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After practicing 8 years in Los Angeles, Mr. Wenzel joined RMKB in their San Francisco office in June 2000. His practice is in real estate litigation and transactions, landlord-tenant disputes, construction litigation, and business transactions and disputes. Other areas of his practice include toxic tort (mold) and premises liability actions. His clients include landowners, real estate brokers and agents, architects and engineers, contractors and developers, and business owners.

Mr. Wenzel is a member of the State Bar of California, the Bar Association of San Francisco, and the Napa County Bar Association. He is licensed to practice in all California State and Federal Courts. In 2007, he served on the Advocacy Committee for the Northern California Chapter of the US Green Building Council, and in 2007-2008, he served as Chairman of the Landowner Liability Substantive Law Committee for the Association of Defense Council for Northern California and Nevada.

Mr. Wenzel lives in Napa, California with his wife Robin and their two sons.

OTHER ACCOMPLISHMENTS AND ACHIEVEMENTS Seminar Presentations:

- (09/27/01) "The San Francisco Residential Rent Stabilization & Arbitration Ordinance." Rancho Cordova, CA (Presented to Fireman's Fund PIRCO Litigation Unit)
- (09/20/02) "The Rise And Fall of Mold Litigation." San Francisco, CA (Presented to lawyers, property owners, and insurance adjusters.)
- (06/04/04) "Defending Violations Under the San Francisco Residential Rent Stabilization and Arbitration Ordinance: Discovery Practices" Alameda, CA (Presented to Valarian, Patterson, Stratman & Love.)
- (06/30/05) "Real Estate Transactions and the San Francisco Rent Control Ordinance." San Francisco, CA (Presented to real estate brokers agents and title agents.)
- (10/27/05) "Landlord-Tenant Law for the Experienced Practitioner: Problem Tenants." San Francisco, CA (Presented to lawyers and property owners.)
- (06/23/06) "Calculating and Proving Damages" San Francisco, CA (Presented to lawyers, accountants, and litigation experts.)
- (2006-2007) "Legal Issues in Residential Real Estate: Disclosures." SF Bay Area, CA (California Department of Real Estate approved seminar, presented to numerous real estate agents and brokers.)
- (2007) "Arbitration, Mediation & Liquidated Damages." SF Bay Area, CA (Presented to real estate agents and brokers.)

- (05/31/07) "Legal Solutions for Bad Tenants" Oakland, CA (Presented to members of the California Apartment Owners Association.)
- (Fall 2007) "Real Estate Update: Disclosures and Arbitration provisions" SF Bay Area, CA (Presented to real estate agents and brokers.)
- (12/13/07) "Mediating and Settling Tenant Habitability Claims" San Francisco, CA (Presented to members of the Association of Defense Counsel of Northern California & Nevada.)
- (01/24/08) "How to Raise Rents Under Rent Control & Just Cause Evictions" Oakland, CA (Presented to members of the California Apartment Owners Association.)
- (01/31/08) "How to Raise Rents Under Rent Control & Just Cause Evictions" Burlingame, CA (Presented to members of the California Apartment Owners Association.)
- (02/21/08) "Landlord-Tenant Law: Beyond the Basics" San Francisco, CA (Presented to property owners, property managers, and lawyers.)
- (02/26/08) "Law of Easements: Legal Issues and Practical Considerations" San Francisco, CA (Presented to property owners, property managers, and real estate professionals.)
- (04/30/08) "Real Estate Update: Disclosures and Arbitration provisions" Daly City, CA (Presented to Coldwell Banker-Daly City.)
- (07/19/08) "Legal Issues in Residential Real Estate Transactions" Dublin, CA (Presented to the Bay Area Legal Secretaries Association.)
- (08/14/08) "Green or Sustainable Construction" San Francisco, CA (Presented to developers, architects, lawyers, city planners, and building officials.)
- (08/27/08) "Green or Sustainable Construction" Oakland, CA (Presented to developers, architects, lawyers, city planners, and building officials.)

Publications: Articles Written

- (11/10/03) "[Treble Damages: Defending a Wrongful Eviction Suit Under the S.F. Residential Rent Ordinance.](#)" "Calif. Real Estate Journal", p.22.
- (12/09/03) "[Evicting Landlords: Pendulum Designed to Protect S.F. Tenants Has Swung Way Too Far.](#)" "San Francisco Daily Journal", Forum, P.4. (Reprinted 01/12/04 in "Calif. Real Estate Journal", p.16.)
- (June 2004) "[No Silver Lining on This Anniversary Cloud](#)" (Discussion of 25th Anniversary of San Francisco Residential Rent Stabilization & Arbitration Ordinance). "San Francisco Apartment Association Magazine", p. 14.
- (10/04/04) "[California Real Estate Agents Must Be Wary of Local Rent Ordinances.](#)" "Calif. Real Estate Journal", Front Page (co-authored by Daniel Flores, Esq.)
- (06/06/06) "[S.F. Officials Pile on Obstacles to Home Ownership.](#)" "San Francisco Daily Journal", p.8. (Reprinted 06/26/06 in "Calif. Real Estate Journal")
- (03/26/07) "California LEEDS Way in Green Build Movement: New legislation, government incentives encourage environmentally sound development." San Francisco Recorder; Real Estate Section, p.16.
- (January 2008) "[Confronting the Sub-prime Mortgage Crisis: Real Estate Professionals Should Know What to do in Case a Claim is Filed.](#)" "The Registry", p.38 (co-authored by Jesshill E. Love).
- (April 2008) "[Investing In Real Estate? – Consider An LLC To Limit Liabilities](#)" "The Registry", p.16-17 (co-authored by Jesshill E. Love).

- (May 2008) "[They're Coming! They're Coming!](#)" "The Registry", p.36 (co-authored by Jesshill E. Love).
- (July 2008) "Everything You Were Afraid To Ask About Foreclosures: Foreclosure 101: How it Works and Viable Alternatives." "The Registry", p.30 (co-authored by Jesshill E. Love).

Quoted In Publications

- (03/21/05) "[Bill Changes Apartment Owners' Rights: Assemblyman introduces legislation to restrict use of Ellis Act to evict tenants for condo conversions.](#)" "Calif. Real Estate Journal", p. 8.
- (Spring 2004) "[Lightening the Burden of Liability.](#)" "Multifamily Trends Magazine" (Urban Land Institute), at p.37, 49.
- (April 2006) "[Conversion Conflict: San Francisco landlords turn to Ellis Act to evict renters.](#)" "Multifamily Executive Magazine" (Hanley Wood LLC), at p.20.
- (04/16/07) "[Lennar's Request for Discounts Raises Legal and Ethical Questions.](#)" "Calif. Real Estate Journal", p. 14.

Practice Areas

- Business And Commercial Litigation
- Construction
- Professional Liability
- Real Estate Agents and Brokers
- Premises Liability
- Real Estate

Education

- University of California, Los Angeles, 1988 B.A.
- Southwestern Law School, 1991 J.D.

Court Admissions

- California
- US Court of Appeals for the Ninth Circuit
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California
- USDC: Southern District of California

Memberships & Associations

- Association of Defense Counsel of Northern California and Nevada (ADC)
- Bar Association of San Francisco
- Napa County Bar Association
- State Bar of California

- US Green Building Council - Northern California Chapter

Representative Experience

Practice Area: Catastrophic/Personal Injury, Construction, Contract/UCC, Professional Liability

Key Issues: Personal Injury; Construction

Venue: Santa Clara County Superior Court; Unlimited Jurisdiction

Client Type: Defendant Manufacturer

Case involved a permanent brain injury to a 40-year old chemical engineer who was working on site, at our client's plant, to install a new food processing line. Plaintiff fell approximately 10 feet to a concrete floor, striking his head. Plaintiffs included the victim, his employer, and the employer's workers compensation carrier. In addition to our client, defendants included the steel fabricator responsible for construction of the platform from which plaintiff fell. Case work-up included our independent retention of safety experts and the joint use of medical experts and economics with co-defendant. At our request, the parties retained a mediator early in the case, who met at regular intervals to monitor the progress of discovery, determined issues that required resolution before productive settlement negotiations could occur, and kept in touch with the Court to insure that phased discovery would occur before scheduling of trial.

Result:

Our client paid 20% of a multi-million settlement.

Practice Area: Real Estate, Real Estate Agents and Brokers

Key Issues: Real estate; fraud; forgery; mortgage; broker

Venue: San Francisco Superior Court

Client Type: Real estate agent and mortgage broker

Client was a real estate agent and mortgage broker salesperson, who provided her services to a couple who invested in a variety of investment properties. When the real estate market collapsed, the real estate investors' financial portfolio collapsed with it, and the lenders foreclosed on several of their properties. This particular case involved their purchase of a single family home in San Francisco, sold to them by our client, who also assisted them as a mortgage loan officer on their ultimate refinance of the property. The investors sued the lenders, real estate agent, the real estate broker, and the mortgage brokerage firm and sales person.

Result:

The matter resolved at mediation for a fraction of the plaintiffs' demand.

Practice Area: Real Estate

Key Issues: habitability; pest management; low income housing

Venue: San Francisco Superior Court

Client Type: Defendant, owner of non-profit housing project

11 tenants sued non-profit owner of low-income, section 8 housing apartment complex for breach of the warranty of habitability and negligent maintenance, due to infestation of roaches, mice, and bedbugs. The evidence indicated that one of the plaintiffs themselves maintained a nuisance by abhorrent housekeeping practices that attracted pests and fostered an environment for them to breed and multiply.

Result:

Case settled the day after answering read for trial and after motions in limine and trial briefs were submitted, for a fraction of earlier settlement demands.

Practice Area: Real Estate

Key Issues: loan, residential, deed of trust, work out, modification

Venue: Transactional-Las Vegas, NV

Client Type: Private Lender

The client owned a home and sold it to two purchasers, who borrowed money from the client seller as part of the purchase price. The borrowers defaulted and we assisted the client to record a notice of default and initiate foreclosure proceedings. Through negotiation, we modified the loan with the borrowers to avoid foreclosure, with a stipulated judgment that may be filed should a further default occur.

Result:

Resolved through a loan work-out, or modification.

Practice Area: Construction, Professional Liability, Real Estate

Key Issues: construction defect; real estate; fraud; conspiracy; professional liability; architects;

Venue: Sonoma County Superior Court

Client Type: Defendant Architect Consultant

Real estate developer developed 108 unit apartment complex and sold it to a real estate investment Company A. The real estate investment company hired our architectural consultant client to perform a due diligence inspection and report. Within two years real estate investment Company A sold the apartment complex to real estate investment Company B. Plaintiff, real estate investment Company B sued the developer, the original general contractor and subcontractors, real estate investment Company A as seller, and our architectural consultant client for construction defects, negligence, breach of contract, fraud and conspiracy.

Result:

The case was settled for a fraction of the plaintiff's original demand.

Practice Area: Premises Liability

Key Issues: trip and fall; premises liability; comparative negligence

Venue: San Mateo County Superior Court

Client Type: Defendant, owner of non-profit housing project

Plaintiff tripped and fell on a raised sidewalk edge, splitting open his chin, breaking teeth, and suffering a concussion. At arbitration, the arbitrator found plaintiff 65% comparatively negligent and reduced the damage award accordingly. The case settled at the arbitration award shortly thereafter.

Result:

Settled after arbitration.

Practice Area: Construction

Key Issues: construction defects;

Venue: Mendocino County Superior Court

Client Type: Defendant general contractor

Plaintiff developer sued defendant general contractor for construction defects at a 39 unit hotel on the coast in Mendocino County.

Result:

Case settled one week after mediation, with contribution from cross-defendant subcontractors, for about half the settlement demand.

Practice Area: Real Estate

Key Issues: Habitability; Unruh Civil Rights Act; Fair Employment & Housing; affordable housing; non-profit; statutory violations

Venue: Alameda County Superior Court

25 tenants in a low income housing modified rehabilitation project, managed by a non-profit housing entity and owned by a non-profit housing entity, sued the owners and managers for breach of the warranty of habitability, statutory violations, violation of the Unruh Civil Rights Act, and violation of California's Fair Employment and Housing Act.

Result:

The matter settled through two mediation sessions for confidential amount for approximately 1/3 the initial settlement demand.

Publications

- Author, They're Coming! They're Coming!, *The Registry*, 05/01/08
- Author, The Elephant in the Living Room, 05/2008
- Author, Investing in Real Estate?, *The Registry*, April/08
- Author, Confronting the Sub-prime Mortgage Crisis, *The Registry*, Jan/08
- Author, S.F. Officials Pile on Obstacles to Home Ownership, *San Francisco Daily Journal*, 06/06/06
- Author, California Real Estate Agents Must Be Wary of Local Ordinances, *California Real Estate Journal*, October 4, 2004
- Author, No Silver Lining on This Anniversary Cloud, *San Francisco Apartment Magazine*, April 6, 2004
- Author, Current State of Affairs for California Contractors Presents Liability Difficulties, *California Construction.com*, December 1, 2003
- Author, Evicting Landlords: Pendulum Designed to Protect S.F. Tenants Has Swung Way Too Far, *The Daily Journal - Copyright 2004 Daily Journal Corp. Reprinted with permission.*, December 1, 2003
- Author, Treble Damages: Defending a Wrongful Eviction Suit Under the S.F. Residential Rent Ordinance, *California Real Estate Journal - Copyright 2004 Daily Journal Corp. Reprinted with permission.*, November 10, 2003

News

- Ropers Majeski Partner Todd Wenzel Elected Chair Of Association Of Defense Counsel's Landowner Liability Law Sub-committee, 04/24/07