

the

# Hispanic Network



[www.kernhispanicchamber.com](http://www.kernhispanicchamber.com) or [kchcc.org](http://kchcc.org) • April 2005

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HISPANIC  
CC

## PRESIDENT'S MESSAGE

*Eloa Lopez*



### Dear Membership:

As you receive this newsletter we will already be into the 2<sup>nd</sup> quarter of the year (time flies when you're having fun). Our annual Membership Drive ran from February 14 to March 9 and was very successful. The grand finale of the Membership Drive was held at the Jungle Café in conjunction with our monthly mixer. The new members were present, and they got to see what our monthly mixers are all about: making new business acquaintances and developing new friendships.

Board Member Mark Olague's team was the winner of the Membership Drive. They signed up 23 new members and won the Grand Prize of 16 passes to the JUNGLE CAFÉ'S COMEDY CLUB. The individual winner was Cecelia Sebesta for bringing in ten new members on her own. WOW - thanks to Cecelia! Our 2<sup>nd</sup> place award was shared by Richard Rios and Carmen Handy. Good job and thanks to all of you who helped with the Membership Drive.

So far this year we have brought in well over 50 new members and we are that much closer to meeting "THE CHALLENGE". If you haven't brought in that new member, please, let's get them in. Everyone has business acquaintances, hair dressers, insurance agents, or grocery stores that they do business with and folks that they talk to every day. Let's invite them to our mixers and fund raisers and share with them the benefits of joining a family helping family.

I'd also like to give a special thank you to Shelly Maurer and Stacie Couch for making the Membership Drive a success. These ladies have put a lot of countless hours into the Membership Committee and they deserve to be recognized.

### Calendar of Events

#### APRIL MIXER:

**April 13** 5:30-7:30pm  
Girl Scouts Joshua Tree Council  
1831 Brundage Lane  
\$3 members - \$5 non-members

#### RIBBON CUTTING & GRAND OPENING

**April 15** 11:30 am  
Suzettes Cleaners  
1107 Kern Street, #8 - Taft

**April 28** 7:30 am

**Government Relations**  
Jungle Cafe - 700 Truxtun  
**Speaker:** Michael Rubio,  
Kern County Supervisor

The first day of Spring was on Sunday, March 20 and it was a nice, clear day. Everything is in bloom, and our days are longer now. This means that there is more time to spend outdoors with family and friends. Perhaps you're thinking of doing some spring cleaning? If so, remember that we have members with cleaning businesses that you could call upon. And then, if you want to get rid of old clothes or clean-out your garage, there is GOODWILL INDUSTRIES that would be glad to have those items you want to get rid of.

Don't forget our Annual Casino Night on Saturday, May 14 at the Mission Bank Courtyard on the corner of Truxtun & L Street from 6:30pm to 11:00pm. We look forward to seeing you there.

Special thanks to Wal-Mart for the generous sponsorship check of \$1,000 they gave to us, and congratulations to SAM's Club who held their Grand Opening and Ribbon-cutting in March.

We have a lot of exciting things happening at the Chamber this year, and I want to thank everyone who has been able to join us at these events.

Now I'd like to take the opportunity to wish everyone a very Happy Easter, and I'll see everyone at our next Mixer on April 13. ♦

*Celebrating 20 Years of Excellence*

## *The Network*

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Flyer Inserts \$100

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Past President	Tony Martinez

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Sara Pacheco  
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# What is the Biggest Problem with Education?

By Hilary Whitcomb, Public Affairs State Farm California

At this month's Government Relations meeting, Bob Hampton, Trustee for the Kern County High School District, discussed the status of education here in Kern County. He thought some of the biggest problems were:

- Parental Involvement (or rather lack of it) is the single biggest problem facing the education system. He stated that when a parent is involved, students reach their potential. That "potential" may be different for each student, but it is achieved when there is support from home.
- Budget Issues - This year's state budget allocates \$2.9 billion dollars more for education but doesn't cover cost of living increases. One of the proposed solutions is to have only remedial courses offered in summer school this year. No proposed solutions will be decided upon until May when the last budget revision is provided by the State.
- Lack of Vocational Education - When committee members brought up the lack of vocational education in our schools, Mr. Hampton noted a couple of contributing factors. First, when Prop 13 took local property taxes and moved them to the State which then sends 45% back to the local districts (55% of local property tax goes into the General Fund of the state), it set up a system where there is less local control of education and more unfunded State mandates. In addition, the focus of the legislators, from Sacramento to Washington DC has been on preparing students for college – not vocational careers. The high school exit exam is college prep in nature. Here in California, local districts realize the need for vocational education, and have come up with a solution of sorts – academies. Kern High School District leads the nation in number of academies. We have academies at Arvin High School (Construction/Design/Engineering and Health Careers), Bakersfield High School (Career Education Opportunity), East Bakersfield High School (Health Careers and Multimedia), Foothill High School (Computer Design & Engineering and Agri-Business), Kern Valley High School (Exploring Careers in Health Occupations), Ridgeview High School (Information Technology), South High School (Criminal Justice and Engineering & Industrial Technology), Stockdale High School (Medical) and at West High School (Environmental Science & Technology).
- Governor's Reform – Mr. Hampton advised that the Governor's reform faces a very serious fight from the California Teacher's Association on the issues of tenure and the pension system.

Did you enjoy this recap of what Kern High School District Trustee Bob Hampton shared about education in Kern County? If so, make sure you attend the governmental Relations Committee meeting on **April 28, 2005 at 7:30 am at the Jungle Café - our featured speaker will be Kern County Supervisor Michael Rubio**. Come and talk to Supervisor Rubio about the challenges facing the county and what we can do to make our county better!

**Join us for the next Government Relations Meeting  
April 28, 2005 at 7:30 am at the Jungle Café  
Speaker: Kern County Supervisor Michael Rubio**

## CELEBRATING 20 YEARS OF EXCELLENCE

### Little Known Facts and Figures about the KCHCC

- Selected as California Hispanic Chamber of the year in 1988 (small)
  - Recognized as U.S. Hispanic Chamber of the Year in 1989 (small). Certain members went to Washington, D.C., and met President George Bush.
  - Selected by U.S. and Hispanic Chamber of Commerce to engage in roundtable discussions about issues of concern to our local Hispanic Community with the Governor and Lt. Governor of California
  - First *elected* President in 1987
  - First Installation Dinner was held in 1988
  - First Chamber newsletter was published in 1988
  - Chamber received non-profit status in 1988
  - The Chamber held monthly meetings at Hispanic-owned restaurants in order to recruit new members and bring in business to the host restaurant. They brought-in guest speakers such as government representatives to discuss issues of concern to the community. This was the genesis of the Government Relations Committee.
  - The Chamber got their own office in 1989 and hired their first Executive Director, Addie Perez, and their first staff member, Carmelita Vendeja.
  - In 1990 and 1991 they hosted Health and Job Fairs
  - The Chamber worked with other minority groups such as NAACP
- Instrumental People**
- Founding Members: Tony Alvarado, Angel Diaz, Esther Manzano, John Enriquez, Sr., Frank Beadle, Henry Rodriguez, Manuel Lerma, Dr. Jess Nieto, Felix Ramirez
  - First Board members were instrumental in getting the Chamber started. In addition, volunteers and committee chairs made a difference:
    - Charlie Rodriguez - drove membership increase
    - Carl Bryan, Ray Camacho
    - Virginia Hernandez, Alice Mendez, and Gina Rodriguez introduced La Serenata, and the Chamber distributed scholarships
    - Julia Pedi, Rachel Juarez, Don and Alice Mendez
    - “If it wasn’t for Manuel Lerma,” John Enriquez, Sr. stated, “we wouldn’t have been able to start this (Chamber). He used to have minority contractors, and he helped to establish the Chamber by-laws.”
  - Supporters like Pete Parra, Richard Prado, and Mary K. Shell helped the Chamber to continue. In addition, the Law Offices of Chain and Younger also helped to support the Chamber.
  - There are doubtless many other unnamed people who have helped to make the Chamber what it is today. Many thanks to all of you. ♦

## Chamber Receives Donation from Wal-Mart

There were many smiles throughout the room when the East Hills Wal-Mart store handed-out several thousand dollars to organizations and groups in the community - one of which was our Chamber.

Board members Tony Martinez, Ramona Herrera, Fernando Aguirre, and Chamber staff member Andrea Dominguez along with Executive Director Lou Gomez, received a check from Store Manager Bill Johnson in the amount of \$1,000 on March 10.

Mr. Johnson was excited to share that the East Hills Wal-Mart gave \$52,000 to the community last year and plans to donate \$70,000 this year.

Tony Martinez, in receiving this gift on behalf of the Chamber, expressed our appreciation saying, “We are grateful to Wal-Mart for being a partner with our organization and community.” He continued by saying, “We appreciate that Wal-Mart believes in giving back to the community.”

Several other recipients of checks were on hand including Girl Scouts, the Arvin Chamber of Commerce and others. ♦

## Hispanic Chamber Launches New Legal Column For Business Owners in El Californiano

What businesses don't know will hurt them, and the Kern County Hispanic Chamber is doing what it can to help inform business owners about the many pitfalls that are out there through a new legal column in El Californiano (El Cal) newspaper.

The newspaper is in both Spanish and English and allows English and primarily Spanish-speaking business owners the ability to get vital information and advice for their company. The column debuted in the March 9 edition of El Cal and will come out monthly in the newspaper.

"I'm happy to do this," stated Attorney Jose Guerrero, a partner in his law firm and one of the authors of the column. His firm, Klein, DeNatale, Goldner, Cooper, Rosenlieb, and Kimball, LLP offer expertise in virtually every area to include: bankruptcy and creditors' rights, business counseling & transactions and tax, casualty defense, employment & labor counseling and litigation for management, estate planning & probate and trust administration, family law, general civil & complex litigation, intellectual property, municipal law, personal injury & products liability, and real estate & construction.

**Mr. Guerrero** practices law with a focus on business counseling, transactions, and tax. He holds a Bachelor of Arts degree, general distinction and departmental honors, 1991, from the University of California, Berkeley. He obtained his Juris Doctorate in 1997, from the University of California Los Angeles School of Law and was admitted to the State Bar of California in 1997.

Mr. Guerrero serves on the Board of Directors for the Hispanic Chamber of Commerce. His articles will be featured as well as articles from fellow board member Attorney Shelly Maurer.

Mrs. Maurer is an attorney with the Law Firm of Clifford & Brown where they specialize in litigation, business, real estate, estate planning, and agriculture.

**Attorney Shelly Sanchez Maurer** was born in El Centro, California and spent most of her childhood in Orange County. She attended the University of California at Los Angeles, receiving a Bachelor of Science Degree in 1989, and her Juris Doctorate (with honors) from Pepperdine University School of Law in Malibu, California. While at Pepperdine, Shelly served as the school's representative to the American Bar Association, Law Student Division from 1993 to 1995. She also served as the Vice President of the Student Bar Association from 1994 to 1995.

Shelly has had a diverse practice since graduating law school, including insurance defense, patent and trademark prosecution and litigation, real estate and corporate law, before joining Clifford and Brown in 2003. Currently, she practices in the areas of business transactions, real estate transactions, business formations and intellectual property law. ♦

**Kern County Hispanic Chamber of Commerce  
Invites You To Our Annual**

# CASINO NIGHT

**Saturday May 14, 2005** 

Mission Bank Courtyard • Corner of Truxtun & L  
6:30 to 11:00 pm

**INCLUDES**

**Great Food**

**CASINO GAMES**

**LIVE MUSIC**



**Silent Auction**

Dinner 6:30 pm  
Casino Games  
6:30 pm - 10:30 pm  
Music, Fun & Dancing  
6:30 pm - 11:00 pm



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**CRAPS**

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Welcome New Members...

**MCDONALD'S GOLDEN EMPIRE**

"On behalf of the all the McDonald's Golden Empire operators, we are pleased to be members of the Kern County Hispanic Chamber of Commerce. It is our goal to be responsive to the Hispanic community. The Hispanic Chamber of Commerce is a great vehicle for us to connect to this dynamic segment of Kern County. Best wishes and continued success" from Jim Ramsey, McDonald's Golden Empire Co-op President.

McDonald's is the world's leading food service retailer with more than 30,000 McDonald's restaurants serving 46 million customers each day in more than 100 countries. In Bakersfield, there are 30 McDonald's restaurants owned and operated by independent, local businessmen and women.

**VERNON C. SORENSON MD, INS**  
**6501 Ming Avenue**  
**661) 397-4004 FAX 661) 397-1910**

Their doctors are probably the most qualified set of industrial medicine doctors in the city. They have been practicing occupational medicine from our Ming & Ashe facility for 10 years. Dr. Sorenson and Dr. Hardy have been affiliated with the Memorial Hospital Emergency Room for 25 years. They are both Board Certified in Emergency Medicine and are Qualified Medical Examiners for Workman's Comp Injuries.

They offer a full range of industrial medicine services: employment and DMV physicals, drug screening, and on-site services, to name a few.

Operating also as a walk-in Urgent Care/Sports Injury family practice, Dr. Sorenson's office is open 7 days a week from 8am to 10pm. Many of their nurses are bilingual.

**KELLY SERVICES**  
**841 Mohawk Street, Suite 240**  
**661) 395-1991 FAX 661) 395-0128**

Kelly Services is a full service staffing agency providing temporary, temp-to-hire, and direct hire applicants. Specializing in administrative, accounting, marketing, legal, front office medical and light industrial positions. In Bakersfield for over 25 years.



43  
New Members!

It took a lot of hard work, but the Membership Committee, their team leaders, and other members successfully worked to bring in 43 new businesses to the Chamber family during this year's Annual Membership Drive held on March 8th and 9th!

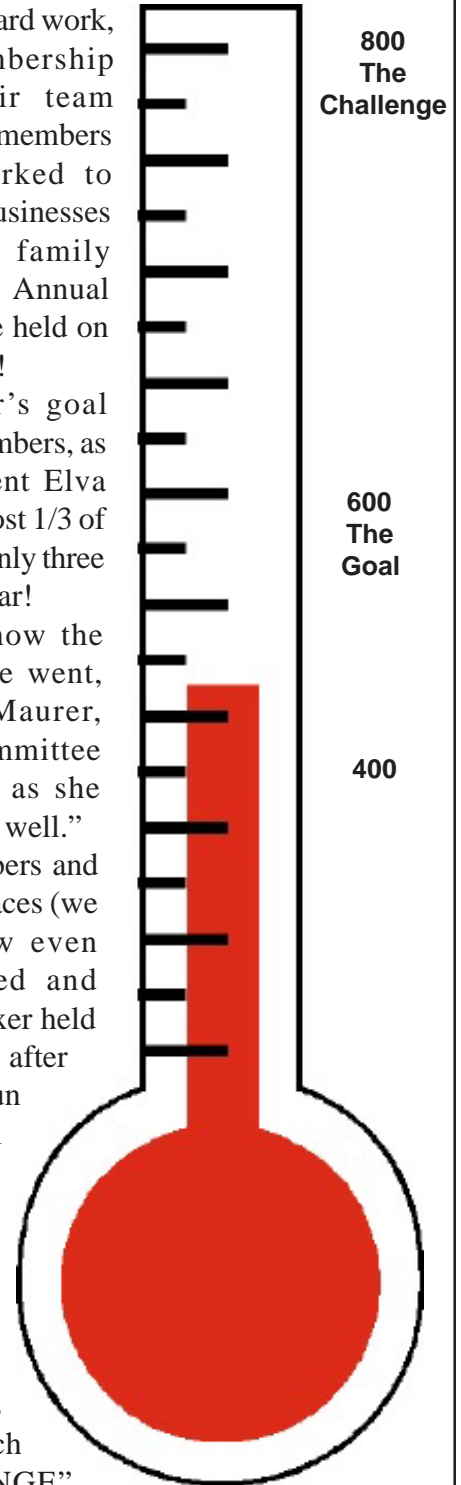
With the year's goal being 150 new members, as stated by President Elva Lopez, we are almost 1/3 of the way there and only three months into the year!

When asked how the membership drive went, Shelly Maurer, Membership Committee Co-Chair smiled as she said, "It went very well."

Chamber members and many of the new faces (we will get to know even better) celebrated and networked at a mixer held at the Jungle Cafe after this event. The fun and tropical room was full with people.

If every Chamber member business will bring in one new member this year, we will reach "THE CHALLENGE"

given to us by the California Hispanic Chamber of Commerce - 800! The work is not over yet; if every member does their part, we can accomplish this goal.



# Welcome New Members...



**KERN COUNTY BLACK CHAMBER OF COMMERCE**  
**Bakersfield, California**  
**661) 837-0537 FAX 661) 837-0547**

KCBCC was incorporated July 2003 and services the black business community in Kern County with a variety of business services.

**BAKERSFIELD SUIT OUTLET**  
**2023 Chester Avenue**  
**661) 327-7848 FAX 661) 327-3649**

Bakersfield Suit Outlet was founded December 2003 featuring its trademark suit deal: 3 suits, 3 shirts, 3 ties, 3 belts, 3 pairs of socks, 3 hankies, all for \$299<sup>99</sup>. Bakersfield Suit Outlet carries over 1,000 suits and has recently introduced an excellent line of shoes. Above all, their company is known for its superior customer service.

**1ST METROPOLITAN MORTGAGE**  
**1712 19th Street, Suite 211**  
**661) 322-9278 FAX 661) 451-3006**

1st Metropolitan Mortgage, is a real estate finance broker focused on solutions for investors and brokers who seek answers for commercial and investment real estate in Central California. 1st Metropolitan Mortgage is committed to working with all levels of real estate investors from first-time to savvy investors, for the commercial real estate market.

Juan Carlos Escobar, the branch manager, opened the local office in April 2002 at the EBC Center on Truxtun Avenue. In 2004 the branch office expanded to their new and bigger offices at the historic Kern Land Building, at 1712 19th Street, Suite 211 in Bakersfield.

From this location, Mr. Escobar and his staff member, Nancy Abarca, conduct their business of securing and closing commercial loans for the following types of properties: apartments (5 to 100 units), office building, retail strip centers, shopping centers, auto related centers, gasoline stations, hotels/motels, restaurants and other types of commercial buildings

They can be reached at 661 322-9278 or via e-mail: [jescobar@1stmetro.net](mailto:jescobar@1stmetro.net).

**PARTY TIME**  
**partytime@bak.rr.com or**  
**web: [bakersfieldpartytime@bak.rr.com](http://bakersfieldpartytime@bak.rr.com)**  
**661) 330-3926 FAX 661) 664-0549**

- Theme Parties • Weddings • Special Events  
“You provide the guests; we’ll do the rest”
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  - “Deluxe Party Service” - their staff will handle everything for you!
  - “Party Pak to Go” - they’ll deliver the party to your door!
  - Theme parties, weddings and special events - their trained staff will create an exciting themed event that will long be remembered by your guests
  - Corporate events - company picnics, award banquets, retirement parties
  - Celebration decor - fabric draping, lighting, floral design, balloons, props
  - Custom gift baskets - we deliver smiles
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  - Entertainment - DJs, soloists, bands, clowns, magicians, singing telegrams and more!
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**FUNERARIA DEL ANGEL**  
**4030 Wible Road**  
**661) 398-4290 FAX 661) 398-4291**

This business is brand new -- January of 2005 they have opened the first Hispanic funeral home in Kern County. Funeraria del Angel in Bakersfield is affiliated with twelve other Funeraria’s del Angel in California and over 1800 other dignity funeral providers in the United States and Canada. Funeraria del Angel was established to meet the needs of Hispanic consumers -- they offer products and services which are unique to the Latino culture. All employees are bilingual and of Hispanic descent.

# *Bienvenidos!*

## **WZI INC.**

**4700 Stockdale Hwy #120**

**661) 326-1112 FAX 661) 326-0191**

WZI Inc is an environmental consulting firm started in 1986. They provide Air Impact Studies, EIR and much more along those lines.

## **EPIFANIO D HERRERA JR., DDS**

**4661 Stockdale Hwy**

**661) 837-0435 FAX 661) 837-0850**

Dr. Herrera opened his practice in 1984. Dr. Herrera's practice is general dentistry with an emphasis in cosmetic dentistry. They see patients of all ages. They offer the Brite Smile system of tooth whitening.

## **AT THE SHOP DIESEL AND AUTO REPAIR**

**7001 White Lane, Suite 117**

**661) 831-9418**

At The Shop Diesel and Auto Repair opened in April 1988. They offer general auto repair and air conditioning service, diesel fuel inspections, sales and service. Business hours are Monday thru Friday 8:00 am to 5:00 pm. Saturdays by appointment only.

## **DANIEL CODORNIZ - Independent Member**

Daniel just moved to Bakersfield and plans to open a communication consulting firm. He studied communication in Guadalajara, Mexico and earned a Bachelor degree. Codorniz is a bilingual US citizen and willing to take an opportunity in his business related field of study. Public relations, events, internal communication, and printed media are most of his work experience.

## **GOTCHA MOBILE MEDIA**

**280 South Beech - Shaffer**

**661) 328-1237 FAX 661) 746-0141**

Gotcha Mobile Media is a truck with rotating billboards on each side. The company was founded in Bakersfield in 2002 as Moving Message. The name was changed in 2004. Cathy Sanchez bought the franchise in December 2004. They are an advertising option for all of the businesses in Bakersfield.

## **ALL COMMUNITY HOME LOANS, INC**

**5201 California Ave, #220**

**661) 862-5759 FAX 661) 862-5770**

All Community Home Loans, Inc. is a mortgage lender with more than 20 years of experience providing the most competitive mortgage loans in the industry. They are committed to providing the best program, pricing and service to the community, delivered in a professional, yet straight forward manner.

All Community Home Loans, Inc. was founded June 2000 and is locally owned and operated.

## **ANDRES RAMIREZ**

**702 Poso Ave - Wasco**

**661) 758-4281**

Andres Ramirez is in the custom welding and ornamental supply. "I do all different fences and gates for pools, stairs, commercial, residential and types of ornamental welding". He also sells tubing and types of ornamental iron at better prices than anyone in town.

## **ADVANCED PLUMBING**

**4253 Renfro Road**

**661) 589-9273 FAX 661) 589-9523**

They are a local, family-owned and operated plumbing service company. Jim Hinesley began the company approximately 13 years ago and they have been successful at building and growing ever since. They are looking forward to finding new ways to keep in contact with the community and get their business out there, as well as meet other business owners.

## **TOPPERS VIP / VICTOR S LOPEZ**

**1107 Main Street - Delano**

**661) 725-9338 FAX 661) 725-7128**

Toppers was established in 1966. They are a service oriented business. The clothing they sell are Stetson hats, Levi and Nunn Bush shoes. They also do house calls to measure for tuxedo rentals. They pride themselves in service because nobody, but nobody else in town gives better service than they do.

*Become a Member  
Call Today... 633-5495*

**AT THE BORDER, LLC**  
Fund Raising Programs  
**300 New Stine Road - Bakersfield**  
**(661) 703-2135**

**DONALD IRMA CARPET CLEANING**  
**4500 Millbrook Way - Bakersfield**  
**(661) 837-2240**

**MONTGOMERY WORLD PLAZA**  
Mall Facility  
**3201 F Street - Bakersfield**  
**(661) 633-9800**

**LAURA R. MUNOZ**  
Sales - Ventas  
**(661) 872-8589**



**THE OLD CACTUS CAFE**  
**1310 19th Street - Bakersfield**  
**(661) 324-4000**

**PADRE PIO S GIOVANNI ROTANDO, LLC**  
Nursery  
**845 Buena Vista Blvd - Bakersfield**  
**(661) 549-5164**

**SELMA'S ACCESSORIES**  
**407 Chester Ave - Bakersfield**  
**(661) 323-3056**

**SWEET ADELINES (South Valley Sound Chorus)**  
Women's Singing Organization  
**(661) 836-8980**

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## *Proud Members*

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**CASA of Kern County**  
**El Popular Newspaper**  
**Fleet Card Fuels**  
**Golden Empire Mortgage**  
**iKnowTechnology, Inc.**  
**Jose A. GuerreroEsq/Klein DeNatale**  
**Kern County Fair**  
**Kern County Network for Children**  
**Kern County Supervisor Jon McQuiston**  
**Mauricio's Grill & Cantina**  
**Radio Campesina**  
**The Law Office of H.A. Sala**  
**The Law Offices of Young & Nichols**  
**United Way of Kern County**

## VOLUNTEER OF THE MONTH

*Jesus Giovannetti*

Jesus Giovannetti has been selected as the Kern County Hispanic Chamber Volunteer of the Month for April. Mr. Giovannetti serves as a consultant for the Chamber, providing classroom instruction in Spanish to Spanish-speaking entrepreneurs as well as one-on-one advice to new and existing business owners.

His efforts to support the Chamber extend far beyond his consulting. He has been instrumental in bringing in well over ten new members to the Chamber himself.

He generously gives of his time and experience to help those individuals that we serve.

Jesus Giovannetti is a young student from Venezuela who is in the U.S. attending college to learn English. He is currently a student at Bakersfield College and is excelling in his studies. He has a Bachelor's Degree in Accounting from Santa Maria University in Caracas, Venezuela, and just wanted to learn the English version of the accounting terms. His experience includes a few years working in the accounting department of Enron Oil, and worked with

the Chamber of Commerce in Caracas. Business is his forte, and he loves doing what he does.

He is taking all the required classes to earn a Business degree from Bakersfield College. As luck would have it, he came by the Chamber office just to speak with Spanish speaking business people and volunteered to help with translating documents, conducting outreach and consulting with Hispanic entrepreneurs.

When Wells Fargo Bank presented the Chamber with a grant to provide Technical Assistance to Spanish-speaking entrepreneurs, Jesus was hired to provide consulting services and conduct workshops.

Along with the Executive Director he developed a six-week course on, "How to Start a Small Business," creating all the training materials and, with the money from the grant, put it into bound workbooks that are used in the class, which start April 2.

The Chamber is pleased to have Jesus as part of our team as we strive to serve our Spanish and English businesses. ♦

### *"How to Start a Small Business"* *Starting April 2, 2005 • Six-Week Course*

## CHAMBER LAUNCHES MICRO-LOAN PROGRAM

*Finally: Small business loans for small business needs*

The Chamber is excited to announce a new Micro-Loan Program that will enable our businesses to get loans for amounts up to \$25,000 for their business needs.

The program is being offered in partnership with Valley Small Business Development Corporation and applications will be processed through a Chamber committee comprised of banking and finance professionals.

The loans will range from \$5,000 to \$25,000 and will enable small businesses to have access to loans that are otherwise unavailable.

Applicants will still need to have good credit and collateral, but the requirements will be less stringent than when done directly with a lending company.

The Committee will review applications and determine businesses that qualify. Then the approved application will be forwarded to Valley Small Business Development Corp for final review, approval, and processing.

Executive Director, Lou Gomez, and business consultant, Jesus Giovanetti, will visit customers of this loan program monthly to ensure that the program is successful. In addition, upcoming workshops, to be announced, will help interested individuals understand the program better. ♦

**What You Should Know Before Signing a Lease for Commercial Space**

*by Attorney José A. Guerrero, Partner Klein-DeNatal -Goldner*

For most business owners, signing a lease for commercial space is one of the first contracts he or she enters into. Although most commercial leases appear to be fairly standard, each lease presents a number of important, sometimes subtle, issues that all landlords and prospective tenants should be on the lookout for.

The following is a list of a few of the key considerations that one should focus on when entering into any commercial lease arrangement, as a landlord or tenant. The first thing that either a prospective landlord or tenant should do is retain a good real estate broker with experience in leasing transactions and a qualified attorney.

- Be sure the property is properly zoned and has adequate facilities (utilities, parking, etc.) for your initial use.
- Be aware of whether there are any conditions to commence making lease payments. For example, as a tenant you may want to condition your obligation to commence paying rent on the receipt of any necessary zoning waiver, special use permits, business licenses or other governmental permits, consents or approvals.
- A landlord should consider the identity of the prospective tenant. Although you may be dealing with a specific individual, it is likely that the legally bound and obligated tenant will be a separate

legal entity whose assets may not be substantial. If that is the case, you should require that the principals personally guaranty obligations under the lease.

- If bargaining for options to extend the lease, consider specific issues such as whether extensions will be automatic unless either landlord or tenant takes action. Also consider what are appropriate increases in lease payments following exercise of the option. Although it is tempting to leave these considerations for later, it will be more simple to reach an agreement before the lease is signed.
- Regarding maintenance and repair, in determining an appropriate allocation of these costs both parties should consider factors such as the length of the lease term (including likely extensions), the amount of monthly lease payments, whether the lease premises is in a building that is multi-tenant, and whether the tenant will legally have access to areas to be maintained.
- In addition to the monthly lease payments, there are a number of costs that a landlord may pass on to the tenant, including the cost of janitorial staff, property taxes, utilities, security, special assessments and other “hidden” costs. Make sure you are clear on what these costs may be.

• Although most leases grant the landlord the right to consent to any assignment or subletting, a landlord should be aware that the lease must provide for the landlord’s consent to not be unreasonably withheld, or the landlord loses one of its important remedies.

• Although often overlooked, pay attention to whether there is an arbitration clause and whether arbitration is binding or the sole remedy. Although there are benefits to arbitration, there are important issues to consider if the lease includes an arbitration clause.

• If there is an option to purchase, all material terms of the purchase should be included in the lease. Otherwise, the lease only contains an agreement to agree, which is unenforceable.

• Finally, consider the other party’s realistic ability to perform and whether they have assets available to satisfy any claim for breach. Even if you have negotiated a very favorable lease, it may be useless if the other party is not able to perform and is unable to pay the damages for non-performance.

Please feel free to contact attorney José A. Guerrero at (661) 395-1000 or at [joseg@kleinlaw.com](mailto:joseg@kleinlaw.com) if you need assistance with a commercial lease or any other real estate matter. ♦

## JUNGLE MIXER WILD AND FUN

It was a warm Spring night in the “hot” town of Bakersfield on March 9<sup>th</sup>, and Hispanic Chamber members enjoyed the cool atmosphere and friendly environment that is standard at the Hispanic Chamber monthly mixers.

“I’ve heard that the Hispanic Chamber mixers are very friendly and down to earth,” commented one new attendee. Various new members were on hand to celebrate coming to the Hispanic Chamber family, having freshly arrived as a result of the Membership Drive.

The mixer was nestled in a unique jungle environment right there at 700 Truxtun Avenue inside

The Jungle Café. Located at the Hill House, this unique restaurant offers a breakfast, lunch, and dinner menu, as well as a \$5 lunch buffet Monday thru Friday.

Members are invited to host their next party at the Jungle Cafe, with banquet rooms available and a full catering menu to entice varied tastes.

You’ll come for the food and you’ll be captivated to stay to enjoy the tropical forest atmosphere while relaxing and meeting with friends at the fully stocked bar. It’s a jungle out there! Go WILD at the Jungle Cafe where there is something going on every night of the week. ♦

## DON'T MISS THE APRIL MIXER

April 13 • 5:30-7:30pm

GIRL SCOUTS JOSHUA TREE • 1831 Brundage Lane



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