

From: [Deeringer, Andrew@Waterboards](mailto:Deeringer_Andrew@Waterboards)
To: [John Herrick](mailto:John.Herrick@Waterboards); [Rose, David@Waterboards](mailto:Rose.David@Waterboards); dean@mohanlaw.net; rattebery@neumiller.com; spowell@kmtg.com; towater@olaughlinparis.com; rebecca.akroyd@sldmwa.org
Cc: [George, Michael@Waterboards](mailto:George.Michael@Waterboards); Ngmplcs@pacbell.net; dantejr@pacbell.net; [Hong, Lisa@Waterboards](mailto:Hong.Lisa@Waterboards); director@sjfb.org; [Soderlund, Erick@DWR](mailto:Soderlund.Erick@DWR); [Unit, Wr_Hearing@Waterboards](mailto:Unit_Wr_Hearing@Waterboards); [Mitterhofer, Conny@Waterboards](mailto:Mitterhofer.Conny@Waterboards); [Buckman, Michael@Waterboards](mailto:Buckman.Michael@Waterboards); [Westhoff, Steven@Waterboards](mailto:Westhoff.Steven@Waterboards); [Weaver, Lily@Waterboards](mailto:Weaver.Lily@Waterboards)
Subject: Ex Parte Disclosure
Date: Wednesday, May 15, 2019 12:52:17 PM
Attachments: [Ex Parte Disclosure \(M. George\).pdf](#)

This email serves as a disclosure of an ex parte communication pursuant to Government Code section 11430.50 and is being sent to all parties in the affected proceedings.

On April 11, 2019, Delta Watermaster Michael George sent the attached email to members of the State Water Board hearing teams for the following Cease and Desist Order (CDO) proceedings:

- George Speckman Testamentary Trust
- Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP
- Yong Pak and Sun Young

As the email chain in the attachment indicates, Mr. George was responding to an email exchange initiated by State Water Board hearing team staff's request for updated contact information for party representatives in these proceedings.

As a reminder to all parties, while a proceeding is pending, ex parte communications to State Water Board members or members of the State Water Board hearing team regarding substantive or potentially controversial procedural matters within the scope of the proceeding are prohibited. (Gov. Code §§ 11430.10 – 11430.80.) As in this instance, any such ex parte communications will be disclosed to all parties to the proceeding and made a part of the hearing record. More information regarding those rules can be found on our [Ex Parte Communications Questions and Answers Document](#).

The hearing teams for these matters wish to clarify for the parties that other than the email being disclosed, there have been no communications between Mr. George and the hearing teams or Board members concerning issues in these proceedings. The coordination requested in Mr. George's email never occurred. The hearing teams' decisions regarding whether and how to communicate with parties to the above-titled CDO hearings will be reached independently based on applicable legal requirements and the needs of the hearing in question.

Respectfully,

Andrew Deeringer

Attorney III
Office of Chief Counsel
State Water Resources Control Board
1001 "I" Street, 22nd Floor
Sacramento, CA 95814
(916) 322-3575
andrew.deeringer@waterboards.ca.gov

From: George.Michael@Waterboards
To: Hong.Lisa@Waterboards
Cc: Buckman.Michael@Waterboards; Irby.Mara@Waterboards; Mitterhofer.Conny@Waterboards; Weaver.Lily@Waterboards; Deeringer.Andrew@Waterboards; Collins.John@Waterboards; Wang.Ruey-wen@Waterboards; Matal.Kristi@Waterboards
Subject: RE: Contact Information for Cease and Desist Order Hearings
Date: Thursday, April 11, 2019 10:03:12 AM

Ms. Hong,

Please hold off on further contact with parties outside of the Water Board regarding these in-Delta CDO proceedings until you or colleagues in the Hearing Unit have the opportunity to discuss them with the Office of the Delta Watermaster.

I believe we are still pending an internal meeting to discuss resumption of these long-delayed proceedings, which were initiated before the creation of the Office of the Delta Watermaster.

Thank you.

Michael

Michael Patrick George
Delta Watermaster
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Direct: (916) 445-5962
Mobile: (916) 539-1889
Email: michael.george@waterboards.ca.gov

Administrative Assistant and Scheduling Coordinator
Carol Berkeley
(916) 341-5603
Carol.Berkeley@waterboards.ca.gov

From: John Herrick <jherrlaw@aol.com>
Sent: Thursday, April 11, 2019 9:20 AM
To: Hong, Lisa@Waterboards <Lisa.Hong@Waterboards.ca.gov>; dean@mohanlaw.net
Cc: Buckman, Michael@Waterboards <Michael.Buckman@waterboards.ca.gov>; George, Michael@Waterboards <Michael.George@Waterboards.ca.gov>; Ngmplcs@pacbell.net; dantejr@pacbell.net
Subject: Re: Contact Information for Cease and Desist Order Hearings

Dear MS. Hong:

Per your email to Mr. Ruiz, Please confirm that the SWRCB is preparing to issue draft orders on the Mussi and Pak and Young CDO hearings which were conduct approximately 10 years ago by SWRCB hearing officers who have not been on the Board for five years or more. Also please confirm the last time that an SWRCB meeting notice included a reference to a closed session on those CDO hearings. JOHN

JOHN HERRICK, ESQ.
SOUTH DELTA WATER AGENCY
1806 W. Kettleman Lane Suite L
Lodi, CA 95242
(209) 224-5854 phone
(209) 224-5887 fax

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In a message dated 4/11/2019 8:52:08 AM Pacific Standard Time, Lisa.Hong@Waterboards.ca.gov writes:

Hi Dean,

Thank you for your updated contact information. To ensure you and/or these parties will promptly receive hearing information, please do get back to me after you confer with the parties regarding your representation. You are still shown as the representative for these parties on our records. If that's no longer the case, we need to contact the parties directly to receive updated information.

As for the hearing statuses, the George Speckman Testamentary Trust Cease and Desist Order Hearing is still postponed; the Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP Cease and Desist Order Hearing and the Yong Pak and Sun Young Cease and Desist Order Hearing are both pending release of a draft order on the hearings. We'll be sure to notify you (and other parties on the Service Lists) of any updates to these three hearings.

Thank you,

-Lisa

From: S. Dean Ruiz <dean@mohanlaw.net>

Sent: Monday, April 8, 2019 8:25 AM

To: Hong, Lisa@Waterboards <Lisa.Hong@Waterboards.ca.gov>

Cc: Buckman, Michael@Waterboards <Michael.Buckman@waterboards.ca.gov>; 'John Herrick (Jherrlaw@aol.com)' <Jherrlaw@aol.com>

Subject: RE: Contact Information for Cease and Desist Order Hearings

Dear Ms. Hong:

My updated contact information is provided herein. The referenced CDO investigations/matters were years ago. My representation is uncertain at this point. I need to confer with the parties you mention and get back to you. It would of course be very helpful to have a clear understanding of the status of these hearings, and, thus, what the representation would entail. To the extent you can provide that information it would be extremely helpful.

Thank you,

S. Dean Ruiz, Esq.

Mohan, Harris, Ruiz, Wortmann, Perisho & Rubino, LLP

3439 Brookside Road, Ste. 208

Stockton, CA 95219

Tel: (209)957-0660

1806 W. Kettleman Lane, Suite L

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Tel: (209)747-7360

Email: dean@mohanlaw.net

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From: Hong, Lisa@Waterboards <Lisa.Hong@Waterboards.ca.gov>
Sent: Friday, April 5, 2019 2:07 PM
To: S. Dean Ruiz <dean@mohanlaw.net>
Cc: Buckman, Michael@Waterboards <Michael.Buckman@waterboards.ca.gov>
Subject: FW: Contact Information for Cease and Desist Order Hearings

Mr. Ruiz,

I recently received information that your updated email is dean@mohanlaw.net. If I reached the correct person, will you please confirm the information listed in my previous email?

Thank you,

Lisa Hong, E.I.T.

Water Resources Control Engineer

Division of Water Rights, [Hearings Unit](#)

(916) 323-5175 / lisa.hong@waterboards.ca.gov

From: Hong, Lisa@Waterboards
Sent: Monday, March 25, 2019 1:13 PM
To: 'dean@hprlaw.net' <dean@hprlaw.net>
Subject: Contact Information for Cease and Desist Order Hearings

Good Afternoon Mr. Ruiz,

I'm emailing in regard to your contact information listed in the George Speckman Testamentary Trust Cease and Desist Order Hearing, the Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP (Mussi et al.) Cease and Desist Order Hearing, as well as the Yong Pak and Sun Young (Pak & Young) Cease and Desist Order Hearing.

Your contact information in our records appear to be outdated. To facilitate the hearing process, will you please confirm the following:

1. Do you currently represent the South Delta Water Agency (along with John Herrick) in the three Cease and Desist Order Hearings aforementioned?
2. Do you currently represent the Central Delta Water Agency in the three Cease and Desist Order Hearings aforementioned?
3. Do you currently represent George Speckman Testamentary Trust in the George Speckman Testamentary Trust Cease and Desist Order Hearing?
4. Do you currently represent Mussi et al. in the Mussi et al. Cease and Desist Order Hearing?
5. Do you currently represent Pak & Young in the Pak & Young Cease and Desist Order Hearing?

For your convenience, I linked the Service Lists for these three Cease and Desist Order Hearings here: [Service List for George Speckman Testamentary Trust Cease and Desist Order Hearing](#), [Service List for Mussi et al. Cease and Desist Order Hearing](#), [Service List for Pak & Young Cease and Desist Order Hearing](#).

The following appears to be your updated contact information. Please confirm that this contact information is accurate, or correct me if the information is inaccurate:

Dean Ruiz

*3439 Brookside Road, Suite 210
Stockton, CA 95219*

dean@hprlaw.net

Thank you for your cooperation,

Lisa Hong, E.I.T.

Water Resources Control Engineer

Division of Water Rights, [Hearings Unit](#)

(916) 323-5175 / lisa.hong@waterboards.ca.gov