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Breaking Stories: Sunroad to Perdition
By Matt Potter

Early last summer, as the battle over the Sunroad Enterprises office tower near Montgomery Field was taking shape at city hall, another potentially high-stakes contest was unfolding a few blocks away at the federal courthouse. On June 26, Sunroad Holding Corporation, one of the many Sunroad companies controlled by La Jolla's **Aaron Feldman**, filed suit against the Internal Revenue Service. That was just one week after the Federal Aviation Administration told San Diego city planners that Sunroad's 180-foot building was 20 feet too tall.

By then Feldman's lawyers and lobbyists had already swung into action, working to persuade the office of Mayor **Jerry Sanders** to ignore the federal government's qualms and allow the office project to proceed. Meanwhile, another of Feldman's lawyers was handling the IRS matter. His name was **Mitchell Dubick**, of the firm Higgs, Fletcher & Mack, and his wife is **Julie Dubick**, the mayor's "director of policy."

Appointed by Sanders early last year at a salary of $115,000, Julie Dubick, an attorney like her husband, previously worked at Seltzer Caplan McMahon, one of downtown's most prosperous law and lobbying firms. A longtime La Jolla insider who ran unsuccessfully for school board as a staunch backer of then-superintendent **Alan Bersin**, Dubick's role in the Sanders administration is said to be high-level and far-reaching.

On its face, the action that Mitchell Dubick filed was simply an effort to acquire records, requested under the federal Freedom of Information Act, of the corporation's tax audit. But court papers filed by the feds made it sound like something more sinister was going on. According to its complaint, Sunroad Holding had previously asked the government "for records of the Internal Revenue Service relating to the examination file for the Form 1120 of the Plaintiff for the tax period ending September 30, 2003." The IRS had refused.

In an August 2006 response to Sunroad's suit, government attorneys argued that the material was exempt from disclosure under the federal Freedom of Information Act because, according to one citation, the records might "disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions [that] could reasonably be expected to risk circumvention of the law."

Last November, the parties agreed that Sunroad would drop its complaint against the IRS "with prejudice"-- meaning it cannot be refiled -- and that both Sunroad and the government would "bear their own costs and attorneys fees." Federal judge **Irma E. Gonzalez** approved the dismissal on November 17.

Neither the Justice Department nor the IRS will comment on the matter. But Mitchell Dubick's involvement with Feldman seems certain to add to the controversy about the mayor's role in allowing

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construction on Sunroad's office tower to proceed in the face of FAA opposition. Julie Dubick disclosed her husband's employment at Higgs, Fletcher on the personal statement of economic interests she filed last month; according to that document, Mitchell Dubick earned more than $100,000 from the firm.

Reached at his law office late last week, Mitchell Dubick declined to go into details about the Sunroad case but said there was no connection between the Sunroad office project and the legal work he did for Sunroad Holding. "I am a tax lawyer," he said. He denied his work had created any sort of conflict of interest for his wife. "It was totally unrelated. They are miles and miles apart. It had nothing to do with what you see in the paper these days."

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Posted by **Rick Beach** on 05/24/07 @ 10:19 am

Fascinating scoop! More evidence that the whole relationship web tilts a skewed value system to benefit exploiters (aka developers). As an outsider, I relish taking the measure of these folks. For the past 18 months I worked on a land-use advisory-group for all San Diego airports with several attorneys, some involved with Sunroad: John Ponder, Barbara Lichman, Paul Robinson. (I volunteer, but my guess is clients probably have been billed over $250,000!) Generally, they disagree about limiting development around airports, but are respectful and earnest when challenged to protect public safety and the usability of airports. In person, they appear as real people. However, they do a job for a client. I've seen numerous examples where they take advantage of a selfish perspective when dealing with public benefit. Who they know contributes to that advantage. If the scales of justice are blind, then it helps to have heavyweights, well connected and well funded, to advance your cause.

Sound Off

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