



AAA Mediation.org™

FN-1312894 MN-1312894 LN-1312894

Gresham, Oregon



Profession

Arbitrator and Mediator

Work History

Arbitrator and Mediator, 2012-Present; Administrative Law Judge (ALJ)/Arbitrator and Mediator, State of Oregon Office of Administrative Hearings, 2000-2012; Administrative Law Judge/Arbitrator and Mediator, State of Oregon Construction Contractors Board, 1997-2000; Administrative Law Judge, State of Oregon Department of Transportation, 1984-1997; Public Assistance Specialist, State of Oregon Department of Human Resources, 1978-1984.

Experience

As an Administrative Law Judge for over 28 years, handled a wide variety of case types conducting administrative hearings for the State of Oregon. While with the Department of Transportation, routinely dealt with proposed driver license suspensions and revocations, vehicle dealer licensing issues arising from consumer complaints, as well as cases involving automobile insurance coverage and vehicle title disputes.

Also handled contested cases involving disciplinary actions (license sanctions and/or civil penalties) initiated by several state agencies/boards against licensees, and against unlicensed persons and entities for working without required licensing; as well as hearings involving eligibility for unemployment insurance benefits.

From 1997 until retiring in December 2012, handled primarily construction disputes as an arbitrator, administrative law judge, or mediator (over 1800 cases including numerous multi-party cases); also handled contested cases involving disciplinary actions (license sanctions and/or civil penalties) initiated by several state agencies/boards against licensees, and against unlicensed persons and entities for working without required licensing, as well as hearings involving eligibility for unemployment insurance benefits.

Mediator Experience

Served as mediator in over 500 cases, primarily construction and real estate disputes involving both commercial and residential structures. Cases have included: claims by homeowners against general contractors, including new home sales contracts (over 200 cases), commercial and government property owner claims against contractors (over 50 cases), claims between general contractors and subcontractors (over 150 cases), and claims against contractors by employees or material and equipment suppliers (over 50 cases). Ten of these cases involved multiple parties, usually comprised of owners, primary contractor and subcontractors.

Has also mediated proposed disciplinary actions (civil penalty assessment, professional license suspension/revocation) initiated by state agencies against licensed and unlicensed individuals and businesses; has additional experience mediating Circuit Court small claims (30+ cases); has also served as facilitator/mediator in Oregon Foreclosure Avoidance Program (over 250 resolution conferences).

Representative Issues Handled as a Mediator

Commercial and residential construction disputes have included, but were not limited to: abandonment; failure to perform; breach of contract; deficient/defective work; change orders; delay damages & other collateral and consequential damages; failure to disclose & alleged misrepresentation; and, owner impedance of contractor performance.

Specific issues involved in commercial and residential construction disputes have included, but were not limited to: excavation, erosion, irrigation and drainage; concrete, masonry and paving; water supply systems, septic and waste disposal systems; plumbing, electrical and HVAC, including radiant heat, solar and other passive systems; building envelope and water intrusion issues; siding (including stucco & EIFS), roofing (wood, asphalt, tile, metal) and painting; and, hazardous materials, including lead paint, asbestos, and mold.

Issues involved in real estate and other disputes mediated have included: breach of contract/breach of warranty, negligence, seller failure to disclose, delay and other collateral and consequential damages, financing, and alleged misrepresentation.

Examples of cases mediated and settled include: a million dollar subcontractor claim against a general contractor for unpaid work and delay damages arising from a wind turbine installation project; a six-figure dispute between a developer and a general contractor involving cost overruns on construction of a new store for a commercial retail chain; and, a dispute between seller and buyer over refund of six-figure earnest money in a failed sale of a \$1,000,000 property.

Mediator Style & Process Preferences

I believe that the foundation of mediation must be self-determination, i.e., the role of the parties is to resolve the dispute and the role of the mediator is to effectively facilitate that process, which may include a more or less evaluative style by the mediator as appropriate to the dispute and the preferences of the parties in any given mediation.

I generally assist the parties in exploring options they come up with, and ask questions designed to elicit multiple possibilities for comparative evaluation. As appropriate, I also offer one or more possible alternative courses of action for the parties to react to and consider/evaluate further. Most often, this process of considering and evaluating options is done in caucus. I utilize caucus sessions to guide the parties through a private and confidential (safe) self-assessment of the relative strengths and weaknesses of their positions, and to offer examples from other cases in my experience involving similar issues.

Ultimately, each party must decide whether a settlement on compromise terms negotiated with the mediator's assistance, is in each party's own best interest. In the vast majority of cases I mediate, such a conclusion is reached by the parties.

Based on this philosophy and my passion for resolution of disputes through self-determination by the parties, I am an active professional and advocate for quality dispute resolution services as an alternative to litigation.

Technology Proficiency

Hearings and mediations are conducted in-person or by telephone only; does not conduct virtual proceedings by televideo.

Education

University of Cincinnati (BA, History and Literature, magna cum laude - 1976).

Mediation Rate

\$295 Per Hour

Languages

English

Citizenship

United States of America

Locale

Gresham, OR

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.