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Orinda Man Charged with Embezzlement, Forgery

By Cathy Tyson

Orinda resident Carl Blake Miller had his day in court, again. The Contra Costa County District Attorney's Office filed felony criminal charges against the former real estate broker, which included embezzlement, theft, forgery, even taking money from a local Boy Scout troop, though that was later returned, this past summer. He's been out on bail since July of 2011 after pleading not guilty.

In an interesting twist last week at Walnut Creek Superior Court, two office buildings had been put up as a property bond in lieu of posting cash bail for Miller, to satisfy the \$327,500 bail amount. The owner of one of the properties wants to refinance the building, so asked Judge Bruce Mills if he could have it back. He was informed by Mills that he would have to file a proper motion, and go through the necessary procedures to complete his request.

"This changes everything," said District Attorney Ken McCormick. If half of the bail value disappears, "I'll request that he be put in custody." It's unknown at this time if someone else may step forward with another property bond, or to post bail. The next court date is set for March 22, to give the public defender more time to review documents. In addition to criminal charges, Miller is also charged civilly in a number of related cases.

Miller is the former administrator of Geneva Fund Investments, a real estate investment firm which was lo-

cated on Northwood Drive in Orinda. Key charges in the case revolve around the disappearance, possibly for personal use, of a significant amount of money. District Attorney McCormick estimates the loss at less than \$2 million, from approximately a dozen investors, and suggests Miller lived a lavish lifestyle with other people's money.

Miller is the son of famous California real estate law guru Eugene Miller, one of the founders of law firm Miller Starr Regalia who literally wrote the book – rather books; it's evolved into a twelve volume encyclopedia on real estate law, of course with the assistance of other attorneys in the firm.

"He was getting greedy," surmised Doug Kohen, who along with his father Dr. Joseph Kohen lost a substantial amount of money. "I have no sympathy for Carl. His father is probably rolling in his grave." He presumes the money is simply gone, and even if there is some kind of settlement, it would be "pennies on the dollar – if anything." Miller filed for bankruptcy protection in September.

Financial records show his spectacular seven bedroom, 5,300 square foot home in Orinda's Sleepy Hollow neighborhood, was used as an ATM, and is slated to be sold in foreclosure on the Martinez Courthouse steps on February 28. ForeclosureRadar lists the value of the house at \$2,283,000; however there are existing loans on the property of over \$2,600,000.

There's a striking similarity between Miller's situation, as an Orinda based real estate "hard money" lender, and the Ng family's Lafayette based "hard money" lending firms - RE Loans and Bar-K, Incorporated (see the article in our January 18, 2012 issue, archived at www.lamorindaweekly.com.) Although he's been at the helm of Geneva Fund for approximately ten years, prior to that, Miller worked with the Ng family at Bar-K. Both firms are now being investigated.

"Mr. Miller is seeking a responsible resolution of the case that will be fair to all parties," said Deputy Public Defender Jeffrey Landau. "Several of the Prosecution's allegations are over-reaching. Mr. Miller is focusing on providing for his family and children and responsibilities at home."

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"In addition to the adjacent open space areas, the amount of land area suitable for development in downtown is further constrained by the narrow and long valley location of downtown that has a limited number of access points and thereby restricted circulation.... Some of these constraints to development are also assets to the community and to the region that the City is responsible for protecting."

Telling ABAG and MTC that "the household growth in the IVS is too aggressive," Smith also articulated the City's need for funding "for a local jitney to connect Orinda Village (north of highway 24) to the Theatre District (south of 24) and to BART," for improved bus service, and to cover the expenses that the City would incur as fallout from the ABAG-MTC plan.

Smith further injected a dose of reality, saying that between the City's 1985 incorporation and its 25th anniversary, Orinda added only 737 dwelling units. "It is not realistic to expect a 260% increase [to 1,920 units] in the rate of housing production in community that is mostly built out."

Although ABAG and MTC prepared four revised household and job growth scenarios in response to the input received from Bay Area community leaders, Orinda officials believe those projections continue to be way off the mark. Stating that the projections were "completely out of line and unrealistic for Orinda" be-

cause they were prepared by ABAG-MTC before the 2010 census data was released, City Planning Director Emmanuel Ursu advised the Council that staff will be telling the regional planning agencies to take another look at their figures. Council Member Dean Orr observed that the One Bay Area plan appeared "to be moving at some pace, some speed," at the direction of "jurisdictions outside of our authority," and asked if Orinda could simply opt to not comply with the regional planning. Ursu said that this was one option, but also explained that non-compliance could hurt Orinda because ABAG-MTC's planning is tied to regional housing allocations doled out by the State of California.

Orr then asked if other Bay Area cities had expressed concerns about the accuracy of ABAG-MTC's data. Ursu said there has been a great deal of "pushback," referencing the City of Lafayette's response as one example.

Smith likened the IVS to putting the cart before the horse. ABAG and MTC are expecting the City of Orinda to engage in extensive sustainability planning without providing the funds necessary to do so. She strongly urged ABAG and MTC to expand their public hearings beyond Dublin and Richmond to ensure that area residents will have their voices heard at programs presented at Lamorinda locations.

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