



AAA Mediation.org™

**FN-2094549 MN-2094549 LN-2094549**

**Estero, Florida**

**Current Employer-Title** Consultant

**Profession** Real Estate Developer; Mediator; Arbitrator

**Work History** Consultant, Self-employed, 2008 – Present; Senior Vice President, Bristol Development, 2005 – Present; General Manager, Harper's Chrysler Jeep Dodge, 2001 – 2005; Senior Vice President, Southern Assisted Living Inc., 1996 – 2001; Senior Vice President, Greystone Communities Inc., 1986 – 1996.

**Experience** Extensive experience in multi-family and senior housing construction and real estate development. Directly involved in this type of construction and development for the majority of the past twenty-five years as an owner's representative, developer and development consultant. Experience includes work with not-for-profit and for profit organizations. Has worked extensively with architects, geotechnical engineers, civil engineers, structural engineers, MEP designers, contractors, design/build firms, subcontractors, vendors, and material suppliers. Experience in damages for delay claims, HUD, bank workouts, change order analysis, schedule analysis and forensics, franchise agreements, conventional and tax exempt financing, condominium and homeowner associations, real estate liens, real estate purchase agreements, bank workouts, loan re-negotiations, receivership relations, and general financial workouts. Experience in facilities management, preventive maintenance, energy management systems, warranty management, homeowner relations, condominium and homeowner association formation and relations, sustainable development, and green development.

Extensive knowledge of AIA and AGC contract forms and ConsensusDocs. Took responsibility for proposing and reviewing modifications and final drafts of numerous construction and design contracts.

Have performed the full scope of owner representation services including design team and construction team selection, preparation of agreements, value engineering, construction administration, building commissioning, scheduling, and other associated duties. Extensive experience with change order analysis, delay claims, and related disputes.

Experience in real estate sales, marketing, lending, mortgages, license issues, insurance, property line disputes, truth-in-lending issues, Interstate Land Sale Act issues, purchase agreement disputes, homeowner association disputes, and condominium association issues.

Experience in mixed use development including development of two projects comprising over 650 condominium units with over 40,000 square feet of retail space. These projects include over 1,100 parking spaces in concrete parking structures. The retail includes restaurants, boutique, and specialty retail spaces.

High rise building experience - one of the mixed use projects referenced above is a twenty-two story post tension concrete structure comprised of approximately one million square feet of elevated concrete.

Parking structures - served on an arbitration panel which examined the collapse of a concrete parking structure. Heard and examined significant expert testimony with regard to design and construction issues.

Homeowner and condominium associations - formulated and created HOA and COA documents, resolved disputes within organizations, developer relations, delivery planning and delays, maintenance requirements, facilities management, and warranty issues.

Automotive experience - served as General Manager of Chrysler Dodge Jeep franchise. Has extensive exposure to service, parts, sales, finance, and insurance. In addition, experienced in all back office operations related to automotive dealerships as well. Well versed in Truth-in-Lending issues, warranty, and consumer issues. Experience with many commonly used information systems including ADP and Reynolds and Reynolds.

Aviation - instrument rated single engine pilot and has purchased and sold several aircraft during aviation experience.

Commercial Diving Operations - Experienced commercial diver including saturation and mixed gas diving. Experience includes operations in the North Sea.

## **Mediator Experience**

Provided mediation and dispute resolution services on construction and real estate related disputes including payment, schedule, appraisal and lien related matters. Has dealt with disputes ranging in value from \$30,000 to \$40,000,000 including multiple parties. Extensive construction, real estate development, automotive and aviation industry experience and is able to fully understand the facets of disputes and focus on solutions to resolve the matters or significantly reduce the scope of the issues in dispute if further resolution is required. Has also mediated property insurance disputes regarding arson related fires.

## **Representative Issues Handled as a Mediator**

Construction disputes including payment issues, performance and quality deficiencies, lien related matters, valuation of real estate taken for right-of-way, and property insurance matters.

## **Mediator Style & Process Preferences**

Mr. Harper primarily employs a facilitative approach to mediation. By using position summaries and pre-mediation conferences, Mr. Harper tries to understand as many of the issues as possible prior to the mediation sessions in order to allow the parties time and efforts to be focused on solutions rather than bringing the mediator up to speed.

Mr. Harper also uses reality based examples to focus the parties on the value of resolving the dispute via mediation rather than further costly litigation.

Mr. Harper has also been successful in breaking complex disputes into smaller, more easily resolved components. Those components that can be resolved via mediation as resolved and the scope of further litigation is thereby reduced saving the parties significant time and expense.

## **Education**

Texas Christian University (MBA, Finance-1983); University of Texas at Arlington (BS, Mathematics-1976)

## **Professional Licenses**

Florida Real Estate Broker License

## **Professional Associations**

Urban Land Institute; Naples Area Board of Realtors

## **Recent Publications & Speaking Engagements**

"Collect to Survive," article on use of arbitration and mediation to collect receivables, FIRE PROTECTION CONTRACTOR MAGAZINE, May 2009. Extensive self-published newsletters on [www.rharperconsulting.com](http://www.rharperconsulting.com).

## **Locations Where Parties Will Not be Charged for Travel Expenses**

Willing to serve without travel cost within 100 miles of Naples, FL.

## **Mediation Rate**

\$1,950 Per Day

<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Estero, FL

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.