



AAA Mediation.org™

FN-11140 MN-11140 LN-11140

Toms River, New Jersey



Current Employer-Title	Utility and Transportation Contractors Association – Director Of Transportation Agencies
Profession	Arbitrator, Mediator, Engineer, General Contractor, Executive, Consultant
Work History	Director, NJ UTCA, 2018 – Present; Vice President (Project Management and Construction Oversight), AECOM, 2002 – 2018 ; Engineer (Project Management), New Jersey Department of Transportation, 1969 – 2002; President and Chief Executive Officer, Lobman Brothers Contracting, 1969 – 1984.
Experience	<p>Over 45 years' contract administration, negotiation and dispute resolution between owners, municipalities, designers and materials suppliers. Manage the field activities for construction inspection staff in the performance of their duties on governments contracts. Has experience with managing projects from design to construction completion, evaluating changes and managing the issuance of modified contract documents. Has also coordinated the issues in claims and law suits, assisted in the development of all defenses, coordinated requests for information and developed lessons learned for distribution to staff and sub-consultants. Has handled oversight of staff in both bridge and roadway design groups. Managed labor relations between firms performing work as subcontractors, as well as joint venture opportunities. Resident Engineer for NJDOT on projects ranging from \$500,000 to \$106 million. Developed new project guidelines and funding through the Federal Government in the Bureau of Special Projects. Extensive experience in home construction, site development and contracted alterations. Chairman of the Municipal Planning Board, Dover Township; Liaisons Member of the Ocean County Planning Board and Board of Education. Chairman of the Dover Township Landlord Tenant Advisory Board. Review all legal contracts for government projects and assist in any and all government claims and law suits.</p> <p>Major Project while at AECOM:</p> <ul style="list-style-type: none">Route 1&9 St. Paul's Viaduct Replacement Bridge ProjectAtlantic City Expressway widening ProgramU.S. Route 46 over Hatchery BrookRoute 1 over Millstone River BridgeTurnpike Extension 16 W East Rutherford NJNew Jersey Turnpike 6 to 9 Widening program Contracts 201, 202 & 203. Program ManagersRoute 139 Contract 1 and 2 Jersey City NJU.S. Route 1&9 Pulaski Skyway Contract 2

Mediator Experience

In the course of 40 plus years in the Construction Engineer field, performed numerous mediations between contractor, engineering companies, utility representative, sub-contractors and materials suppliers. In the capacity as a Resident Engineer all problems related to the field operation, the project design, the contractor's relationship with subs and materials suppliers were discussed and settled at that desk. Situations such as less than conforming work efforts, failing materials in place, errors and omission claims directed to the designer and claims of non-payments were all addressed and settled at that desk.

On one of the many occasions where negotiations were necessary, was called to the NJ Commissioners of Transportation's office to review an outstanding project and its potential of default. Was asked to take this project to completion and settle all outstanding claims on behalf of the contractor and the NJDOT. Each side agreed to the mediation and provided sufficient supporting documentation in advance of the hearings. After several days of presentations and discussions the project closeout and settlement was agreed to with both parties signing off to the settlement amount. This was the first time the State of New Jersey has ever attempted this type of ADR and it was considered a successful process.

Another opportunity at settlement negotiation between the NJDOT, a utility company, a private land owner and a general contractor was completed again with a settlement contract that all parties signed and were in agreement. During the pre-construction activities, the utility company arrived on site and installed 12 utility poles approximately 75 feet outside the NJDOT Right-of-Way on private commercial property. This situation was very damaging to the NJDOT since there was a contract with a date certain that did not allow for the six to seventh month delay to renegotiate R.O.W. The land owner was receptive to inquire, the Contractor was open to helping to negotiate a settlement which kept him on schedule, the State of New Jersey was supportive of the resident engineers' abilities at negotiating settlements and several meetings resulted in a settlement where-by the utility poles remained in a contractor rented R.O.W., the project schedule was adhered to, the land owner received several utility subsurface structures, and the contractor was paid for his extra work in current contract items.

In the capacity of representing the design engineer as a Vice President, since 2001, has been called upon on many occasions to mediate between the field engineers, the design community (both in and outside own firm), on behalf of the State of New Jersey. Currently has a position representing the State of New Jersey in evaluation and oversight of a project valued over 200 million dollars in Southern New Jersey. In situations where the prime contractor and the project design engineer are at odds, has been asked to mediate and achieve agreement to move the project along without delay to the schedule. Also functions in this same capacity on several projects in the current N.J. Turnpike Widening Program. These efforts are predominantly design issues, contractors' errors in the field and corrections to efforts at mitigating failing materials samples.

In over 40 years of working with the government agencies on small and large construction project, has had no claims or lawsuits on any assigned project. Was the first resident engineer under the NJ Department of Transportation to utilize the partnering concept of project management in 1981.

In the early stages of career, was the owner operator of a small family owned construction business. This firm specialized in custom adoptions to existing homes and businesses. During this period of time, served as the BOCA CODE enforcement officer to the local township as well as the Vice Chair and Chair of the Township Planning Board.

Representative Issues Handled as a Mediator

The issues addressed in mediation efforts include contract language, plan interruption, claims mitigation, failing materials and anticipated replacement operations, recognizing conflicts of design, negotiating changes to the plan, management failures at sub-consultant levels, claims of payment avoidance, claims of non-conforming work performed, settlement of conflicts between contractors, government representative, and various oversight authorities ie: FHWA.

Mediator Style & Process Preferences

As a mediator it is my primary concern to move a project, negotiate a change, fix an error or satisfy a party who claims to be damaged and do so that everyone has the same feeling of vindicated in the process. Mediation is currently mandated in New Jersey prior to most attempts at adjudication. Arbitration is intended to be a fast track to satisfaction while the efforts are gradually lengthening

due to extended attempts at discovery, depositions and interrogatories. The judicial court calendars are backlogged to a time uncertain and long delay to satisfaction. In these two circumstances time is mostly the real enemy and cost consideration. The delay to closure, the cost of getting there and the problems associated with incomplete work are sometimes more egresses than the initial complaint.

In the Mediation attempt I try and place myself in a position to fully understand the player, the problems, the circumstances and the costs. Once all is understood it is then necessary to lead the Parties to understand the big picture and on occasions the things that are previously not considered. When you are successful in pointing out the unseen it is cost effective, time sensitive and allows the parties to again have confidence in the other side to do business sometime again in the future. When both parties are satisfied that they now understand and agree with an outcome it is also instrumental in their not repeating the same circumstances.

Education	Rutgers State University (Certified Public Management-1986); Mercer County College (AS, Civil/Structure Engineering-1978).
Professional Associations	American Bar Association (Dispute Resolution Section); American Society of Highway Engineers (Board Member); New Jersey Society of Asphalt Technologists; United States Transportation Research Board; Society of Professionals in Dispute Resolution; Association of General Contractors; Utility Transportation Contractors of America; Construction Industry Advancement Program; New Jersey Chamber of Commerce; The New Jersey, American Council of Engineering Companies; The New Jersey Alliance for Action.
Mediation Rate	\$1,800 Per Day
Languages	English
Citizenship	United States of America
Locale	Toms River, NJ

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.