

# **Hacker Construction Consulting**

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**TOM HACKER**

## **SUMMARY OF QUALIFICATIONS**

- Began working in the Construction Industry in early 1974
- Attained California State Contractors License in 1989
- Attained Nevada State Contractors License In 2000
- Certified 1997 UBC
- Certified 2000 ICC-IBC and IRC
- Certified 2003 ICC – IBC and IRC
- Certified 2006 ICC – IBC and IRC
- Professional Member of the ICBO (Voting Member)
- General Contractors License -B1
- Certified Mold Inspector (MICRO Certified June 17, 2008)
- General Engineering Contractors License - A

## **EDUCATION**

- Grammar through High School – Galveston, Texas
- Completed Plastering Apprenticeship in 1984 Houston, Texas
- Completed Dryvit Certification for EIFS in 1986 Houston, Texas
- Completed ICBO Building Inspectors Certification in 1999 for UBC in California
- Completed the California Home Improvement Contractors Certification in 2000
- Completed Certification for ICC Building Inspector “2000 IBC and IRC”
- Completed Re-Certification for ICC Building Inspector “2003 IBC and IRC”
- Completed RE-Certification for ICC Building Inspector “2006 IBC and IRC”
- Completed Re-Certification for ICC Building Inspector “2009 IBC and IRC”
- Completed Re-Certification for ICC Building Inspector “2012 IBC and IRC”
- Completed required courses for Certified Mold Inspector “2008”
- Completed required courses and testing for Certified Mold Remediation Contractor “2011”

## **PROFESSIONAL EXPERIENCE**

- From 1974 through 1982, I work for different trades in the Construction Industry. My experience ranged from sheet metal (layout, fabrication, and installation), framing (general framing, form building, roof framing and sheathing, and other related duties), concrete (tie steel, pour, finish, with some experience with aggregate finish), drywall (hanging, taping, and finishing), and plastering (scaffold building, lathing, three coat stucco, EIFS and One-coat stucco). (Other trade experience may not be listed).
- In 1982, I began working for Tobin and Rooney (Lath and Plastering Co.) as an apprentice.
- In Late 1984, I completed my apprenticeship and achieved journeyman level status. During which time I worked as a Foreman I ran crews with as many as 10 men. The projects included Commercial and Residential type construction.
- During the years of 1982 through 1987, I worked on projects ranging from Highrise buildings, Nuclear Plant, under ground tunnels, State Prisons, Post Offices, Schools, Apartments, Condominiums, and Single Family Homes. My duties included reading plans, ordering materials, scheduling, and get the man power needed to complete interior plastering, ornamental plastering, drywall finishing, thin wall, marble Crete, fireproofing, lathing, EIFS, and three coat stucco jobs.
- In March of 1989, I attained my California C-35 Plastering License. I had as many as 9 employees during the years of 1989 through 1999 and subcontracted jobs ranging from Single Family Homes, Small Construction Additions, Apartments, Condominiums, Low Rise Buildings, Commercial Tilt Wall Buildings, and Strip Malls. My contracts included framing, roofing, concrete, plumbing, electrical, interior plastering, ornamental plastering, drywall installation and finishing, EIFS, One coat stucco, lathing and stucco. I did all estimating and material ordering required to complete the jobs contracted.
- In July of 1998, PCMI retained my services as an employee. My Employment continued with PCMI through February of 2001. During my employment with PCMI, I completed my study to attain an ICBO Building Inspectors Certification. In March of 1999, I attained my Building Inspectors Certification. My job duties with PCMI were Consulting, preparing cost estimates, preparing reports, conduct window testing, arrange and supervise destructive testing, building inspections, testify in Deposition, and participate in Mediations. In July and August of 1999, as an employee of PCMI, I assisted with testing of concrete and the effects of concrete cracking as it relates to stucco cracks on residential homes. Also, testing of fiber mesh in concrete with comparisons to welded wire mesh as a reinforcement in concrete. The testing was conducted at Cal State University, Fullerton. The testing was completed under the direction of Dr. Ahmen Massollam, PHD.
- In February of 2001, I established Hacker Construction Consulting.
- As an ongoing participation relating to Construction Defect Litigation, I have provided seminars to Attorneys and Insurance Companies in California and Arizona. The intent of these seminars is to assist with, understanding the principals related to the standard practices of Contractors, Builders and Subcontractors and the identification of materials used for residential construction.
- As of March 27, 2002, I have completed the requirements for certification of Building Inspector under the International Building Code and the Residential Building Code (2000 IBC).

- May of 2003 provided services to the CSLB to rewrite Contractors exam for the C-35 license in California.
- May of 2003 provided services to the CSLB to rewrite Contractors exam for the C-35 license in California.
- In October of 2003, passed require examination and obtained a B1General Contractors License.
- Currently providing consulting services and seminars to General Contractors to assist them in understanding new construction methods and specific areas of importance related to construction defects.
- Provided design details on various projects to assist in resolving water intrusion problems.
- Currently certified under the 2006 IRC and IBC International Building Codes and maintaining the status required for the 1997 Uniform Building Codes and all subsequent IRC and IBC Codes.
- July of 2008 provided services to the CSLB to rewrite Contractors license exam for the C-35 license in California.
- In August of 2008, provided Consulting and Management services to Ayers Construction Company to determine extent of water damage to Sussex School Roofs at two buildings and restore buildings to habitable condition.
- Worked with Local Building Department to obtain permits, provided details and worked with Structural Engineer to obtain calculations required by Building Department, worked with various Sub-contractors to acquire bids and sequencing of work to be performed. Arranged production of designed SIP roof panels with Manufacturer and delivered within 5 working days of order.
- December of 2008, California Contractors License Board has requested my services again to assist in evaluating and creating new test questions for the C-35 License examination.
- As a General Contractor, hired and oversaw all phases of construction in various Commercial and Residential projects.
- As a General Contractor I have experience in arranging, sequencing and completing all aspects of construction projects. Including forming and pouring concrete, framing, plumbing, electrical, roofing, air conditioning, ect..
- Currently licensed as a General Engineering Contractor. The testing process shows I have limited knowledge in basic Engineering and can proceed to construct projects requiring knowledge in the Engineering field.

**PAST, RECENT OR CURRENT CASES (Does not include all cases)**

- Raintree West v. Falcon Homes (Chaparral Paint and Drywall) Las Vegas, Nevada
- Alcantera v. Palm Gardens (Cedco Plastering) (One-Coat Stucco) Las Vegas, Nevada
- Beazer Homes v. Henry Maynard (Arizona Drywall) Phoenix, Arizona
- McDarrah v. Hancock Communities (MG Drywall) Phoenix, Arizona
- Moonlight Cove v. Pulte Homes (S.A.W. Stucco) (One-Coat Stucco) Phoenix, Arizona
- Echo Glen v. R.V. Jones (Owens Plastering and Drywall) (One Coat Stucco, Drywall, and Paint) Las Vegas, Nev.
- Buena Vista HOA vs. J.M. Gair & Collins (Briscoe Drywall and Painting Inc.) (Drywall and Paint) Las Vegas, Nev.

- Olen Residential Realty Corp. vs. Robert V. Jones (Owens Plastering and Drywall) (Three Coat Stucco,
- One Coat Stucco, Drywall, and Paint) Las Vegas, Nev.
- Western International vs. W.E. O'Neil Construction Co. of Arizona vs. USS Structural Glazing Group (W.E. O'Neil Construction Co.) (General Contractors) Las Vegas, Nev.
- Sonrisa v. Lawlor (Mitchell Drywall) (Drywall) Lake Havasu, Az.
- Shields, et al v UDC Homes (Arizona Drywall) (Drywall) Phoenix
- Troy Drywall adv. Norquay (Troy Drywall) (Drywall) Phoenix, Ariz.
- Mitchell adv. LC-Villas (Mitchell Construction Co.) (Framing and Paint) Phoenix, Az.
- Achen-Gardner adv. Ahrenberg, et al (Achen-Gardner) (Framing) Phoenix, Az.
- Cameray Pointe HOA v. Shawntane Partners (Nunez Plastering) (Three Coat Stucco) Aliso Viejo, Ca.
- Moritz v. Classic Development Corporation, et al. (Home Owners) Chino, Ca.
- Chris & Joan Cole vs. David Ahumada dba Patriot Builders (S & H Plastering) (Three Coat Stucco) Newport, Ca.
- Centex Real Estate v. Bill Hicks Concrete North Shore Project (Bakersfield, California) Concrete Issues (thickness, vapor barriers and standard of care).
- Arriba-Cisneros v. Heller (T & R Paint and Drywall) Gypsum Wallboard Issues
- 765 Airport Blvd. Hilton Garden Inn (Vintage Drywall) Wallboard Issues

**The following is a list of cases where either trial testimony or deposition testimony was provided:**

- Dr. Christiansen vs. JPS Systems -State of Oregon– trial testimony – stucco/EIFS-water intrusion
- Jo Angela vs. Terry Wolcott -California- deposition and trial testimony -stucco-water intrusion
- Chambers vs. Landis Corp. - deposition only - drywall – fire ratings
- Echo Glen HOA vs., Inland Empire Bldrs - deposition only - stucco - water intrusion
- Navarro vs. Swan Pools - deposition only - concrete issues - water intrusion
- Elan HOA vs. Picerne Construction - deposition only - stucco - water intrusion
- Summit Hills II vs Developer - deposition only - stucco - water intrusion
- Pueblo Santa Fe vs. Frey - deposition only - stucco - water intrusion
- Pueblo Santa Fe vs. Frey - deposition only - drywall - fire ratings
- Bldr. vs. DD Malone - deposition only - finish carpenter
- Alcantara vs. Palm Gardens - deposition only - stucco - water intrusion
- Alcantara vs. Palm Gardens - deposition only - shower enclosures - water intrusion
- Canyon Willow Tropicana vs. Torino Construction - deposition only-stucco - water intrusion
- Cernuto vs. Sutton Corp. – deposition only - stucco - water intrusion
- Fuller vs. Beazer Homes – Deposition only – stucco - water intrusion
- Sun City McDonald Ranch – Clubhouse- Deposition only – stucco - water intrusion
- Sun City McDonald Ranch – Duplex Homes- Deposition only – stucco - water intrusion
- Villagio vs. Westmark Homes-Condominiums-Deposition only-Fire-rated assemblies
- Mirage Crossing vs. Mirage Homes-Condominiums-Deposition only-Drywall-Fire-rated assemblies
- Fiesta Maintenance vs. Warmington-Condominiums-Deposition only-Drywall-Fire-rated assemblies

- Salamon vs. Rockwell-Single Family home-Deposition only-EIFS Issues
- Starfire Estates VI HOA vs. Starfire VI LLC.-Deposition only – Drywall -Fire-rated assemblies
- Andy Simons vs. Builder Bob-Nevada-Two Single Family Homes-Trial only-General Building Issues
- Paulsen vs. SEN Construction-Single Family Home-Arbitration only-Stucco Issues
- Amber Ridge vs Highland – Condominiums-Deposition-Drywall -Fire-rated assemblies
- Ward vs. Christopher Homes – Single Family Home-Deposition-Drywall -Fire-rated assemblies
- United Drywall adv Chateau Nouveau - Condominiums-Deposition-Drywall -Fire-rated assemblies
- Via Pueblo vs. WB Allen Construction – Apartments-Deposition-Testified in Binding Arbitration-General Construction Issues
- MDG vs. Sierra Wall Systems-Single Family Homes-Deposition Only-Stucco – water intrusion
- DRW vs Lane – Single Family Home-Arizona- Trial only-Damage Issues
- United Drywall adv Chateau Nouveau-Condominium-Deposition-Drywall-Fire-rated assemb. Nev.
- Fisher Trigger v Del Webb – Deposition only-Stucco – water intrusion issues..
- Joler v Shybury Grand – Condominiums – California-Deposition and Trial – Bldg Code Issues.
- Allen Family Trust v Sun Colony Summerlin – Deposition only-Drywall Fire-rated assemblies.
- Parker v All Weather Windows & Doors–Single family home–Tennessee-Trial only-Window Issues.
- Yagdan Lafta v.Sky King LLC / Multanomah County Oregon - Case1110-13924-Arbitration only (Mold related case).
- Fannich v. Fogerty – San Diego, CA. Deposition and Trial – Water Intrusion issues.
- Killen v. 768 Kingston–Oakland, Ca. Deposition and Trial–Water intrusion issues.(Mold related case) Calif.
- Birnbaum v. Atwell – 200 Patterson- San Antonio, Texas – Deposition – Water intrusion issues.
- Molock vs Lee adv Westborough HOA – Water intrusion issues – Deposition only Calif.
- Gallo V Watts – Cost estimating - Deposition and Trial. Hydronic heating in slab replacement. Calif.
- Salazar v. Cosco Fire Protection – Safety standards – Deposition and Trial Calif.
- Maniar v Allen – Costing – allocation of responsibility – Plumbing issues – Trial only Calif.
- Alamprese v. Malibu Canyon – Water damage issues – Plumbing related – Trial only Calif
- Patino v Faire Rivage HOA- Water intrusion issues and mold issues-Trial only Calif.
- Moreland v. Allied Outdoor Solutions - Arbitration only -Mold and construction issues
- Sigmund v Darlington Villas HOA - Trial only - Testified in two parts of trial- first was related to construction defects and the second trial was related to costs and water intrusion issues.
- Solomon v. Farooq - Mold conditions and inspection protocol issues. Deposition only to date.
- \* Patriot vs Herc Solutions - Mid Main LLC - Plumbing case Deposition Only- Houston, Texas

I have authored an evaluation report, which has been approved by the International Code Council Evaluation Services related to one-hour fire rated walls. Publication was completed in March of 2006. The title of the publication is identified as ESR-1865.

In addition, I received approval for a second Evaluation Report that has become a part of the original ESR 1865. Approval was completed in September of 2007. The new Evaluation Report is titled, Hacker Construction Consulting One-Hour Fire-Rated Wall Assemblies-A and B. The assemblies have been tested to conform to the requirements of the Uniform Building Codes and the current International Residential and International Building Codes.

#### **MEDIATIONS \* DEPOSITIONS \* TRIALS**

<b>Mediation Participation</b>  <b>100+</b>	<b>Deposition Testimony</b> <b>California</b> <b>Arizona</b> <b>Nevada</b> <b>Texas</b>  <b>37</b>	<b>Trial Testimony</b> <b>California</b> <b>Arizona</b> <b>Nevada</b> <b>Oregon</b> <b>Tennessee</b> <b>15</b>
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#### **PLAINTIFF CASES \* DEFENSE CASES**

<b>Plaintiff Cases</b> <b>California</b>  <b>37</b>	<b>Defense Cases</b>  <b>100+</b>	<b>Arbitration Testimony</b> <b>California</b> <b>Arizona</b> <b>Nevada</b> <b>Oregon</b> <b>Texas</b>  <b>9</b>
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**States where inspections were performed and opinions were provided related to construction Defect litigation or various other claims related to water damage and cost to repair those damages:**

**California – Texas – Nevada – Oregon – Washington – Arizona  
Tennessee - New York - Montana – Florida – Louisiana – Kansas  
Illinois – Missouri – Wisconsin - Utah – Idaho - Minnesota – Michigan  
Colorado – New Mexico – Wyoming - Georgia – Philadelphia - Iowa  
Georgia – Ohio – Oklahoma - New Hampshire**

There may be additional states where services have been provided and those will be updated as necessary. It should be noted, several cities within the states listed are too numerous to list; however; should be considered as part of the experience across the country while inspecting construction methods, means and costs.

**AREAS OF EXPERTISE INCLUDED IN GENERAL CONSTRUCTION METHODS BUT DO NOT NECESSARILY COVER ALL ASPECTS OF EXPERIENCE**

BUILDING CODES	CONCRETE	COST ESTIMATING
PLASTERING	GENERAL FRAMING	FIRE-RATED ASSEMBLIES
ONE-COAT STUCCO	SCAFFOLDING	DRYWALL
THREE COAT STUCCO	WINDOW INSTALLATION	WATERPROOFING
SHEET METAL	EIFS	FLOORING SYSTEMS
FLASHING SYSTEMS	DOOR INSTALLATION	CMU WALLS
PLUMBING SYSTEMS	CODE COMPLIANCE	FIREPROOFING

**COPPER PEX AND OTHER WATER SUPPLY SYSTEMS ALONG WITH BASIC SANITARY DRAINAGE SYSTEMS AND SEWER SYSTEMS**

**SERVICES PROVIDED (NOT ALL SERVICES LISTED)**

1. CONSTRUCTION CONSULTING AND EXPERT WITNESS SERVICES
2. LITIGATION SUPPORT
3. ASTM/AAMA WINDOW TESTING
4. CODE COMPLIANCE
5. VARIOUS TESTING AND ANALYSIS REQUIRED FOR PROCEDURES TO DETERMINE SOURCES OF WATER INTRUSION DUE TO VARIOUS CONSTRUCTION ASSEMBLIES, MATERIALS AND PROCESSES
6. MICROBIOLOGICAL INSPECTIONS AND ANALYSIS
7. MICROBIOLOGICAL REMEDIATION AND RESTORATION SERVICES AND ANALYSIS
8. THERMAL IMAGING TO DETERMINE EXTENT OF WATER DAMAGE AND MICROBIOLOGICAL CONTAMINATION IF ANY EXISTS
9. CONSTRUCTION MANAGEMENT
10. COST ANALYSIS FOR REPAIRS AND RESTORATION
11. EXPERT BUDGET AND BILLING REVIEW AND/OR AUDITING