1	DAVID BOYERS, Supervising Staff Counsel III (SBN 199934) Office of Enforcement				
2	State Water Resources Control Board				
3	1001 I Street, 16 th Floor Sacramento, California 95814				
4	Telephone: 916-341-5276 Fax: 916-341-5284				
5	E-mail: dboyers@waterboards.ca.gov				
6	Attorney for the Prosecution Team				
7	BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD				
8					
9	SAN DIEGO REGION In the Matter of:				
10	j				
11	Administrative Civil Liability Complaints) AFFIDAVIT IN SUPPORT OF No. R9-2010-0084 and No. R9-2010-0104) SUBPOENA FOR DOCUMENTS AND THINGS				
12	Jack Eitzen)				
13	1 Devid Payers declare that I am a Currentising Staff Coursel III ampleyed				
14	I, David Boyers, declare that I am a Supervising Staff Counsel III employed				
15	by the State Water Resources Control Board, Office of Enforcement, and that I am				
16	counsel for the Prosecution Team for the California Regional Water Quality Control				
17	Board, San Diego Region ("Prosecution Team") in the above-entitled matters.				
18	2. On or about April 18, 2011, the Prosecution Team received evidence from				
19	Mr. Jack Eitzen in accordance with the Final Revised Hearing Procedures issued by the				
20	Advisory Team for the California Regional Water Quality Control Board, San Diego				
21	Region ("Advisory Team") on April 7, 2011.				
22	3. The evidence submitted by Mr. Eitzen includes certain financial information				
23	in support of Mr. Eitzen's contention that he is unable to pay the liability proposed in				
24	Administrative Civil Liability Complaint No. R9-2010-0084 and Administrative Civil Liability				
25	Complaint No. R9-2010-0104.				
26	4. The Revised Final Hearing Procedures issued by the Advisory Team on				
27	April 7, 2011 permit the Prosecution Team to submit rebuttal evidence in response to Mr.				
28	Eitzen's evidence and argument.				
	AFFIDAVIT IN SUPPORT OF SUBPOENA -1-				

- On April 21, 2011, the Prosecution Team requested, and was granted, a continuance of the hearings scheduled for May 11, 2011 in order to subpoena information from Mr. Eitzen for the purpose of preparing rebuttal evidence and argument.
- 6. Good cause exists for the production of the documents described below because such evidence is probative of Mr. Eitzen's claim that he is unable to pay the liability proposed in Administrative Civil Liability Complaint No. R9-2010-0084 and Administrative Civil Liability Complaint No. R9-2010-0104.
- 7. Mr. Eitzen has, or should have, the documents described below in his possession or control.
 - 8. The exact documents to be produced include:
- a. All documents related to the sale or transfer by Mr. Eitzen of each of the properties listed in Administrative Civil Liability Complaint No. R9-2010-0084 and Administrative Civil Liability Complaint No. R9-2010-0104, and copied for reference in the table below:

Assessor's Parcel Number	County	Property Address	Assessed Total Value	Assessment Year
082-281-037	San Luis Obispo	Great Falls Road	\$19,483	2009
082-121-008	San Luis Obispo	N/A	\$5,620	2009
082-201-068	San Luis Obispo	Dorris Road	\$17,991	2009
082-191-007	San Luis Obispo	11180 Crannel Trail	\$19,872	2008
082-211-005	San Luis Obispo	Grassland Road	\$25,000	2009
082-281-051	San Luis Obispo	Gleason Road	\$18,399	2009
082-201-033	San Luis Obispo	11320 Del Rosa Road	\$19,872	2009
083-461-004	San Luis Obispo	Arrowbear Trail	\$4,496	2009
082-291-076	San Luis Obispo	Greybriar Trail	\$19,483	2009
082-281-007	San Luis Obispo	Greybriar Trail	\$19,483	2009
083-451-041	San Luis Obispo	Lake Road	\$11,243	2009

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082-211-006	San Luis Obispo	N/A	\$25,000	2009
082-181-044	San Luis Obispo	14155 Diamond	\$18,766	2008
		Springs Road		
928-230-015	Riverside	38175 Via Vista	\$108,242	2008
		Grande (check this	(value based	
		on Westlaw)	on vacant lot	
			prior to	
			development)	
928-230-016	Riverside	38155 Via Vista	\$108,242	2008
		Grande	(value based	
	9	3	on vacant lot	
6			prior to	
		1	development)	
	9	TOTAL	\$441,192	*

- b. All documents related to Mr. Eitzen's method of determining the value (as shown by handwritten notation in Mr. Eitzen's evidence submittal) of the properties listed in Administrative Civil Liability Complaint No. R9-2010-0084 and Administrative Civil Liability Complaint No. R9-2010-0104, and copied for reference in the table above.
- c. All documents describing assets held by Mr. Eitzen in the "Bellagio Trust."
- d. All documents related to the calculation or consideration of the value of the asset labeled "Equipment," as shown in Mr. Eitzen's Statement of Net Worth.
- e. All documents related to the calculation or consideration of the value of the liability labeled "Citibank #998XXX," as shown in Mr. Eitzen's Statement of Net Worth.
- f. All documents related to the calculation or consideration of the value of the liability labeled "Wells Fargo #XXXX3611," as shown in Mr. Eitzen's Statement of

1	documentation.
2	r. Mr. Eitzen's complete 2007 IRS income tax return and supporting
3	documentation.
4	s. All documents relating to the calculation of the amount of -\$15,990
5	shown on line 12 of Mr. Eitzen's 2008 IRS Form 1040,
6	t. All documents relating to the calculation of the amount of -\$457,925
7	shown on line 21 of Mr. Eitzen's 2008 IRS Form 1040 (Statement 1 is not attached).
8	u. All documents relating to the calculation of the amount of \$2,400
9	shown on line 1 of Mr. Eitzen's 2008 IRS Form 1040, Schedule B, labeled "LOT SALES
10	INCOME."
11	v. All documents relating to the calculation of the amount of \$327,000
12	shown on line 1 of Part I of Mr. Eitzen's 2008 IRS Form 1040, Schedule C, for "LAND
13	DEVELOPMENT & SALES."
14	w. All documents relating to the calculation of the amount of \$315,027
15	shown on line 4 of Part I of Mr. Eitzen's 2008 IRS Form 1040, Schedule C, for "LAND
16	DEVELOPMENT & SALES."
17	x. All documents relating to the calculation of the amount of \$15,480
18	shown on line 13 of Part II of Mr. Eitzen's 2008 IRS Form 1040, Schedule C, for "LAND
19	DEVELOPMENT & SALES."
20	y. All documents relating to the calculation of the amount of -\$42,800
21	shown on line 27 of Part II of Mr. Eitzen's 2008 IRS Form, Schedule C, for "LAND
22	DEVELOPMENT & SALES" (Statement 2 is not attached).
23	z. All documents relating to the calculation of the amount of \$948
24	shown on line 13 of Part II of Mr. Eitzen's 2008 IRS Form 1040, Schedule C, for "JACK'S
25	CELLARS."
26	aa. Page 2 of Mr. Eitzen's 2008 IRS Form 1040, Schedule C, for "JC
27	PRODUCTIONS."
28	bb. All documents relating to the calculation of the amount of -\$47,567

15	
1	shown on line 12 of Mr. Eitzen's 2009 IRS Form 1040.
2	cc. All documents relating to the calculation of the amount of -\$3,000
3	shown on line 13 of Mr. Eitzen's 2009 IRS Form 1040.
4	dd. All documents relating to the calculation of the amount of -\$473,915
5	shown on line 21 of Mr. Eitzen's 2009 IRS Form 1040.
6	ee. All documents relating to the calculation of the amount of \$55,070
7	shown on line 1 of Part I of Mr. Eitzen's 2009 IRS Form 1040, Schedule C, for "LAND
8	DEVELOPMENT & SALES."
9	ff. All documents relating to the calculation of the amount of \$50,103
10	shown on line 4 of Part I of Mr. Eitzen's 2009 IRS Form 1040, Schedule C, for "LAND
11	DEVELOPMENT & SALES."
12	gg. All documents relating to the calculation of the amount of \$4,233
13	shown on line 13 of Part II of Mr. Eitzen's 2009 IRS Form 1040, Schedule C, for "LAND
14	DEVELOPMENT & SALES."
15	hh. All documents relating to the calculation of the amount of \$13,201
16	shown on line 27 of Part II of Mr. Eitzen's 2009 IRS Form 1040, Schedule C, for "LAND
17	DEVELOPMENT & SALES" (Statement 2 is not attached).
18	
19	
20	I declare under penalty of perjury that the foregoing is true and correct.
21	
22	Dand Bayun Date: May 5,2011
23	David Boyers Attorney for the Prosecution Team
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BEFORE THE CALIFORI	NIA REGIONAL WATER QUALITY CONTROL E	BOARD, SAN DIEGO REGION
ATTORNEY OR PARTY WITHOUT ATTORNEY	REQUESTING SUBPOENA (name, address, and telephone no.):	FOR REGIONAL WATER BOARD USE ONLY
David M. Boyers, Esq.	word treating adjusting adjust by:	indicate this analysis and the subplem
State Water Resources Control Board, Office of E 1001 I Street	Enforcement	
Sacramento, CA 95814		Then as Admy a Harmanian American T
(916) 341-5276		il Passon armed Iramm.
REPRESENTING: San Diego Regional Water Qu	uality Control Board Prosecution Team	
TITLE OF THE PROCEEDING:		Operation Section Residence of
In the Matter of Jack Fitzen, 38175 Via Vista G	rande, Murrieta California; ACL Complaint No. R9-2010-0084	
Many India		way in Winners to a part manage, both ways Adeles
In the Matter of Jack Eitzen, 38155 Via Vista Gi	rande, Murrieta, California; ACL Complaint No. R9-2010-0104	3 History States over [11]
SUBPOENA	RE HEARING	A THE LOCAL SPECIAL SECTION AND ADDRESS OF THE LOCAL SPECIAL S
SUBPOENA DUCES TECUM	RE DEPOSITION	1 DSI apol trammal
	to lead, potallit capage of our good	
THE PEOPLE OF THE STATE OF CALIFO	ORNIA, TO: JACK EITZEN	
avoled two	is an exercise will of helpholess toleron muter from halfly	Medit decided three copies through by par-
1. YOU ARE ORDERED TO APPEAR named in item 3:	AS A WITNESS in this proceeding as follows unless y	ou make special agreement with the person
named in item 6.		world revorts
a. Date: June 1, 2011	Time: 8:00 a.m.	today a whom soniet M. Paul Cilli Eng. Lobb
b. Address: 1001 Street, Sacramento Californ	nia, 95814	
5. /ida/555/ 155/ 151/55, Gallandina Galleri		
	WOLL HE BOWER AND MICHAEL BOTTLE EMBORING THEE I	c. If cormy mak I micro and true L. Littippooru
2. AND YOU ARE:		
a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs	tit 23 8 649 6(a))
b. Not required to appear in person.	son if you produce the records described in the accompany	ying affidavit in compliance with Evidence Code
sections 1560 and 1561. (Wat.	. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs.,	tit. 23, § 649.6(a).)
c. Ordered to appear in person	and to produce the records described in the accompany	ying affidavit. The personal attendance of the
custodian or other qualified wi	tness and the production of the original records is required	by this subpoena. The procedure authorized by
subdivision (b) of section 156	0, and sections 1561 and 1562, of the Evidence Code will c; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a	I not be deemed sufficient compliance with this
Subpoeria. (Wat. Code, § 1000	, dov. code, g 11450.10, cal. code flegs., iii. 25, g 545.0(a	1-1 ment egatine och Ac. Terchena - Aprila in aktive 2 - 158
3. IF YOU HAVE ANY QUESTIONS A	BOUT WITNESS FEES OR THE TIME OR DATE FOR	YOU TO APPEAR, OR IF YOU WANT TO BE
	IS REQUIRED, CONTACT THE FOLLOWING PERSON E	BEFORE THE DATE ON WHICH YOU ARE TO
APPEAR:		
a. Name: David Boyers	b. Telephone number: (916) 341-5	5276
a. Name. David Boyers	IN CONNECTION WITH A HEATING IN AN ACL	namen al Arancama Piat di Altras
	(Gov. C	Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)
4. WITNESS FEES: You are entitled t	to witness fees and mileage actually traveled, both ways	, as provided by law. Request them from the
	or from the person named in item 3. (Wat. Code, §§ 1081	, 1083, 1084; Gov. Code, §§ 11450.40, 68070 e
seq.; Code Civ. Proc., §§ 1986.5, 206	5.)	
5. If you object to the terms of this s	ubpoena, you may file a motion for a protective order i	ncluding a motion to quash with the hearing
officer assigned to your case. Mot	tions must be made within a reasonable period after rec	eipt of the subpoena, and shall be made with
written notice to all parties, with pr	oof of service upon all parties attached. In response to	your motion, the hearing officer may make ar
order quashing the subpoena entir	ely, modifying it, or directing compliance with it, or may	make any order needed to protect the parties
or witnesses from unreasonable	or oppressive demands, including unreasonable violestate Water Resources Control Board, Office of Chief Counsi	of D.O. Boy 100 Sagramento, CA 95812-0100
g 11450.50.) (Send filotions to: The S	State Water Resources Control Board, Office of Chief Courts	el, 1.0. Box 100, Gadramento, GA 33012 0100.
DISOBEDIENCE OF THIS SUBPOEN	A MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT ANI	O OTHER PENALTIES PROVIDED BY LAW
	Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 1145	
grown acord gers entant &	and the same state of the same	
Dated: May 5,2011	Dand B	ann
OURCE		(signature)
The State of the S	Name: DAVID B	OVERS
	DOM:	
	Title: Supervision	ng Staff CounselIII
	State Wider Harcources Control	3
Unless issued by an attorney pursuant to C	Code of Civil Procedure, (See reverse for Endorse	ement on Subpoena, if used, and Proof of Service)
Section 1985, subdivision (c), the original subpoet		describe all the distance of the same and the same of the

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:				
personally delivering a copy to the person served as follows:				
a. Person served (name):	b. Date of delivery:			
c. Address where served:	d. Time of delivery:			
e. Witness fees and mileage both ways (check one):	f. Fees for service.			
(1) were paid. Amount: \$	Amount: \$			
(2) were not paid. (3) were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$	MUDER ESCUE SURPORTA PÉCUM			
delivering true copies thereof by certified mail, return receipt requested, to the addr delivering true copies thereof enclosed in a sealed envelope to a messenger for improvement shown below.	ess as shown below. nediate personal delivery to the address as			
Address where served: Mr. Paul Cliff, Esq. Lobb & Cliff, LLP, 1325 Spruce Street, Suite 300, Rivers	ide, California 92507			
C. I and the state of the Company of	Mo. 5 2011			
2. I certify that I received this subpoena subpoena duces tecum for service on	Date Date			
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on: At (place) Signature				
ENDORSEMENT ON SUBPOENA IN A PROC	EEDING			
OTHER THAN AN ADJUDICATIVE PROCEI	EDING			
Pursuant to Water Code §1086 and upon affidavit of (copy at ordered by the subpoena to appear is material and necessary to this proceeding, it is required that s	tached) showing that the testimony of the witness said witness attend this proceeding.			
Dated:	Dates Mary Co. Sec. V.			
	(signature)			
Name:	- PAN N			
Title:State Water Resource	s Control Board			

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)