

# *AQUATIC COMMERCIAL CONSULTING*

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## *Richard A. Young Aquatic Consulting Profile January, 2021*



***Richard (Rich) Young** has been involved in the public and institutional aquatic community for most of his adult life. Prior to 1983, Rich worked in both the public and private sector as an aquatic director and manager and has operated several public and commercial facilities with both programming, training and maintenance responsibilities. Rich coached age group swimming and was an assistant coach at Grossmont Community College. Rich also worked as an American Red Cross Water Safety Instructor and Instructor trainer. Since then, he has continued operated a mechanical contracting firm and has consulted for public, municipal and commercial aquatic facilities on community aquatic need assessments, staff training, aquatic program evaluation and development.*

***Aquatic Commercial Industries (ACI)** was founded by Rich in 1983 as a swimming pool equipment manufacturer and specialty swimming pool contractor. As requests for special design work and facility evaluations by various agencies, contractors, designing engineers and architects increased, Rich developed the **Aquatic Commercial Consulting (ACC)** endeavor in 1992. He has consulted on hundreds of public, institutional, commercial pool and water park facilities as well as high-end residential pools throughout the nation and abroad. Rich retired from ACI in early 2018 to work full time in the ACC consulting endeavor.*

*Rich continues to pursue educational opportunities to stay on the cutting edge of the industry and stay refreshed on legal consultation/expert witness skills. He is well versed in California, Nevada, Oregon, Washington, Colorado and other state Health & Safety and Building Codes (related to pools), OSHA, Uniform Fire Code (Article 80), Federal VGB and ADA laws, American Red Cross lifeguard guidelines and industry standards, Federal Pool and Spa Safety issues (Virginia G. Baker).*

*In addition, Rich worked as a sales, installation and service technician for pool mechanical systems and works as a mechanical equipment supplier and is a licensed contractor in several states. He has been an instructor for both the National Swimming Pool Foundation's "Certified Pool Operator Course" since the early 1980s and has helped develop and teach the National Recreation and Park Association's "Aquatic Facility Operator Course". He was the managing editor of the 6<sup>th</sup> edition, NRPA, Aquatic Facility Operator Training Manual. This manual includes concepts of aquatic facility planning and programming. He has co-authored a new book for the World Water Park Association, "Advanced Water Quality". Rich is also technical advisor and board member for the Professional Pool Operators of America. Most recently, Rich published a new book "Aquatic Facility Inspector" for which he is developing a certification course for public health inspectors. Rich is a National Swimming Pool Foundation "Certified Pool Inspector".*

*Rich often speaks at regional and national aquatic, swimming pool and recreation association conferences and has been published over thirty times in various pool industry periodicals and training texts on swimming pool/spa water chemistry and treatment, safety and construction issues.*

*Richard Young is a State of California licensed contractor with thirty years of experience. He is not a licensed engineer or architect. However, ACC has available for consultation: Pacific Engineering (electrical), Pool Engineer's Inc. (structural), Kukuchi & Associates (landscape) and Patrell Engineering Works (mechanical) for special problem engineering and approval and sign-off on plans when appropriate or necessary. He often works supporting architectural and engineering firms. ACC has two administrative assistants and additional outside pool professionals to aid in both field and office work loads.*

***Our consulting services:***

*Consulting services range from early facility planning and community aquatic needs assessment to design, renovation, construction administration and staff training. Our services include:*

***Facility Planning:*** *Plan and or review programming and facility activities, compare fees, revenue and establish budget estimates. Provide recommendations for developing additional programming and help*

*establish staff and budget needs. Community aquatic need assessment, program development and review including fee assessment, staff organization and needs.*

***Staff Training:*** *For organization of staff, maintenance and operations.*

***Facility Evaluations and Reports:*** *Complete detailed facility evaluations including: demographic research, staff interviews, programming review, facility inspection and testing safety equipment and procedure assessments: all culminating in a report with prioritized recommendations, including budget estimates and color photos. The reports can include maintenance and operations, water quality control and treatment, code compliance, programming, budget and staffing needs. Complete maintenance and operation guidelines and reports.*

***Design Work:*** *Complete research, design, plans and specifications useful for project architects, county health department approval, contractor bidding, construction and records. ACC is fully 2009 CAD compatible.*

***Geo-Thermal Work:*** *Complete geothermal heat transfer and control systems, including stainless steel and titanium heat exchangers.*

***Construction Administration:*** *Conduct pre-bid contractor walk-throughs, reviews of contractor submittals, conduct pre-construction meetings, inspections of contractor work for compliance with plans and specifications, reviews for progress payment requests, complete final inspections and review or draft as-built plans.*

***Product Testing and Evaluation:*** *Provide “beta” testing for commercial pool equipment and systems. Complete data collection, evaluation and reports on equipment performance.*

***Risk Evaluation:*** *Provide risk evaluation including OSHA Standards and Uniform Fire Code (Article 80) hazardous material handling compliance in addition to lifeguard training, staffing and general operations.*

***Legal Expert:*** *Provide consultation and expert witness support on swimming pool, spa and water park related issues including drowning and near drowning, diving accidents, pool construction and water quality control, chemical storage and handling.*

***Other areas of work and expertise include:***

*- High Efficiency, Energy Saving Pump Systems*

- Code compliance: ADA, UFC-80, State Health & Safety, etc.
- General Pool construction and renovation evaluations
- Geo-thermal heat transfer and controls / Geothermal pools
- Professional Education (Certified Pool Operator Certification)

***A Partial List of Speaking Engagements at Regional & National Conferences Include:***

*World Water Park Conference, Annually 2009 through 2018*  
*World Aquatic Health Conference, 2018*  
*National Recreation and Park Association Congress, 2007, 2012*  
*National Aquatic Conference: (6 times) 2000 through 2010*  
*National Travel Park Conference 2002, 2003*  
*California Park and Recreation Conference (3 times) 2000 through 2009*  
*California Environmental Health Conference 1998*  
*California Regional Environmental Health Conference, 2013*  
*International Associate of Amusement Park and Attractions (4 times) 1998 through 2005*  
*Independent Pool and Spa Servicemen’s Conference 2000, 2005*  
*National Swimming Pool Institute National Conference: 1997*  
*Bay Area Pool Operator’s Association, Regional Conference: 2014, 201, 2017*

***Affiliations/Memberships:***

*World Water Park Association*  
*International Association of Aquatic Consultants*  
*National Recreation and Park Association*  
*Western Regional Master Builders Association*  
*National Travel Parks Association*  
*Independent Pool and Spa Servicemen’s Association*  
*Professional Pool Operators of America (board member and Technical Advisor)*  
*California Pool and Spa Association*  
*Professional Pool Operators of America*

***Partial List of Consulting, Contracting and Design Projects:***

Alpine Country Club	Metropolitan Club of San Francisco
American Golf Water Park, Dallas, TX	Mill Valley Tennis & Swim Club Mount
Arcadia Development Co / The Woods	Hermon Christian Camp Independence High School, San Jose
Arcadia Recreation	J. Paul Getty Residence
Arden Park & Recreation District	Koinonia Conference Center
Balleys Athletic Clubs	Ladera Oaks Swim & Racquet Club
Boise State University	Lake Isabella Hot Springs, Los Angeles
Boulder Creek Scout Camp	Laney College
California Family Fitness	

Cameron Park Comm. Services Dist.	Les Mars Inn, Healdsburg
Camp Kram, CA	Livermore Park and Recreation
Camp May Mac Christian Camp	Marriot Courtyard, Sonoma
Carmel Valley Ranch Resort	Menlo Circus Country Club
Carneros Inn, Napa	Metropolitan Club of San Francisco
Central Plumas Recreation Dist.	Meadowood Country Club
Chico Area Recreation Dist.	Mill Valley Tennis & Swim Club
City of Alexandria, VA	Mission Springs Conference Center
City of Antioch	McMinamims Aquatic Center, Seattle, WA
City of Chelelis, OR	Mount Hermon Christian Camp
City of Concord	North Pen. Jewish Community Center
City of Coronado, CA	Osha-Marin Jewish 'Community Center
City of Dixon, CA	Palace Entertainment, Key Biscayne, FL
City of Durham, CA	Palo Alto Country Club
City of Elko, NV	Paradise Valley Comm. Center
City of Enumclaw, WA	Peninsula Jewish Comm. Center
City of Fairfax, VA	Peninsula Tennis Club
City of Garland, TX	Peralta College Dist.
City of Inglewood	Petaluma Fitness Centers
City of Lakeport, CA	Pleasanton Meadows Cabana Club
City of Laughlin, Nevada	Post Hotel, Seattle
City of Menlo Park	Rafael Racquet Club
City of Pendleton, OR	Mission Springs Conference Center
City of Redding, CA	Rancho Santa Teresa Swim Club
City of Rhonert Park, CA	Range Ranch II Pool and Spa
City of Sanger, CA	Sacramento State University
City of Seattle, WA	Sacramento YMCA
City of South San Francisco	San Jose State University
City of So. Lake Tahoe	San Jose YMCA
City of South San Francisco	Seattle YMCA
City of Tracy of Vacaville, CA	Sequoia High School Dist
City of Walnut Creek, CA	Sharon Heights Country Club
City of Westminster, CO	Six Flags Amusement Park
City of Willits, CA	Sonoma Family YMCA
City of Vacaville, CA	Sonoma High School
City of Shelton, WA	South Valley YMCA
Coast Guard Station, Kodiak Island	Sun River HOA, Oregon
Ellison Estate Compound and Home	The Island Water Park
Enchanted Waters Water Park	Timpany Center, San Jose
Gilroy USD	Tracy United School Dist.
Guide Dog Facility for the Blind	Treasure Island Naval Base
Harbin Hot Springs	Twenty-Nine Palms Marine Base
Hidden Villa	Vallejo City USD
Holiday Inn Sonoma	Vineyard Crossing Resort
Hyatt House Petaluma	Vintage High School
Independence High School	Wally's Hot Springs, NV
J. Paul Getty Residence, San Francisco	Werner Hot Springs
Koinonia Conference Center	West Valley College
Ladera Oaks Swim & Racquet Club	Wild Water Adventures, Clovis, CA

Lake Isabella Hot Springs, Los Angeles Laney College Larry Ellison Estates (3 locations) Les Mars Inn, Healdsburg Marriot Hotel, Sonoma Menlo Circus Country Club	Woodbridge HOA, Irvine, CA Woodland Vista Club, San Jose, CA Woodleaf Christian Camp, Challenge, CA Woodside High School, CA Worldmark by Trendwest, WA Wyndham Resort Hotels
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**Partial List and Sample of Legal Consulting & Expert Witness Experience**

*-Manufacturer's Claim in Federal lawsuit concerning collusion between suppliers. Specific manufacturer claimed he was excluded from bidding projects. Worked on behalf of the defendant suppliers. Research and evaluation of bid specifications, manufacturer design and specifications. Deposed. Suit dropped.*

*-Patron claim v. YMCA: Chemical burns of eyes from a swimming pool. Worked on behalf of the defendant (YMCA). Completed pool record reviews, site inspection, water testing, staff interviews. Deposed. Suit settled before trial.*

*-Patron claim v. the State of California. Accident with neck injury. Worked on behalf of the defendant, State of California. Completed site survey and evaluation and inspection. Interviews with lifeguards and staff. Consultant to State Attorney's office. Suit settled before trial.*

*-Operator claim v. Sta-Rite Industries (manufacturer): Product failure with injury to operator. Filter separation. Worked on behalf of the plaintiff. Completed research work, evaluated operators manuals, product inspections and product review. Suit was settled before trial.*

*-Patron claim v. The City of Inglewood. Drowning case with a fatality. Worked on behalf of the City of Inglewood. Facility survey and inspection, interviews with staff. Reviewed plans. Research of pool codes and lifeguard standards. Deposed. Suit settled before trial.*

*-Homeowner V. Contractor: Claim against a swimming pool contractor. Claims of design flaws and not completing project. Worked on behalf of the defendant. Completed site inspections, review of contracts, submittals. Provided written report and schedule of values for repairs. Suit settled before trial.*

- Patron v. Resort hotel. *Near drowning with serious injury. Worked on behalf of the defendant. Completed site survey and inspection, staff interviews, code research. Provided written report. Suit settled before trial.*
  
- Patron v. Water Park owner. *Patron injured on a slide at a water park due to lifeguard negligence. Worked on behalf of plaintiff. Completed site visit. Case settled prior to report filed.*
  
- Home drowning. *Home owner sued by renter that lost a small child to drowning. Worked on behalf of defendant. Pool/spa evaluation, research of building codes. Suit settled before trial.*
  
- Homeowner v. Contractor: *Claim against a swimming pool contractor for unfinished and unsafe work. Worked on behalf of plaintiff. Pool evaluation, research building codes and manufacturer installation instructions. Deposed. Suit in litigation.*
  
- Community association drowning. *Working on behalf of the plaintiff. Pool evaluation, evidence evaluation and report. Prepared declarations for summary judgement. Suit settled prior to trial..*
  
- Patron v. home owner association. *Worked on behalf of the plaintiff. Chemical burns to child. Suit settled before trial.*
  
- Patron v. Winery with pool. *Working behalf of the plaintiff who slipped and fell on the pool deck. Suit settled before trial.*
  
- Employee v. Water Park: *Employee injured by exploding strainer basket. Discovery, report. Working on behalf of defendant. Suit settled before deposition.*
  
- Renter v. Home owner. *Worked on behalf of the defendant. Wrongful death in the backyard pool. Site visit, report, discovery review. deposition, Suit settled.*
  
- Patron v. Water park. *Working on behalf of plaintiff. Claim of injury due to tipping bucket accident. Working on behalf of plaintiff. Suit settled before trial. .*
  
- Patron v. Water park. *Working on behalf of plaintiff. Claim of injury due to collision of patrons on slide. Work on behalf of plaintiff. Case settled.*

- Customer v. Contractor. *Claim of code violations poor workmanship. Working on behalf of the defendant. Suit still pending.*
- Patron v. City. *Diving board injury claim. Site visit and report. Awaiting trial. Worked on behalf of the plaintiff.*
- Patron v. Recreation District: *Drowning of six year old child. Working On behalf of the defendant. Case Settled.*
- Contractor v. Owner: *Cross complaint for accidental drowning of child. Working on behalf of defendant. Pool assessment, report. Case still in discovery.*
- Parent v. Recreation District: *Drowning of seven year old at day camp activity at another recreation district pool. Research only. Working for defendant. Case still in litigation.*
- Home Owner v. Contactor: *Completion of work without proper permits, resulting in damage to the owner's property. Case still in discovery. Working on behalf of plaintiff.*
- Patron v. Water Park: *Patron injured when after exiting a slide, hit the steps across the pool. Worked on behalf of the plaintiff. Case settled.*
- Patron v. Resort Hotel: *Patron injured by chemical imbalance. Case in discovery. Working for plaintiff.*
- Patron v. High School District: *Student injured by diving from a starting platform in shallow water. Discovery, awaiting site visit. Working on behalf of the plaintiff.*
- Patron v. Contractor: *Patron claims legionella contact at an indoor pool/water park at which the contractor completed work. Case still in discovery. Working for the defendant.*
- Homeowner v. Contractor: *Home owner claims contractor did not provide items in the contract, pool workmanship and lack inadequate plumbing and equipment installation. Case in arbitration. Working for the plaintiff.*
- Patron v. Resort Hotel: *Patron claims personal injury from spa chloramine concentration and air quality. Case still in discovery. Working on behalf of defendant.*



*-Patron v. Homeowners Association: Patron claims injury from diving into a swimming pool. Case still in discovery. Working on behalf of the defendant.*

*-Patron v. Contractor: Home owner claims contractor did not complete work, errors in construction and failure to meet building codes. Inspection, report provided. Case in arbitration. Working for plaintiff.*

**Attorney References:** *are available upon request.*

**Fees:** *Fees vary with the type of work, i.e. investigation, on-site evaluation, office work, research, legal deposition etc. Requests for proposals and quotations are gladly provided once the scope of work has been established. Modest travel and accommodation fees are added to invoices unless covered in the project proposal.*

*Respectfully submitted:*

*Rich Young*

*Richard A. Young (Rich)  
Principal, Aquatic Commercial Consulting*

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*END*

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## *Standard Legal Fee Structure, January, 2021*

**Retention: \$400 (to be credited toward any invoices for services)**

**NOTE: Retention confirmation is required via email or letter prior to the commencement of any services.**

**Facility inspections, research, report writing, exhibit evaluation: \$185 per hour**

**Depositions or trial testimony: \$205 per hour**

**NOTE: Minimum services: 23 hours, within 200 miles of office.**

**Minimum daily charge: \$900 for out of area services.**

**Travel: \$60/hour travel plus \$0.60 per mile driven. Plus reimbursement of any airfare, car rental and modest meals and accommodations when necessary.**

**TERMS:** Retention due upon notification of acceptance of terms. Net 30 days upon completion of work and invoicing. All invoices over 45 days are subject to re-invoice and finance charges of 1 1/2% per month.

**CONTRACT:** A simple email or letter stating that we have been retained and outlining the scope of work you desire will allow us to proceed with your case.

Respectfully submitted:

*Richard A. Young*

Richard A. Young (Rich)

Principal, Aquatic Commercial Consulting

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