

**LELAND'S SONYA HUANG TAKES SECOND PLACE AT NATIONAL SPEECH AND DEBATE TOURNEY - PAGE 6**



JULY 3-JULY 16, 2015 ■ VOL. 28, NO. 13

YOUR BEST SOURCE OF COMMUNITY NEWS FOR OVER 28 YEARS

# Almaden Times

SERVING ALMADEN VALLEY SINCE 1986 ■ ALMADENTIMES.COM

## PASSIONATE PHILANTHROPY



The Brandenburg Foundation donated \$1 million to purchase Old Fire Station 1 for the San Jose Fire Museum. Photo courtesy of the San Jose Fire Museum.

## Pro fireworks show - let's go!

*Almaden Lake Fireworks Show offers alternative to illegal fireworks*

By William Bellou  
Publisher

Fines for setting off illegal fireworks, even "safe and sane" fireworks, could put a dent in family pocketbooks. Fortunately the professional Almaden Lake Park Fireworks Show is an alternative to fireworks block parties.

The Almaden Family Fun Festival will be held at Almaden Lake Park on Independence Day from 2 to 10 p.m.

The fireworks start after dark and will last nearly 30 minutes starting at approximately 9:16 pm.

Families can walk or bike to the park, bring blankets and enjoy the lake, the park and nature.



"I hope to get as many sponsors as possible because I don't want to use any taxpayer funds," Khamis said. "I'm very excited to continue the District 10 Family Fun Fireworks Festival. It is important to recognize and celebrate the unity of being an

See FIREWORKS, page 5

## LEE BRANDENBURG A modern day Andrew Carnegie

By Lorraine Gabbert  
Senior Staff Writer

Lee Brandenburg has a passion for philanthropy, and believes in using his wealth to improve society and make a real difference in the world.

"Brandenburg is our modern day Andrew Carnegie," says Denelle Fedor, Council Assistant to Councilmember Johnny Khamis. "His graciousness and unconditional giving...are lifelong gifts that make for a better community."

Through the Brandenburg Family Foundation, Brandenburg and his wife Diane, and their children Karen, Eric, Gary and Bill; grandchildren Diana Lee, Brenten Lee, Taylor Ann, and Jackson Lee; and

See BRANDENBURG, page 12



After he serenaded Diane, Lee Brandenburg was presented with a white fire chief's helmet. Photo courtesy of the San Jose Fire Museum.

SEE OUR LISTINGS OF LOCAL PLACES OF WORSHIP AND HOME IMPROVEMENT ADVERTISEMENTS INSIDE THE BACK COVER

## Times Feature

# Attorney-client relationship is a very important one

By Donald J. DeVries  
*Special to the Times*

## This week's question:

I have been reading your articles for years and I have noticed at the end of each one a certain phrase. It always says, "No attorney-client relationship is created by these articles." Why do you say that each and every time?

**Bonnie B.**  
*Almaden Valley*

Dear Bonnie,

You emailed in a very good question, Bonnie. And the answer requires a little explaining.

First of all, thank you for reading these articles for years. I started writing this column in 1986, enjoyed it then, and still enjoy writing it now for my *Almaden Times* readers.

And I hope that the quoted phrase you mentioned appears in each and every one of these articles. It is important for you, the reader, and it is important for me, the attorney writing these articles.

Now, let me respond to your question. When a person submits a question to an attorney, it could well be seen as seeking legal advice. That would not be surprising at all. However, there are many responsibilities undertaken by the attorney at the very beginning of any attorney-client relationship.

A contract is usually created between the attorney and the client. This contract could be in writing and therefore express or it could be implied, as in an oral contract or agree-

ment.

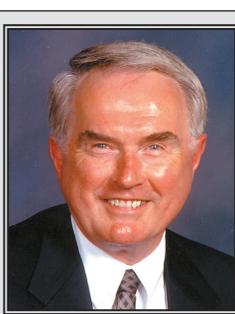
Your attorney could well be your agent and you the principal, in agency law. Of course, a key component of that relationship is consent in that contract setting.

In our office setting, a rather formal agreement is usually prepared and signed by our client and me, confirming the essential aspects of that contract in a letter. However, a formal written agreement is not necessary for the formation of that relationship.

An attorney-client relationship could be found to exist when an attorney volunteers his or her time to help someone in need. It could also be found to exist from a pattern of custom and practice between the attorney and the person. And I believe it could be found to exist in my answering questions in this newspaper.

If an attorney-client relationship is found to exist, very significant duties arise. The attorney is in the same category of other professionals who are considered to possess knowledge, skill, and ability for a higher minimum standard of conduct than "ordinary care." Similar standards are required for doctors, dentists, engineers, and many other professionals.

An attorney has a clear duty to represent his or her client to the best of the attorney's



## Ask The Lawyer

Donald J. DeVries,  
Attorney at Law

For past articles,  
visit our web site at  
[www.almadenvalleylawyers.com](http://www.almadenvalleylawyers.com)

ability. That duty is difficult, if possible at all, to perform when answering a question emailed in by a reader. Often key facts are omitted and only one side of one part of the full story is told.

So, you can see very quickly that the attorney's advice could well be incorrect if he or she did not have a complete picture of the facts at hand. That could well lead to a malpractice case against the lawyer for substantial monetary damages.

Also, if I were a client, I would not appreciate my case being judged on incomplete information. That would not be fair to me and I certainly would not, as a client, put

much value in a response to a legal question appearing in a newspaper, as good as the newspaper is, and as good as the attorney is.

Many other aspects of the attorney-client relationship come into play as well, such as the attorney having a fiduciary relationship with the client, one of the very highest character. One aspect of that is to preserve all client confidences, and that certainly is not true when the response to a question appears in a newspaper.

So, Bonnie, you can begin to see why I have that note at the end of each and every article. It is very important for the client to understand that and it is very important for me to point that out. And if I ever forget to state that "No attorney-client relationship is created by these articles", you please let me know!! Thanks.

**Donald J. DeVries**  
*Almaden Valley*

You can reach Mr. DeVries with your questions by email at [don@almadenvalleylawyers.com](mailto:don@almadenvalleylawyers.com), with "Almaden Times" in the subject line, fax at (408)268-6502, telephone at (408)268-9500, or mail at DeVries Law Office at 6475 Camden Avenue, Suite 200, San Jose, CA 95120. Your name will not be used. No attorney-client relationship is created by these articles.

## Brandenburg

Continued from page 1

great-grandchildren Bella Grace, and Aidan Christopher support local non-profits.

Brandenburg and Diane have also served on many boards of civic and charitable organizations, and received numerous recognitions, including "Silicon Valley's Outstanding Philanthropists," and "Most Outstanding Community Volunteers."

In 2006, when the Almaden Business Association "Texas Hold'em Fundraiser" was deemed illegal by the attorney general's office, the Brandenburg Foundation stepped up, donating \$10,000 towards furniture for the children's story room at the Almaden Library.

In February, The Brandenburg Foundation donated \$1 million to purchase Old Fire Station 1 for the San Jose Fire Museum. After he serenaded Diane with "Smoke Gets in your Eyes" and "I Don't Want to Set the World on Fire," Brandenburg was presented with a white fire chief's helmet and a "Muster Team Exemption Certificate" which was used long ago to exempt firefighters from poll taxes, jury duty, and serving in the military.

"We've been involved in downtown San Jose a long time," says Brandenburg. "History matters. As soon as we heard about the fire museum, we decided to buy the property for them. We saw the fire equipment they had stored, and we wanted to help them find a home."

"It's Lee's dream," says William B. Baron, partner at Brandenburg Properties, "to see thousands of school-aged children learning about fire, and life safety issues while having fun sitting in historic fire apparatus and sliding down a fire pole with grins on their faces."

Due to their donation, the Brandenburg family is a lifetime Founding Partner of the museum. "I was honored to meet Lee and Diane and get to know them," says Fire Museum President John McMillan. "They will always hold a special place in the heart of our San Jose Fire Museum Board. We have one of the best historic fire collections in the country, and because of Lee and Diane's wonderful donation, we now have a great historic downtown fire station to complement it."

In all, The Brandenburg Family Foundation has contributed more than \$20 million to charitable causes throughout the South Bay including: Camp Campbell, Children's Discovery Museum (Brandenburg Theatre), Downtown Streets Team, Martin Luther King Library



**Lee Brandenburg** believes in taking risks and following your passion.

(Brandenburg Browsing Room), Montalvo Arts Center, Ronald McDonald House, Sacred Heart Community Service, San Jose Medical Center Foundation, San Jose State University, and Stroke Awareness Foundation.

"The City of San Jose is very fortunate for The Brandenburg Foundation's unconditional giving," says Councilmember Khamis. "They are an example of the true meaning of being an American; working hard and sharing that wealth through giving."

"We both had mothers that gave during their lifetime," says Diane, "so they taught us the gift of giving. We started out with less than \$100 and a lot of optimism, and built it from there. We found out how important it was to address the youth in our community to give them feelings of self-worth and self-esteem."

Through the years, Diane served on the council of the Martin Luther King Library, PTA, Girl Scouts, Almaden Swim Club, Mid-Peninsula League of the San Francisco Symphony, and opened their home to their children's friends who stayed with them for periods of time when they had nowhere else to go.

The Brandenburg's have also reached out to help international charities, assisting in building walls and bringing fresh water to villages in need, giving to the Forgotten International Children's Fund, and adopting eight children from India and Ghana, including Priyanka, Fati, Asana, Ayisha, and Solomon.

They found some of these children, like  
*See BRANDENBURG, page 14*

## ALMADEN VALLEY LAWYERS®

**Donald J. DeVries ■ Attorney at Law**

[www.almadenvalleylawyers.com](http://www.almadenvalleylawyers.com)

**LIVING TRUSTS, WILLS & ESTATE PLANNING**

- Preparation
- Administration
- Litigation

**ESTATES**

- Probate
- Will Contests
- Guardianships
- Conservatorships
- Litigation

**DURABLE POWER OF ATTORNEYS**

- Health Care
- Asset Management

**SPOUSAL PROPERTY PETITIONS**

**DIVORCE & FAMILY LAW**

- Property Division
- Custody - Support
- Restraining Orders

**PERSONAL INJURY**

- Auto Accidents
- Wrongful Death Suits

**CIVIL LITIGATION**

**REAL ESTATE**

**GENERAL BUSINESS**

**NOTARY SERVICES**

- By Appointment

**LOW COST INITIAL OFFICE CONSULTATION**

**In Almaden Since 1970 ■ Serving San Jose and the South Bay**  
**Thousands of Cases Handled Successfully... Personal, Professional, Aggressive**  
**Over 43 Years Experience ■ Member, U.S. Supreme Court, State Bar of California**

**6475 Camden Ave., Suite 200**  
(At Almaden Expressway/Trinidad)  
**San Jose, CA 95120**  
**(408) 268-9500**

*Attractive Office Space Available*

## Times Cover Story

## Brandenburg

Continued from page 12

Solomon, scavenging at the dumps in India where they'd pound computers apart to get copper wire and chips to support themselves. The Brandenburg's saw to the children's medical attention for malaria, nourishment and education; and several currently attend boarding school.

"Lee has often observed that there is something to be said for those that have deep pockets; trouble is many have short arms," says Baron. "It's clear that the Brandenburg Family arms are quite long indeed."

In addition to philanthropy, Brandenburg has had a lifelong passion for golf. He was a founding member of the Almaden Golf and Country Club, Spyglass Hill at Pebble Beach, and created Cinnabar Hills Golf Club.

"It was a dream of Lee's for some time to find the right site in his hometown to build a great golf course for the public," says Baron. "In continued recognition of his vision, execution, and customer-first, management acumen, Cinnabar Hills regularly earns awards of distinction. The jewel inside of the Cinnabar Hills clubhouse is the Brandenburg Historic Golf Museum; likely the best golf history museum outside of the PGA World Golf Hall of Fame on the east coast."

As soon as he saw the property, Brandenburg realized he had to have it. It was a cattle ranch at the time and going for \$11 or \$12 million. After verifying with the City of San Jose's Planning Department that the property had more than a 15 percent slope, which made it impossible to build homes on, he talked down the price, buying it for \$3.7 million.

"It was a great piece of property," says Brandenburg, "And I always wanted to build a golf course."

The Brandenburg Historical Golf Museum, founded in 1998, features photographs and memorabilia of celebrities and golf legends including Johnny Miller, Clint Eastwood, Bing Crosby, Bob Hope, President Eisenhower, Chip Beck, Walter Hagen, Bobby Jones, Gene Sarazen, Sam Snead, Mac O'Grady, Ben Hogan and Ken Venturi. Many of the photos depict Brandenburg with these icons. Of special note is the collection of fully engraved, solid sterling silver golf trophies of the four major PGA Championships and the US Open.

Brandenburg and Diane had the pleasure to meet and/or golf with most of those depicted in his museum, as well as Glen Campbell, Alan Shepard, Arnold Palmer, Billy Mayes, Fred MacMurray, Tony Jacklin, Frank Sinatra, Lawrence Welk, Andy Williams, Jack Nicholson, Johnny Miller, and Samuel Jackson.

They met Chip Beck when he was playing in the Bing Crosby Masters Golf Tournament in Augusta, Georgia.

"I've been out here for 11 years and never won a golf tournament," Chip told them.

"Well, Chip, you're about to win," said Diane. And he did.

**Making his fortune**

Brandenburg has worked for decades in real estate and development. The founding partner of Brandenburg Properties, he began his career in the mid 1950's after graduation from San Jose State University and two tours of duty for the United States Army. He started in real estate sales, moving to entitle and develop custom home and multifamily subdivisions. He expanded into commercial, retail and office building development, and, through the partnership Brandenburg, Staedler & Moore, entitling and developed 17, five-star mobile home communities.

He has developed large-scale residential golf and resort communities in Northern and Southern California, southeastern United States and British Columbia, as well as other residential and commercial developments in California, Georgia, South Carolina, Louisiana and Texas.

"He's a wonderful man, and a true gentleman," says Baron, "whom I've had the blessing of working with over the past 32 years."

In the late 1950s and early 1960s, Brandenburg pursued residential subdivision development, including Wooded Lake Estates in Almaden, developments in Willow Glen, and the first residential subdivision in Saratoga.

In the mid 1970's, his son, Eric, joined Brandenburg Properties.

Silver Creek Valley Country Club was a Brandenburg vision, and they also converted a former quarry into nearly 1,200 residential units, a Home Depot and Lucky Food Store along Capital Expressway.

Brandenburg Properties recently received approval from the City of San Jose to establish Heritage Oaks Memorial Park by Cinnabar Hills.

"There is only one memorial park in San Jose, so there's a real need for another one," says Brandenburg.

"Lee instilled in all of us that good business is done from both the head and the heart," says Baron.

**Looking Back**

Brandenburg was born on June 8, 1930, to Jessie and Melford Brandenburg. His father was a manufacturer's sales rep selling boats and other marine products. Brandenburg grew up in Lynbrook, New York. The family moved to Rockville Center, New York, where he attended South Side High School.

Although his first job was delivering newspapers, at age 12, Brandenburg caddied at the Rockville Country Club in Rockville center. In high school, he sometimes would sneak on the golf course to play.

After his parents moved to San Mateo, he attended San Mateo Jr. College and San Jose State, where he majored in psychology and trained to be a ROTC Second

Lieutenant and a military police.

While at San Jose State, he met Diane and the two eloped to Reno on March 1, 1952. She continued her studies at San Jose State when he left for Camp Gordon in Augusta, Georgia for officer's training, driving across the country in his old Studebaker.

One day while at Camp Gordon, Brandenburg was amazed to read, 'Ike to play Masters at Augusta National' on the front page of the Augusta Chronicle. Without a second thought, he drove out to the golf course. When he arrived, there were security vehicles and highway patrol flashing lights at the front gate, so he drove 386 yards, followed a path, parked, and walked out to the first fairway.

"There were two guys teeing off," says Brandenburg, "and I knew it was President Eisenhower. He was playing with golf pro Ed Dudley. There were two caddies, and a secret service guy on my side said, 'What the hell are you doing here? Wait 'til the president putts out, and then get the hell out of here.'"

If he had been 20 minutes earlier or later, he would've missed him. When Ike finished putting, he was facing Brandenburg, and he smiled and crossed the green.

"I said, 'Congratulations, General,' and we shook hands. I guess he couldn't resist a Second Lieutenant."

Another time, at the Augusta National Golf Club, Brandenburg noticed a man pushing a wheel barrow filled with green members jackets. He was going to burn them because the golf club was getting new jackets. Brandenburg asked to look through them and to his surprise discovered Eisenhower's green jacket. He immediately asked if he could have it. The man said he could as long as he didn't sell it. That same jacket is now proudly on display at The Brandenburg Historical Golf Museum.

Brandenburg and Diane were reunited when he served at the Presidio in San Francisco, where he played on the officer's golf team. When he received an early discharge from the military in 1954 after serving for 15 months, he realized he'd have to earn a living, so he decided to sell houses in San Jose.

One day, he walked into Stone & Schulte, and said, "Hi, I'd like to sell real estate for you." That's great," replied Schulte, and hired him on the spot. Brandenburg worked for him for three years before founding Empire Realty to develop real estate and his career.

Through the years, Brandenburg has learned to take risks and advises others to do the same. "If you don't take chances, you won't do anything new, or accomplish anything," he says. "And, curiosity is the one thing that makes everything happen. This wonderment...you wonder why, and try to find the answer..."

"Lee is a renaissance kind-of-guy," says Barton. "He's always creating, always innovating. He's a movie producer, an author, a




**DAN WALKER**  
Alain Pinel  
Realtors  
(408) 892-4813  
Dwalker@apr.com



**SUSAN BOERNER**  
Alain Pinel  
Realtors  
(408) 921-7619  
sboerner@apr.com



18905 Graystone  
Lane  
\$1,890,000  
4 bed 2.5 bath  
3097 +/- sqft  
Therese Swan  
408.656.8240



**DAVID & VICKI HARRIS**



2921 Villages Parkway,  
San Jose  
(408) 754-1572

**Get listed! Call (408) 494-7000 today!**

thinker and real estate developer. A father, a grandfather, a great grandfather, a husband and a friend to many. He's an everyday guy that's more comfortable adorned in sweats and a pair of moccasins than in a coat and tie, yet with an extraordinary heart, business acumen and gentle way about him. Moreover, he starts his day with the belief that people are good and honorable. He certainly is, and is an example for us to learn from and emulate. All

that said about Lee, without Diane, there would be no 'Lee' as we know him. Diane has been a marvelous life partner of Lee's and the two make an absolutely lovely couple and team."

"It's been a wonderful, remarkable journey," says Diane. "I'm married to a man who never accepts the word 'no.' He won't quit. What he's accomplished in his lifetime... We've been very blessed. There have been challenges, but we marched through them."