

# RICHARD J. VIVENZIO, AIA, LEED AP

Senior Vice President



## Summary

Richard Vivenzio has more than 40 years of experience in architectural design, construction, project management and architectural forensics. He specializes in complex construction litigation and architectural standard of care matters. Richard 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. He 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 7-story, 200-unit high-density residential complex.

### Forensic Architecture

**One Thousand Ocean**, Boca Raton, FL. Forensic investigation into repairs to a 7-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 8-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.

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

### **Sworn Testimony**

Deposition, Tradewinds, a Metrowest Condo. Ass'n, Inc. v. Certain Underwriters at Lloyds, et al. Dispute between a condominium association and its insurance carrier regarding deteriorated hardboard siding. December 2023.

Deposition, Prien Lake Hosp., LLC v. Diversified Constr. Services, Inc. Dispute between owners of several hotels and the general contractor regarding water infiltration issues and resulting structural damage. October 2023.

Trial, CTA Constr. Co. v. Town of Dedham v. Turkowski2 Architects, et al, Woburn, MA. Dispute between a general contractor, town and architect regarding the renovation of a historic town-owned building and standard of care for an architect. September 2023.

Trial, J.K. Scanlon Co., LLC v. The Kargman Family Brookline Trust, Dedham, MA. Dispute between a general contractor and homeowner involving early termination of a contract due to alleged construction defects. May 2023.

Deposition, Portofino Meadows Homeowners Ass'n., Inc. v. Prime Homes at Portofino Meadows, LLC. Defective construction claim between a condominium association and general contractor in a townhouse community located in Orlando, FL. May 2023.

Deposition, 470 4th Ave. Fee Owner, LLC v. Adam America, LLC, et al. Defective construction claim between developers of a new high-rise apartment building in Brooklyn, NY. December 2022.

Deposition, EWE Warehouse Invest. XXXII, Ltd. and Floor and Décor Outlets of Am., Inc. v. Cabrera Ramos Architects, Inc. and DDA Eng'rs, P.A. Architectural Standard of Care matter involving a dispute between a landlord/tenant against an architect and structural engineer due to damage experienced in a warehouse concrete slab. Miami-Dade County, FL. August 2022.

Deposition, Boston Consulting Grp. v. Elkus Manfredi Architects, Boston, MA. Architectural standard of care matter involving a dispute regarding cost overruns in a large tenant fit-out project. July 2022.

Deposition, Schembari v. CTS Grp. Architecture, Morris County, NJ. Architectural standard of care matter where an architect was sued relating to a slip and fall accident that occurred on church steps. July 2022.

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

Deposition, 3315 Tower Condo. Ass'n, Inc. v. Tower 3315, LLC, Miami-Dade County, FL. Construction defect dispute between a condominium association, general contractor and subcontractors. December 2021.

Deposition, Perebere v. Dimond Dev., 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. Ass'n v. Plaza Constr., 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 v. 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. Ass'n v. 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. Ass'n. et al. v. First Mercury Ins. 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 v. OHL-Arellano Constr. 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, Weicholz v. 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 Dev. Venture, LLC v. Tutor Perini Bldg. Corp., involving a dispute between a developer and general contractor. February 19, 2019.

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

Deposition, Williamsburgh Garage, LLC v. South 4th St. Condos, LLC, architectural standard of care relating to easement violation. November 2018.

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Deposition, Grandview II at Riverwalk Port Imperial Condo. Ass'n. Inc. v. 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. v. 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 and Deposition, Grandview I at Riverwalk Port Imperial Condo. Ass'n Inc. v. K. Hovnanian Urban Renewal II, LLC, v. RTKL New Jersey Architects, W. New York, NJ. Alleged construction defect, code and standard of care matter between a condominium association and the developer. May 2017; March 2017

Arbitration, The Grande at Roncocas Creek Condo. Ass'n., Inc. v. D.R. Horton, Inc. v. Archer Exteriors, Inc., Burlington County, NJ. Matter involving damages due to water infiltration. February 2017.

Arbitration, Dorchester Senior Ctr. v. 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 v. Aaron Constr. Ltd., regarding a fee dispute between the architect and client. September 2015.\*

Deposition, 7001 E. 71st St. LLC v. Continental Casualty Co., regarding storm damage to an existing structure. May 2015.

Deposition, Ploschanski v. Harmon Cove Tower Condo. Ass'n, 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 v. 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. v. 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 Indem. of Am. v. 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 v. O.A. Peterson Constr. Co., 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. v. Suncor Assoc., et al, regarding a wrongful death suit due to an alleged building code violation.

Stoudt v. Summit Medical Grp., regarding a slip and fall that culminated in a suit against an architect for an alleged building code violation.

Aurora Constr. v. W. Babylon Public Libr., regarding alleged aesthetic issues with glass fiber reinforced concrete panels.

Pennrose Prop., LLC v. Patwood Roofing Co., Inc., regarding a roof that blew off during CAT-90 Sandy.

Monge v. 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 Condo. Ass'n v. Marchetto Architects, dispute between a condominium association regarding alleged construction defects and architectural standard of care.\*

### **Alternative Dispute Resolution**

Insurance Appraisal for J.W. Mariner Corp., Panama City, FL. Architectural expert and testimony regarding an insurance dispute between a commercial building owner and an insurance company. The matter involved the determination of alleged damage to a roof deck and store front glazing due to Hurricane Michael.

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.

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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 Ass'n. for a Renewed Env't., Inc. v. Monadnock Constr., 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 waterfront building.\*

Meade v. 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. v. Renaissance Enter., Inc., et al., mediation regarding lack of handicapped accessibility requirements and ADA violations in a multi-family residential development.

### Select Presentations and Publications

"Assuring the Safety of Your Building – New Inspection Law will Make Condo Life More Expensive," Cooperator News South Florida, Fall 2022 (author)

"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)

### CONTACT

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