

AN ANALYSIS OF  
THE EFFECTS OF SOB<sub>s</sub> ON  
THE SURROUNDING NEIGHBORHOODS  
IN DALLAS, TEXAS

AS OF APRIL 1997

Prepared for:

Ms. Sangeeta Kuruppillai

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CITY OF DALLAS

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Prepared by:

PETER MALIN, MAI

THE MALIN GROUP

Real Estate Programmers

Litigation Support Services

Dallas, Texas

April 29, 1997

Ms. Sangeeta Kurupillai

Assistant City Attorney

CITY OF DALLAS

Office of the City Attorney

City Hall 7BN

Dallas, Texas 75201

RE: The analysis of the effects of Sexually Oriented Businesses (SOBs), specifically those which offer or advertise live and operate as an adult cabaret on the property values in the surrounding neighborhoods. The findings below update the report prepared by The Malin Group dated December 14, 1994.

Dear Ms. Kurupillai:

In accordance with our engagement letter dated August 2, 1994, as amended on March 21, 1997, we have completed the report referenced above. Below is a summary of our findings and the reasoning behind our conclusion.

### **Conclusions**

Sexually oriented businesses, specifically those that offer or advertise live entertainment and operate as adult cabarets, are concentrated in the city of Dallas. Many of these businesses are located by themselves away from other SOBs while in some areas they can be found concentrated in one area.

In our December 14, 1984 Report ("The Report") we found that SOBs have both a real and a perceived negative impact on the surrounding properties. In such areas, crime rates are higher and property values are lower and/or the properties take longer to lease or sell. Our study has found that the higher the concentration of these businesses in one locale, the greater their negative impact on the neighborhood.

Ms. Sangeeta Kurupillai

April 29, 1997

Page 2

There are two primary ways in which SOBs affect the neighborhood: one is by their presence, including signage and advertising, and the other is by the hours they keep and the type of people they attract.

Their presence influences the public's perception of the neighborhood in which they are located. SOBs "can create 'commercial areas where shoppers do not want to be associated in any way with adult uses, or have their children uses.'"<sup>1</sup> This influence appears to be the same whether the dancers are appearing in a state of nudity or semi-nudity. The perception is that it is a place to be avoided by families with women and children.

The second major influence is the hours of operation and the type of people which SOBs attract. This appears to lead to loitering in the area, loitering by unsavory people, including prostitutes, and parking problems which can negatively affect the businesses. Additionally, there is frequently parking lot noise and disturbances which often turn violent. The SOBs which can also become a nuisance to nearby residents.

We studied police calls for service emanating from 10 different SOBs over a four-year period from 1993 through 1996. SOBs were a major source of such calls. The seven SOBs along West Northwest Highway near Bachman Lake averaged one call to the police everyday. We also studied sex-related arrests for the four-year period ending March 1997. The number of sex crime arrests which included rape, prostitution/commercial vice and other sex offenses, was 396 in the area along West Northwest Highway which includes the seven SOBs. This compares to 77 and 133 sex crime arrests respectively in two similar areas along Northwest Highway, the second of which contained two SOBs spaced more than a ½ mile from the other. From this study it appears that there are increased sex crime arrests and disturbances requiring police presence around SOBs and significant sex crime when there is a concentration of SOBs in one area.

We reviewed studies completed in numerous other cities including Austin, Los Angeles, Indianapolis, New York, and New Orleans. The effects of adult entertainment on the surrounding properties. In addition, we reviewed summaries of similar studies in Islip, New York; St. Paul, Minnesota; Whittier, California; Manatee County, Florida and New Hanover County, North Carolina. Finally, we did extensive research regarding the SOBs in Dallas.

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<sup>1</sup>*Adult Entertainment Study*, Department of City Planning, City of New York, 1994, p. 3.

Ms. Sangeeta Kurupillai

April 29, 1997

Page 3

All of these localities, after completing their own independent study of the issue, and reviewing the work of the other cities, enacted controls on SOBs which would prohibit them, from concentrating in one area in the community and limit the areas where they could locate to those away from residential, religious, educational and recreational uses.

In most cases, the localities limited SOBs from locating in all but a few zoning districts. They set minimum distances between SOBs as well as residential, religious, educational and recreational uses. These distances were generally 500 or 1,000 feet.

localities established amortization periods after the enactment of the ordinance in which SOBs became non-conforming. Local authorities could grandfather certain SOBs through a public hearing process. Most of the clubs that were grandfathered were isolated establishments which advertised discretely and were buffered from residential uses.

In several instances, State and Federal Courts have found that legislation controlling SOBs was constitutional and did not violate First Amendment rights. As long as the locality provided for a sufficient number of relocation sites, these restrictions are constitutional.

We reviewed these studies to determine whether the other cities used sound principles in reaching their conclusions. After the studies completed by New York, Phoenix, Indianapolis, Austin and Los Angeles, we determined that their methods were appropriate and their conclusions were sound. We have no reason to believe that these findings would be any different.

These studies in the "other localities found that adult entertainment uses have negative secondary impacts such as increased property taxes, depreciation of property values, deterioration of community character and the quality of urban life."<sup>2</sup>

In other cities' studies, as well as the study that we completed in Dallas, "Where respondents indicated that their neighborhoods had not yet been adversely affected by adult uses, this typically occurred in Study Areas with isolated adult uses. Moreover, these same respondents typically stated that an increase in such uses would negatively impact them. Community members fear the consequences of potential proliferation and concentration of adult uses in traditionally neighborhood-oriented areas and view the appearance of one or more of these uses as a deterioration in the quality of urban life."<sup>3</sup>

<sup>2</sup>IBID. p. vii

<sup>3</sup>IBID. p. viii

Ms. Sangeeta Kurupillai

April 29, 1997

Page 4

In Dallas, we interviewed a number of real estate brokers active in an area punctuated by SOB's who reported that they perceived to negatively affect nearby property values and decrease market values." Eighty percent of the brokers re

NYC survey indicated that an adult use would have a negative impact on nearby property values. This is consistent with from a similar national survey of real estate appraisers"<sup>4</sup> completed by Indianapolis and a survey completed in Los Angeles by estate professionals.

"Adult use accessory business signs are generally larger, more often illuminated, and graphic (sexually-oriented) compared to signs of other nearby commercial uses. Community residents view this signage as out of keeping with neighborhood character and are concerned about the exposure of minors to sexual images."<sup>5</sup> This was a major complaint in our interviews in Dallas and in a report of the New York City report as well as the other localities.

We have prepared a video tape to accompany this report that shows typical SOB signage in Dallas. The newer clubs that meet the requirements of Chapter 14 Section 41A of the Dallas zoning code, generally have more discrete on-site signage than those that must compete for customers from nearby or adjacent Sobos have more obvious on-site signage intended to draw attention.

## SUMMARY

We found from our study of three Dallas neighborhoods and the findings of numerous other localities, that one isolated SOB has a much less direct impact on the neighborhood than a concentration of SOB's. It does, however, impact the properties surrounding it. The more visible it is, the more impact it has.

### Concentration Effect

Our study shows that the location of multiple SOB's in one neighborhood can have a major impact on the neighborhood, contributing to crime, driving away family-oriented businesses

<sup>4</sup>IBID. p. viii

<sup>5</sup>IBID. p. viii

Ms. Sangeeta Kurupillai

April 29, 1997

Page 5

And impacting the nearby residential neighborhoods. When concentrated, SOBs typically compete with one another through larger, more visible signs, and graphic advertising. They tend to be a magnet for certain types of businesses shops, gun stores, liquor stores, check cashing storefronts and late-night restaurants.

#### Impact on Surrounding Properties

The highest and best use of nearby property becomes limited under the principle of conformity as few other tenants want the SOB-dominated area. Investors and lenders are unwilling to invest in new improvements in these areas and the value is idle for years. Single-family homes in the area frequently end up as rentals because the families move away from the SOB area and it becomes exceedingly difficult to sell such houses.

#### Attitudinal Impact

As the recent New York City study states: "The experience of urban planners and real estate appraisers indicates perceptions associated with an area can lead to disinvestment in residential neighborhoods and a tendency to shun shops where unsavory activities are occurring, leading to economic decline.<sup>6</sup> The forces that influence real estate value are as follows: "The market value of real property reflects and is affected by the interplay of basic forces that motivate the human beings. These forces, which produce the variables in real estate market values, may be considered in four major social ideas and standards (emphasis added), economic changes and adjustments, governmental controls and regulation or environmental changes."<sup>7</sup> The attitudinal data in the survey is thus significant even in those instances where the cumulative impacts of adult entertainment establishments are difficult to measure.<sup>8</sup>

<sup>6</sup>IBID, page vi

<sup>7</sup>*The Appraisal of Real Property*, seventh edition, by The American Institute of Real Estate Appraiser, Page 3.

<sup>8</sup>*Adult Entertainment Study*, Department of City Planning, City of New York, 1994,

Page vi.

Ms. Sangeeta Kurupillai

April 29, 1997

Page 6

## SCOPE OF WORK

Our study was conducted in the following manner.

We reviewed similar studies of adult entertainment completed by five major cities.

As part of our research, we identified a Study Area which included seven SOBs operating as Cabarets (The "Study area proceeded to compare and contrast this area with two other areas of Dallas with similar land uses and traffic patterns Areas"), one of which did not include any SOBs and one that included two that were a half mile apart. These were on the basis of sex-crime rates and calls for police over a four year period. Additionally, we interviewed property owners or their brokers and agents who are actively leasing, listing, managing, buying or selling properties in the Study and Control Area.

We collected and analyzed crime statistics within the Study Area and the two control areas known as Control Area E and Control Area F. These crime statistics included the four years ending December 1996. Both the number of sex-crime arrests and nuisance calls at the specific SOBs were analyzed (See Exhibit C). The number of sex crime arrests, in the Study Area which has a concentration of SOBs was five times higher than the Control Area with no SOBs and nearly three times higher than the Control Area with two isolated SOBs.

We then contacted owners or their real estate representatives at properties in each area that were either trying to sell or make improvements. This interview process included talking to people involved with single family residences, strip shopping centers, community shopping centers, apartments, free standing retail stores, vacant restaurant buildings, vacant auto part stores and commercially zoned land.

We surveyed this group regarding the length of time the property had been on the market, their experience with that respect to its pricing and what observations they could offer about trends in the neighborhood. If it was a real estate agent, we asked them to compare this property in this neighborhood to similar properties in other neighborhoods. Finally, we asked them if the presence of SOBs in the neighborhood had any impact on their property or the surrounding neighborhood.

The Study Area is a neighborhood located near Bachman Lake on West Northwest Highway, a major gateway to the city. The SOBs area located. There are three other locations of concentrated SOBs; Greenville Avenue near Lovers Lane; Greenville Boulevard near Royal Lane and Spur 342 east of California Crossing where smaller concentrations of SOBs are concentrated. We do not study these areas.

Ms. Sangeeta Kurupillai

April 29, 1997

Page 7

Generally, most other live entertainment SOBs are dispersed and located individually throughout many neighborhoods in Dallas.



The Control Areas, East and West, were chosen due to their similar land uses and traffic patterns to those of the Study Area. West is an area along West Northwest Highway just to the east of the Study Area which does not contain any SOB along the same highway as the Study Area and predominately consists of highway commercial and residential uses. Cor East consists of another part of the same highway, East Northwest Highway. This Control Area, however, contains two SOB's, one of which, PT's, is at Lawther Lane at the east end of the Control Area and a second SOB, Doll's House, is located at the west end of the Control Area. This area contains both highway commercial and residential uses. The two SOB's are approximately one-half mile apart but are within 1,000 feet of residential uses.

The boundaries of the three areas were chosen to coincide with the Police Department beats. It is through the beats that data was collected and analyzed.

## ANALYSIS OF DATA

A summary of other localities' findings regarding SOB's:

### DALLAS, TEXAS

#### Property Owner/Agent Interviews

Between September and November, 1994 the Malin Group interviewed 30 people who were either the owners of commercial property or their agents in the one Study Area and two Control Areas. During March and April 1997, we conducted further interviews with some of the same and many additional owners and agents in the areas.

All of the people interviewed in the Study Area believed that their property values (or those of the owner that they represent) were lower than they should be, in part, to the presence of the seven SOB's operating as Adult Cabarets along West Northwest Highway. This manifested itself in a variety of ways including: increased operating costs, such as, additional security patrols, burglary cleanup; income property selling at much lower sales prices than comparable properties in similar areas, extreme difficulty in leasing certain shopping centers and a lack of demand for commercial land.

We examined three sales of retail zoned land in the Study Area which sold for but a fraction of what similar properties along the highway in the Control Area brought. The land sales in

the Control Area ranged between \$10.00/SF and \$12.00/SF while four sales along the same

Ms. Sangeeta Kurupillai

April 29, 1997

Page 8

highway just a mile away in the Study Area sold for prices between \$1.20/SF and \$7.00/SF respectively.

Two tracts with income-generating retail buildings show similar results. The one in the Study Area sold at a 16.5% cap rate (cap rate) while the one in the Control Area sold on a 12.5% cap rate (the higher the rate the lower the value). This difference can be directly attributed to the additional risk factors reflected by the area. The difference between the two yields reflected in property prices near the concentration of SOB's.

In our interviews with real estate professionals, we learned that some properties had been on the market next to or adjacent to SOB's.

from SOBs for over 10 years. Interest in these sites historically has come from the same small group of users which include SOBs, pawn shops, liquor stores, night clubs, tanning salons, and certain restaurants. These users have found that the SOBs will patronize their businesses; therefore, they tend to congregate near SOBs. We learned that retail space near SOBs is difficult to lease because the type of tenant who will locate there tends to be limited to those listed above. As a result, these properties take much longer to market. Also, a comparison of lease rates between the Study Area and the Control Area showed lower rates near the SOBs operating as adult cabarets.

Most owners and agents that we interviewed who have holdings in either the Study Area or Control Area West believe that if the Study Area were rid of the SOBs, more investment in new restaurant and retail properties would quickly follow. This is due to the high traffic count along Northwest Highway, the density of surrounding developments and the demand generated from the commercial business and residential neighborhoods. Many others we talked to echoed these sentiments and believed that owners would make significant investments in nearby apartments if the SOBs were gone.

### Crime

As part of our comparison of these areas, we collected crime statistics for the Study Area and compared them to the Control Areas. We found that sex-related crimes were over five times higher in the Study Area than in Control Area West and over ten times higher than in Control Area East. Sex Crimes, as defined by the FBI, include: rape, prostitution/commercial sexual offenses. (See Exhibit A attached). The results of this comparison show crime in three similar commercial corridors along Northwest Highway. The Study Area had 396 sex crime arrests during the 50 months period through March 1997 while Control Area East had 133 and Control Area West had 77 respectively. Control Area West is less than a mile from the Study Area along the same highway; therefore, the Study Area has over five times fewer sex crime arrests.

Ms. Sangeeta Kurupillai

April 29, 1997

Page 9

Location	# of Sex Crime Arrest 1/93 – 3/97
Study Area	396
Control Area East	133
Control Area West	77

These results cannot be solely attributed to the SOBs because of the differences in demographics other factors may be c the crime in the Study Area. However, the data clearly suggests that the SOBs are one of major causes of crime and results of similar studies in Austin, Los Angeles, Indianapolis, etc. This is true especially with respect to the sex crim same result has been found in nearly all the other localities studied.

### Police Calls

We analyzed Dallas Police Department call logs where such calls were made from the SOBs in the three areas (See review of these calls from the four year period 1993 through 1996 shows a repetitive series of complaints coming fro which includes assaults and unruly behavior both inside and outside of the clubs. The Police Reports show numerous sit weapons were present and prostitution was occurring. In the Study Area during this four year period, there was more th day for the Dallas Police from these seven locations.

### DALLAS – SUMMARY

In all of our interviews in both 1994 and 1997, we found that only one person thought they benefited from the presence The SOBs were largely responsible for the Study Area's negative perception by the public and many people interview the SOBs are largely responsible for the high crime in the area.

The Control Areas, where crime was lower, were also impacted by the nearby presence of SOBs. The two SOBs repc for Police during the last four years. The Control Area with the two SOBs also had significantly more sex crime an Control Area with no SOBs.

We found that properties in Dallas are negatively impacted by the presence of SOBs. This is more evidence when the one area, but can be seen elsewhere through the dining and shopping patterns in the neighborhood. We found significantly higher in the Study Area where seven establishments are located. Contributing to this is competition requiring larger, more obtrusive and graphically suggestive signage. Little investment

Ms. Sangeeta Kurupillai

April 29, 1997

Page 10

in the area is being made because there are a limited number of users who wish to be near such establishments. What occurring requires much higher returns to offset the risks apparent in the neighborhood.

Our findings here in Dallas are reinforced by the numerous studies done in other localities, all showing higher crime i SOBs are concentrated (especially sex crimes). The general negative feelings towards these areas and avoidance of the who live in the surrounding community, both in our study and those from around the country, show how the public p areas. This is reinforced by numerous newspaper articles on the subject, both in Dallas and the other localities and natio presence of the SOBs in the Dallas Study Area has resulted in a general disinvestment in the surrounding properties.

Respectfully submitted,

THE MALIN GROUP

Peter Malin, MAI

Managing Director

PM/kn

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EXHIBITS



## EXHIBIT A

Comparison of Sex-Related Arrests for 60 months ending 03/01/97		
Study Area	No. of Sex Crimes <sup>1</sup>	No. of SOBs <sup>2</sup>
Police Beat 536	149	7 <sup>3</sup>
Police Beat 537	41	0
Police beat 538	206	0 <sup>4</sup>
Total	396 Sex Crimes	7 SOBs
Control Area – West	No. of Sex Crimes	No. of SOBs
Police Beat 546	17	0
Police Beat 552	60	0
Total	77 Sex Crimes	0 SOBs
Control Area – East	No. of Sex Crimes	No. of SOBs
Police Beat 215	23	1
Police Beat 244	52	1
Police Beat 241	58	1
Total	133 Sex Crimes	3

SOBs

<sup>1</sup> Sex crimes are defined as Part I and Part II sex crime arrests. These include Rape, Prostitution/Commercial Vice and other Sex Offenses.

<sup>2</sup> These include SOBs as defined in the proposed amendment to Chapter 41A dated 03/10/97.

<sup>3</sup> This is a concentration of SOBs along several blocks of West Northwest Highway.

<sup>4</sup> These beats are immediately adjacent to the seven SOBs in Beat 536.

Source: Dallas Police Department

**EXHIBIT B****(Page 1 of 2)**

<b>SUMMARY OF POLICE CALLS FOR SERVICE 01/93 THRU 12/96</b>					
Names/Addresses	1993	1994	1995	1996	Total
Chez Pussycat 3217 W. Northwest Hwy, Dallas, Texas 75220	43	13	16	13	87
Crystal Pistol 3211 W. Northwest Hwy, Dallas, Texas 75220	18	14	11	4	47
Baby Dolls Topless Saloon/Déjà vu 3039 W. Northwest Hwy, Dallas, Texas 75220	142	165	128	179	614
Fantasy Ranch/Diamond's/Billionaire Boys Club 3027 W. Northwest Hwy, Dallas, Texas 75220	28	76	64 <sup>1</sup>	44 <sup>1</sup>	212
The Fare West 3021 W. Northwest Hwy, Dallas, Texas 75220	109	85	70	73	337
Caligula XXI 2828 W. Northwest Hwy, Dallas, Texas 75220	35	58	29	53	175
Totals for Study Area – Which Includes a concentration of SOBs					1,472

<sup>1</sup> This club was closed for six months during 1995 and 1996 and these totals were annualized.

**SUMMARY OF POLICE CALLS FOR SERVICE 01/93 thru 12/96**

Names/Addresses	1993	1994	1995	1996	Total
PT's Gentlemen Club	40	45	21	48	154

4875 W. Lawther Drive, Dallas, Texas 75220					
Doll's House 6509 E. Northwest Hwy, Dallas, Texas 75231	0	40	43	38	121
Totals for Control Area – Which Includes two isolated SOBs.					275

**EXHIBIT B****(Page 2 of 2)****SUMMARY OF POLICE CALLS FOR SERVICE 01/93 thru 12/96**

Names/Addresses	1993	1994	1995	1996	Total
Million Dollar Saloon 6826 Greenville Avenue, Dallas, Texas 75231	37	15	11	19	82

**EXHIBIT C**  
**SOBs in the Study and Control Areas**  
**By Type of License**

Study Area	
Chez Pussycat	Class A Dance Hall
Crystal Pistol	Class A Dance Hall



Baby Dolls Topless Saloon	Class A Dance Hall
De Ja Vu	Class A Dance Hall
Fantasy Ranch/Diamonds	Class A Dance Hall
The Fare West	Class A Dance Hall
Caligula XXI	SOB Cabaret*
Control Area East	
P.T.'s	SOB Cabaret
Doll's House	Class A Dance Hall
Control Area West	
None	
*This license was denied and status is pending litigation	

## EXHIBIT D

SOURCES

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*Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles*, Prepared by City Planning Department, June, 1977.

*Adult Business Study – Impacts in Late Evening/Early Morning Hours*, Prepared by Phoenix Planning Department, June

*1986 Staff Study in Support of S.O.B. Ordinance*. Prepared by the City of Austin, Texas, 1986.

*Adult Entertainment Businesses in Indianapolis – An Analysis*, Prepared by Department of Metropolitan Development Planning, February, 1984.

file:///C:/Documents%20and%20Settings/vickie/Local%20Settings/Temp/Temporary%20Directory%2011... 4/27/2004

*Adult Entertainment Study*, Prepared by Department of City Planning, City of New York, November, 1994.

EXHIBIT E  
PETER MALIN, MAI  
QUALIFICATIONS IN REAL ESTATE  
COUNSELING, VALUATION AND EXPERT SERVICES

Peter Malin, a third generation real estate professional, has 19 years experience in the field. His experience ranges from Use Manager for the nation's largest private landowner (IPCO) to being a founder of Dallas' fourth largest Commercial firm.

Today, as Managing Director of The Malin Group, he oversees a small group of real estate economists in Dallas, Texas, and provides advice and counsel to a national client base. His writings on issues in Real Estate have been published in a wide range of journals, magazines and newspapers. He is the editor and publisher of a widely recognized newsletter, *Capital and Investment*, reporting on real estate trends in the Texas markets.

For four years Mr. Malin worked for International Paper Company, the nation's largest private landholder, in their development management and real estate divisions. He was involved in the valuation of timberlands as well as the development of real estate such as ski areas and waterfront property.

After spending four years as a commercial appraiser in Dallas, Texas, Mr. Malin became the Director of Real Estate at Laventhol and Horwath in their Dallas office. In this capacity, he directed a national practice which specialized in project appraisal and counseling. He received the MAI designation in 1986 from the Appraisal Institute, and has testified in numerous court cases over the past eleven years as an expert on real estate values.

Mr. Malin's other experience includes appraisal, market research and counseling on commercial properties through the years, including:

- Major urban developments including urban land, hotels, office buildings, parking garages and regional malls.
- Major recreational developments including hotels, resorts, conference centers, golf courses and residential communities.
- Special use properties such as computer and telecommunication centers with clean rooms, marinas, NASCAR sanctioning facilities, racetracks, airplane hangers and school campuses.

After leaving Laventhol and Horwath, he founded Newmarket Consulting Group and the parent firm, Newmarket Group, a full service commercial real estate firm.

While at Newmarket, he established a national practice comprised of valuation, consulting and litigation services performed in 35 states.

Currently Mr. Malin is licensed and certified as a general appraiser in California, Massachusetts and Texas. He has licenses in over 20 states during the past five years. Mr. Malin is also a licensed real estate broker in the state of Texas.

Mr. Malin is a graduate of the Kent School in Kent, Connecticut. He received his Bachelor of Arts degree in American History from the University of Denver in 1973. Later, he completed graduate level courses at New York University's Real Estate Institute by study in Real Estate Investments and Taxation at a graduate level at North Texas State University.

In 1988 – 1990, Mr. Malin developed and hosted the Annual Real Estate Education Conference sponsored by the Appraisal Institute in Dallas. He has lectured on International Appraisal issues and developed and taught the first Appraisal Course on "International Appraising" for the Appraisal Institute. In 1993, he lectured at the 20<sup>th</sup> World Congress of the International Federation of Real Estate Appraisers as well as the 6<sup>th</sup> Annual Valuation of Assets in Bankruptcy Conference sponsored by the University of Texas Law School. He continues to lecture on real estate topics for *The Dallas Bar Association* and the *American Society of Appraisers*.

Mr. Malin has been hired as an expert witness in numerous cases involving real estate issues and valuation. He has testified and been admitted as an expert in local, state, and Federal courts in Texas, Florida, Alabama, and Louisiana.

Today, *The Malin Group Real Estate Economists* continues to serve a national client base and provides real estate research and counsel to its clients. Mr. Malin continues to publish timely articles on industry trends in national forums such as *Real Estate Magazine* and *The Mortgage Banker*. He also continues to publish the firm's newsletter, *Capital and Investment Trends in the Texas real estate markets*.

