

# RICHARD J. VIVENZIO, AIA, LEED AP

## Senior Vice President



### Summary

Mr. Vivenzio has more than 35 years of experience in architectural design, construction, project management and architectural forensics. He specializes in complex construction litigation and architectural standard of care matters. Mr. Vivenzio has served as an expert in matters involving standard of care, construction means and methods, building code interpretation, Americans with Disabilities Act (ADA) standards and compliance, water infiltration and construction failures. Mr. Vivenzio leads a team of forensic architects in our New York and Florida offices.

### Areas of technical expertise

- Technical Architecture
- Forensic Architecture
- Building Envelope Investigation and Repair
- Standard of Care

### Education

- B.S., Architectural Engineering Technology, 1983, University of Southern Mississippi

### Registrations

- Registered Architect in CO, DC, FL, GA, LA, MD, MA, NH, NJ, NY, NC, PA, and SC
- LEED Accredited Professional

### Professional activities

- Associate Member, American Bar Association
- Member, American Institute of Architects (AIA)

### Select project experience

#### Technical architecture

**The Lofts at Garwood**, Garwood, NJ. Award winning mixed use residential / retail complex.

**Van Leer North**, Jersey City, NJ.\* Architectural design and planning of a seven-story, 200-unit high-density residential complex.

#### Forensic architecture

**One Thousand Ocean**, Boca Raton, FL. Forensic investigation into repairs to a seven-story luxury condominium building including waterproofing, stucco, windows and doors and interior finishes. Presented at mediation.

**Yankee Stadium Investigation**, Bronx, NY. Forensic investigation into the cause of water intrusion.

**Hunters Glen**, Plainsboro, NJ. Forensic investigation to determine the scope of damages and effect of code upgrades to an apartment building following a fire.

**World Trade Center Museum**, New York, NY. Forensic evaluation regarding the cause of water intrusion.

**Stevens Institute of Technology**, Babbio Center, Hoboken, NJ. Architectural and structural forensic investigation to determine the cause of a brick façade failure on an academic building.

#### Building envelope investigation and repair

**400 Crossing Boulevard**, Bridgewater, NJ. Roof investigation at an eight-story Class-A office building allegedly damaged by storm-related wind.

**Cobblestone Lofts**, New York, NY. Exterior envelope investigation and repair recommendations due to water infiltration into a luxury condominium.

\*Denotes work performed with previous employer.

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### Standard of care

**Harmon Cove Towers Condominium Association vs. Falcon Engineering**, et al. Case involving water intrusion damage from the exterior building envelope.

**First Indemnity of America vs. Abate/Villano Architects**, PA.\* Case involving nonperformance by the contractor and architect.

**Confidential National Retailer Litigation**, U.S. Litigation support services involving standard of care of an architect and his services to a national chain retailer.

### Sworn testimony

Deposition, Maitland vs. Wieland, Orange County, FL. Architectural standard of care matter relating to a dispute between and owner and GC/CM where the contractor asserts that issues with the architectural contract documents caused cost overruns. December 2021.

Deposition, 3315 Tower Condominium Association, Inc. vs. Tower 3315, LLC, Miami-Dade County, FL. Construction defect dispute between a condominium association, general contractor and subcontractors. December 2021.

Deposition, Perebere vs. Dimond Development, Miami-Dade County, FL. Architectural standard of care matter relating to an issue that caused moisture migration through the finished concrete floor slab. October 2021.

Deposition, 1100 Millicento Residences Condo Association vs. Plaza Construction, Miami-Dade County, FL. Dispute between a condo association and general contractor involving alleged construction deficiencies in a newly constructed high-rise building. October 2021.

Deposition, Dorne vs. McSweeney, Morris County, NJ. Architectural Standard of care matter involving the renovation and addition to a historic home involving the architect in his role as architect and the same individual providing construction management services. October 2021.

Deposition, Aria Longboat Key Condo Assoc. vs. BBC Key, LLC, Longboat Key, FL. Dispute involving various construction defects, including ADA, in a recently constructed condominium building. March 2021.

Deposition, Rialto-Capitol Condo Assoc. et al. vs. First Mercury Insurance Co. et al, Jersey City, NJ. Dispute between a condo association and an architect regarding water infiltration and standard of care, April 2021.

Deposition, 1515 Sunset, LLC vs. OHL-Arellano Construction Corp., Miami-Dade County, FL. Dispute between a developer and General Contractor for alleged construction defects to a newly constructed office building with attached parking structure. October 2020.

Deposition, Stephen and Helen Weicholz vs. BRE/Point Parcel, LLC, Palm Beach County, FL. Dispute between a homeowner and developer involving alleged water infiltration through windows and sliding glass doors on an oceanfront high-rise during hurricane Irma. July 2020.

Arbitration Testimony, George Washington Bridge Bus Station Development Venture, LLC vs. Tutor Perini Building Corp., involving a dispute between a developer and General Contractor. February 19, 2019

Deposition, Salomon Construction and Roofing Corp. vs. James McHugh Construction Co., involving a roof damage to a high-rise building in Miami, Florida subsequent to Hurricane Irma. January 2019.

Deposition, Williamsburgh Garage, LLC vs. South 4th Street Condos, LLC, Architectural Standard of Care relating to easement violation. November 2018.

Deposition, Grandview II at Riverwalk Port Imperial Condominium Assoc. Inc. vs. K. Hovnanian at Port Imperial Urban Renewal II, LLC. et al. Alleged construction defect, Code and Standard of Care matter between a condominium association and the developer. December 2017.

Trial, Tribeca Space Managers, Inc. vs. Tribeca Mews Ltd., Harold Thurman et al. New York, NY. Dispute between a Condominium Board and the Sponsor of the Condominium involving defective construction, Code violations and costs to cure. November 2017.

Trial, Grandview I at Riverwalk Port Imperial Condominium Assoc. Inc. vs. K. Hovnanian Urban Renewal II, LLC, vs. RTKL New Jersey Architects, West New York, NJ. Alleged construction defect, Code and Standard of Care matter between a condominium association and the developer. May 2017.

Deposition, Grandview I at Riverwalk Port Imperial Condominium Assoc. Inc. vs. K. Hovnanian Urban Renewal II, LLC, vs. RTKL New Jersey Architects, West New York, NJ. Matter involving a six-story residential building construction in violation of certain code provisions as well as an architectural standard of care breach. March 2017.

Arbitration, The Grande at Roncocas Creek Condominium Assoc., Inc. vs D.R. Horton, Inc. vs. Archer Exteriors, Inc., Burlington County, NJ. Matter involving damages due to water infiltration. February 2017.

Arbitration, Dorchester Senior Center vs. Ash Contracting Corp., Brooklyn, NY. Case between the owner / claimant and the general contractor for a dispute involving the installation of a handicapped accessible lift. August 2016.\*

Deposition, Jacobsen Architecture, PC vs. Aaron Construction Limited, regarding a fee dispute between the architect and client. September 2015.\*

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Deposition, 7001 East 71st Street LLC vs. Continental Casualty Company, regarding storm damage to an existing structure. May 2015.

Deposition, Ploschanski vs. Harmon Cove Tower Condominium Association, Hudson County, NJ. Case between a condominium owner and the Condominium Association and their engineer and contractor, regarding water infiltration, standard of care and construction defects. July 2014.

Deposition, K. Hovnanian Venture I vs. Metal Tech, Inc., NJ, regarding water intrusion at hundreds of single-family homes due to allegations of improper window flashings. August 2013.

Deposition, Target Corp. vs. Architect (contains confidential information), New York, NY. Case regarding a standard of care issue against an architect for alleged lack of proper concrete expansion. January 2012.

Deposition, First Indemnity of America vs. Abate/Villano Architects, Parsippany, NJ. Suit initiated by a surety against an architect for approving payments to a nonperforming contractor. May 2009.\*

Arbitration, St. Cassians Roman Catholic Church vs. O.A. Peterson Construction Company, Upper Montclair, NJ.

Arbitration between a church, construction manager and architect, regarding a dispute involving structural and construction defects and water infiltration through windows and the EIFS exterior envelope. February 2004.\*

### **Litigation**

Estate of Dr. Thomas Misiewicz, et al vs. Suncor Associates, et al, regarding a wrongful death suit due to an alleged building code violation.

Thomas Stoudt vs. Summit Medical Group, regarding a slip and fall that culminated into a suit against an architect for an alleged building code violation.

Aurora Construction vs. West Babylon Public Library, regarding alleged aesthetic issues with glass fiber reinforced concrete panels.

Pennrose Properties, LLC vs. Patwood Roofing Company, Inc., regarding a roof that blew off during CAT-90 Sandy.

Monge vs. Flatlands Shopping Center, regarding a discrimination claim at a shopping center, based on the Americans with Disabilities Act (ADA).

Dispute between Caton Court Condominium in Brooklyn, NY and a Developer, regarding alleged construction and code deficiencies resulting in water infiltration.

Dispute between Merck Pharmaceutical and CUH2A Architect, regarding standard of care and alleged construction defects stemming from water and air infiltration in an office/laboratory/vivarium building.

Metro Stop Condominium Association vs. Marchetto Architects, dispute between a condominium association regarding alleged construction defects and architectural standard of care.\*

### **Alternative dispute resolution**

Insurance Appraisal for Varenna at Fiddler's Creek, Naples, FL. Architectural expert and testimony regarding an insurance dispute between a condominium association (insured) and its insurance carrier. Involved the determination of alleged damage to windows and doors as a result of hurricane Irma.

Insurance Appraisal for Cinnamon Beach Resort, Palm Coast, FL. Architectural expert and testimony regarding an insurance dispute between a condominium Association (insured) and its insurer. The matter involved the determination of alleged damage to windows and doors as a result of hurricane Irma.

Insurance Appraisal for Ascot at Lely, Naples, FL. Architectural expert and testimony regarding an insurance dispute between a condominium Association (insured) and its insurer. The matter involved the determination of alleged damage to windows and doors as a result of hurricane Irma.

Insurance Appraisal for Carriage Homes at Bell Tower, Fort Myers, FL. Architectural expert and testimony regarding an insurance dispute between a condominium Association (insured) and its insurer. The matter involved the determination of alleged damage to concrete tile roofs and stucco exterior cladding.

Insurance Appraisal for Ravenna at Pelican Marsh, Naples, FL. Architectural expert and testimony regarding an insurance dispute between a condominium Association (insured) and its insurer. The matter involved the determination of alleged damage to windows and doors as a result of hurricane Irma.

Clinton Association for a Renewed Environment, Inc. vs. Monadnock Construction, Inc. et al., regarding alleged masonry façade failure resulting in excessive cracking of the brick.

Dispute between a Condominium Association, Builder and General Contractor, regarding alleged improper EIFS installation on a high-rise water front building.\*

Derek Meade vs. Chelsea Atelier Architect, mediation regarding standard of care claim against an Architect for alleged construction defects in a townhouse in New Rochelle, NY.

Alliance for Disabled in Action, Inc. vs. Renaissance Enterprises, Inc., et al., mediation regarding lack of handicapped accessibility requirements and ADA violations in a multifamily residential development.

## **RICHARD J. VIVENZIO, AIA, LEED AP**

### **Select presentations and publications**

"ADA Accessibility – Is Your Property in Compliance?" WPL Publishing Company, June 2016 (co-presenter)

"CM's and Insurers Using Peer Review Services as a Risk Management Tool," Insights from Hindsight, Issue 18, Navigant Construction Forum, May 2016 (co-author)

"The ADA Dilemma: The Challenges of Increasing Claims on Property Owners," Insights from Hindsight, Issue 13, Navigant Construction Forum, February 2015 (co-author)

"Flood Risk Mitigation" Presented to the NY Section of the Society of Fire Protection Engineers, November 19, 2013

"This Building Needs a Facelift," Mid Atlantic Real Estate Journal, August 14, 2009 (author)

"Autoclaved Cellular Concrete – A New Building Material Builder," Architect Magazine, Vol.2, No. 5, May 2009 (author)

Website Sample

### **CONTACT**

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