

I submitted two interim billings early on. The first one was promptly paid in December 2015. The second, submitted in February 2016, took an undue amount of time. This was the time period when Mr. Powell retired and the Allen Law Firm took over the handling of the RED SOL billings. During this time period, I spoke with numerous attorneys appointed to the RED SOL cases. They all informed me that none of their invoices were getting paid due to the large nature of the RED SOL operation, the large number of invoices, the lack of readily available funds and the transition of the law firms handling the billings. I personally spoke with Mr. Allen in court during the spring of 2016 who confirmed that it was an enormous undertaking and to please be patient.

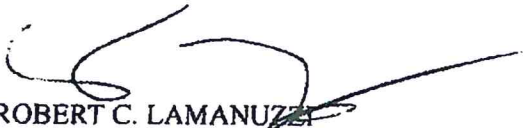
Due to the above circumstances, I decided not to submit interim invoices so The Allen Law Firm and the County of Tulare could get caught up. I continued to work on the case until December of 2016, when Mr. Martinez retained private counsel

I was hesitant to close out the case given the distinct possibility that Mr. Martinez may have ended up back in my hands. The newly retained attorney had represented several of the RED SOL defendants and I was concerned that the attorney may ultimately have a conflict. I kept Mr. Martinez's file open and available for my immediate return to the case if necessary.

In 2017 I lost track of the Mr. Martinez's case progression. At some point in early 2018 ran into Mr. Martinez's retained counsel and inquired as to the case status. I was informed that Mr. Martinez had resolved his case and was sentenced. Due to an extremely busy schedule, it took some time to put together an invoice. I ultimately submitted an invoice to the Alan Law Firm in August 2018.

I made numerous follow up calls to The Allen Law Firm. During one call, I was asked why I took so long to bill. I explained the above. Eventually, I was asked to submit this letter, explaining why the billing is so late. I would note, I was never informed of any billing directions or deadlines besides the amount per hour and who to send it to.. I have submitted my billing in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read 'ROBERT C. LAMANUZZI', written over the typed name.

ROBERT C. LAMANUZZI
Attorney at Law

Attachment 3 – Budget Adjustment AUD 308

