

William Henry, Ph.D., NCARB

600 S. Magnolia Ave., Tampa, Florida 33606 · 813-226-2220
whenry@rga-design.com

ARCHITECT AND FORENSIC EXPERT

EDUCATION:

William Henry, Ph.D received a Bachelor of Architecture in 1970 and a Masters of Architecture in 1971 from the University of Florida.

An additional Master's Degree in Architecture was earned in 1979, followed by a Master's Degree in City Planning in 1984 from the University of Pennsylvania. In 1986, he was awarded the highest degree in Architecture, a Doctorate of Architecture, from the University of Pennsylvania.

WORK HISTORY:

1971 – 1975: John Portman & Associates, Atlanta, Georgia – Job Captain for the following projects:

- Peachtree Plaza Westin Hotel, Atlanta, Georgia
- New York Times Square Marriot Marquis, New York, New York
- Renaissance Center (currently General Motors Headquarters), Detroit, Michigan

1977 – 1980: Turner Construction Company, New York, New York – Contract Manager for the following representative projects:

- State of Florida Shands Teaching Hospital. Negotiated first construction management contract for the State of Florida and state university system for \$40m teaching hospital addition.
- James L. Knight/City of Miami. Convention Center and Hyatt Hotel. Negotiated development and construction agreement with City of Miami and Worsham Brothers Development.

1980 – Present: Principal in charge for RGA Design, LLC, Architects and predecessors. List of projects available upon request.

PROFESSIONAL PROFILE:

As the President of RGA, William Henry, Ph.D. serves as Principal in Charge. Dr. Henry's 30+ years of management and administrative experience makes him particularly well-suited to oversee the execution of RGA's contractual responsibilities. His professional experience encompasses all phases of architectural project management, design, contract documents, production oversight, construction administration and consulting work for a variety of project styles that include both public and private facilities.

AWARDS:

Hillsborough County/City of Tampa Planning Commission Awards

- Best Multi-family Housing Project, Gardens of South Bay (2008)
- Best Multi-family Housing Project, CentroPlace (2006)
- Design of Sabal Atrium/ Sabal Retail Center (1990)
- Outstanding dedication and commitment to quality comprehensive planning in Hillsborough County and for leadership as Chairman of the Planning Commission (1985 - 1989)

Hillsborough County Board of County Commissioners

- Industrial Development Authority – Recognition of outstanding contributions and service to the people of Hillsborough County (Jan 1991 – Dec 2002)

The James T. Hargrett, Jr. Community Development Award for Innovation (July 18, 2003)

National Association of Industrial and Office Parks

- Outstanding Special Use Building, Comcenter (2005)
- Outstanding Rehab Project, CentroPlace 2005
- Outstanding Office Showroom Service Center Building, Portal Crossing West at Lakewood Ranch (2004)
- Best Architect (1989 & 1990)
- President’s Plaza and Rubin ICOT – Best Office Parks (1983)

Holiday Inn Corporation

- Award for Best Hotel Design Internationally – Sabal Park Crowne Plaza (1988)

Dr. Henry is Architect Practitioner of multiple building types across the State of Florida in the past 30 years and is listed as the architect of record of multiple building types, including but not limited to, office industrial, hospitality, retail facilities, medical offices, as well as multi-family housing projects. He is the architect of record on over 250 major building commissions.

POSITIONS HELD:

- Member International Council of Shopping Centers ‘ICSC’
- Member of the National Council of Architectural Accreditation Boards ‘NCARB’
- Member of Hillsborough County Bar Association
- Former Member of Hillsborough County Housing Finance Authority ‘HFA’ (2008-2010)
- Former Member American Institute of Architecture (1982-2010)
- Former Member and Chairman of Hillsborough County Industrial Development Authority ‘IDA’ (1990-2002)
- Former Trustee at Academy of the Holy Names High School, Tampa, Florida (1994-2000)
- Former Member and Chairman Hillsborough County/City of Tampa Planning Commission (1982-1990)
- Former Member of the National Association of Industrial and Office Properties ‘NAIOP’

RECENTLY PUBLISHED PROFESSIONAL ARTICLES:

- *Required Procedures in Florida for Dealing with Design and Construction Defects* - 2016
- *How Litigious is the State of Florida* - 2016
- *ADA Making Life Better and More Complex* - 2016
- *Collection of Accident Scene Evidence* - 2015
- *Does Title Insurance Really Protect a Property Owner from Zoning Issues* = 2015
- *Regulation Of Florida Water Parks Are You At Risk For Injury?* – June 2015
- *Slip or Trip and Fall Cases Can Yield Multi-Million Dollar Settlements* – February 2015
- *Premises Liability from a Design Expert’s Standpoint* – March 2014
- *Your Commercial Property “Grandfathered” to Offer Relief from Some ADA Requirements-* May 2013
- *Larger Awards in Slip and Fall Cases-* April 2013
- *Aging Population Spurs Demand for Barrier Free Home-* December 2012
- *How Do You Know What the Real Estate is Really Worth?* - September 2012
- *New From the International Council of Shopping Centers* –July 2012
- *A New Baseball Stadium for the Rays?* – May 2012
- *Power of Bureaucracy Increase-* April 2012
- *American Disabilities Act Regulations* – March 15, 2012
- *A Professional Customized Approach to Roofing* – March 2012
- *Beyond Competitive Athletics: How to stay fit when business pressures mount* – Feb 2012
- *How and When to Engage a Contractor* – Dec. 2011
- *Revised American Disabilities Act Regulations: Effecting Public Outdoor Recreational Areas* – Nov. 2011
- *Narrowing the Role of Architects Contributed to the Demise of the Profession* – Oct. 2011
- *Infection Rates Lead to Demand for Senior Care Residential Communities Near Hospitals* – Sept. 2011
- *Backfilling Large Empty Retail Boxes With Out of the Box Uses* – July 2011
- *Multi-Family Housing – Making a Roaring Comeback* – May 2011

PUBLISHED BOOKS:

- *John Portman, Architect Entrepreneur-* Published by University Press in 1986, The Opportunities, Advantages and Disadvantages of his Design – Development Process
- *Return of the Master Builder* – Published by Amazon Digital Services, Inc. 2012

SPEAKING ENGAGEMENTS:

- CLE Course: The Practical Application of the ADA, Created January 2016 with AttorneyCredits.com. [<http://www.attorneycredits.com/wordpress/2016/01/cle-course-the-practical-application-of-the-ada/>]
- International Council of Shopping Centers 2013- Seminar on Pushing Back on ADA ‘Windshield’ Complaints
- Bay Area Apartment Association Developer’s Forum 2012- Latest Design Trends in Tampa Bay Multi-Family
- 'Lunch and Learn' presentation to the following law firms and property management companies concerning changed ADA guidelines:
 - Hill Ward & Henderson (March 2012)
 - Colliers International (April 2012)

- International Council of Shopping Centers 2012 – Seminar on new Americans with Disabilities Act Design Guidelines
- Charter School Conference, Orlando, Florida 2011 – Cost Effective Construction Techniques in Charter School Construction
- Format Interview with Media Concerning Wrongful Death 2009 – Code Compliance in Health Care Psychiatric Facilities *‘Preventing Suicides in Psychiatric Ward’*

EXPERT WITNESS

RGA and Dr. Henry provide expert testimony for cases involving building design and construction litigation. Dr. Henry's areas of expertise include code violations, contract document breaches, noncompliance with construction industry standards, and complaints relating to violations of the Americans with Disabilities Act and the Fair Housing Act.

Dr. Henry's expertise in design and technical issues is derived from over 30 years of diverse experience in working with both private and institutional clients. This experience also includes Dr. Henry's preparation of various master plans and single building projects as well as multi-building tracts. Examples of this type of work include the Rubin ICOT in Clearwater, Florida, the New England Institute of Technology campus in West Palm Beach, Florida, and the Academy of the Holy Names in Tampa, Florida.

RGA continues to refine its 'expert witness' services. Dr. Henry has addressed rental apartment, retail, and office developer trade associations. He has attended advanced construction law seminars presented by leading attorneys with national reputations and attended by professionals involved in various aspects of construction litigation.

Areas of Expertise

- ◇ Land Use Control Law
- ◇ Americans with Disabilities Act
- ◇ Construction Law
- ◇ Environmental Hazards

Rezoning/Plan Use Amendments

- ◇ Representations before administrative agencies
- ◇ Representation at community meetings
- ◇ Grant preparation

Legal Expert Witness

- ◇ Building Code Research
- ◇ Contract research
- ◇ Industry standard definition
- ◇ Latent Defect Discovery
- ◇ Structural deficiency identification
- ◇ Warranty Compliance
- ◇ Expert Testimony, depositions and court appearances

Construction Phase Services

- ◇ Owner representation
- ◇ As-Built Drawings and Demolition Plans Preparation
- ◇ Contractor Procurement
- ◇ Cost Containment Strategy
- ◇ Schedule Recovery Strategy
- ◇ Exterior Insulating Finishing System (EIFS) Failure
- ◇ Quality Assurance
- ◇ Water Penetration Survey

- ◇ Mediation between Owner and Contractor
- ◇ Construction Management
- ◇ Construction Administration
- ◇ Criteria Architect / Design Build

Environmental Services

- ◇ Lead based Paint Abatement
- ◇ Asbestos Mitigation
- ◇ Sick Building Syndrome Identification
- ◇ Energy Management Studies
- ◇ Security System Survey

Fire Protection Design

- ◇ Fire Sprinkler System Design
- ◇ Annunciator panel and strobe light system design
- ◇ Emergency access design
- ◇ Design of fire stairs, emergency exit routes, areas of refuge

American Disabilities Act (ADA) and Fair Housing Act

- ◇ Accessible route identity
- ◇ Code Compliance survey
- ◇ Slip and fall case expert testimony
- ◇ Court Exhibit preparation
- ◇ Graphic representation
- ◇ Design of Ramps and Rails
- ◇ Accessible Kitchen and Bathroom design
- ◇ Negotiations with United States Justice Department

REPRESENTATIVE CASE SUMMARIES

- Slip/Trip and Fall – Personal Injury Litigation

Young Lady v. National Movie Theater Chain

A national movie theater company's facility in a large Florida city contains stairway built in violation of the applicable building code in that the treads exceed the allowed variation in depth. The young lady falls while ascending the stairway, suffering severe injury.

Status: Trial pending

Client: The Thompson Trial Group, Tampa FL.

Elderly Lady v. Senior Residential Facility

An elderly lady residing in an Illinois Senior Residential facility fell while in the bathtub, landing hard against the edge and a metal piece on the edge of the tub and could reach an inappropriately placed "call for help" cord.

Status: Trial pending

Client: Kanoskey Bresney, Bloomington IL

Gentleman v. Florida Water Park

A father accompanying his son down a stairway located between two Florida water park amusements slipped on a slick part of the stairway and suffered injury.

Status: Trial pending

Client: Towne Law Office, Tampa FL

Pest Exterminator v. National Restaurant Chain

An employee of a large pest extermination company while treating the restaurant for insect pests fell face first through a suspended ceiling to the floor below. This matters deals with building code and OSHA issues.

Status: Trial pending

Client: Kubicki-Draper Attorneys, Fort Lauderdale FL

Gentleman v. City of Chicago

A gentlemen walking after dark with his friends on a city street just north of Grant Park stepped into a depression in the sidewalk. The depression was caused by failure to maintain by the City. The resulting fall caused serious bodily injury.

Status: Trial pending

Client: Anesi, Ozmon, Rodin, Novak & Kohen, Ltd., Chicago IL

Elderly Lady v. Vacation Rental Owner

An elderly lady walking down stairs inside a Florida panhandle vacation rental slipped and fell and suffered injury.

Status: Trial Pending

Client: Wade Palmer Shoemaker, Attorneys, Pensacola FL

Injured Party v. Bookstore Owner

The case involves an alleged American Disabilities Act violation with respect to an entry ramp to a Tampa Area bookstore. The Plaintiff slipped on the ramp

and claimed that the ramp was not designed and/or constructed in accordance with the State of Florida Handicap Accessibility Code.

Status: Case Resolved

Client: Mr. Jeffrey R. Fuller, Esq., Brasfield, Fuller, Freeman, Lovell, O'Hearn P.A.

Injured Party v. Property Owner

The accident occurred on a damaged sidewalk outside of an office building complex. Assessed the walkway and whether it in fact contributed to the incident.

Status: Settled

Client: Hahn, Morgan & Lamb, Mr. William Hahn, Esq.

Injured Party v. Hotel and Restaurant Owner

The case involved a slip and fall incident at well known Tampa area restaurant. The accident occurred at a poolside deck near a rope barricade along a seawall abutting the Gulf of Mexico. The Plaintiff's poolside plastic lawn chair collapsed causing the Plaintiff to hit the rope barricade. The Plaintiff alleged multiple injuries including carpal tunnel syndrome emanating from multiple ADA violations. The defense was based on outdoor elements "safe harbored" under the 1991 Design Standards. Outdoor recreational pool decks were at that time not construed to be part of the built environment regulated by ADA. ADA regulatory guidelines have since been modified to include outdoor recreational areas. This case is germane to the recent change in the 2010 design guidelines that become law March 15, 2012.

Status: Settled

Client: Guemmer and Seymour, Mr. Al Guemmer, Esq.

Injured Party v. Major Oil Company

Slip and fall incident at convenience store gas station.

Status: Settled

Client: Carlton, Fields, et al., Mr. Eric Adams, Esq.

Injured Party v. Shopping Center Owner

Slip and fall case in shopping center.

Status: Pending

Client: Kevin Russo P.A.

Americans with Disabilities Act and Fair Housing Act Discrimination Litigation

Disabled Person v. Hotel Owner

Plaintiff alleges ADA violations with respect to above referenced Orlando Area hotel. Such violations relate to handicap accessibility issues such as threshold level changes and level changes within the bathroom.

Disabled Person v. Restaurant Owner

Plaintiff alleges ADA violations with respect to above referenced Tampa Area restaurant. Such violations relate to handicap accessibility issues such as unstable thresholds, threshold level changes, bathroom turning radiuses, and bathroom fixtures.

Justice Department v. Apartment Complex Owner

Plaintiff alleges Fair Housing Act violations with respect to above referenced Tampa Area apartment complexes. Such violations relate to handicap accessi-

bility issues such as improper wheelchair ramps, turning radiuses, and bathroom fixtures.

Status: Settled

Client: Schumaker, Loop & Kendrick LLP, Mr. John Ingles, Esq.

Disabled Person v. Restaurant Owner

Multiple violations of the Americans with Disabilities Act alleged in this case: lack of adequate access ramps, improper elevation changes at steps, and inadequate facility toilet area design.

Status: Settled

Client: Brasfield, Fuller, et al, Mr. Jeffrey Fuller, Esq.

Disabled Person v. Shopping Center Property Owner and Tenants

Plaintiff alleges multiple violations of ADA design guidelines against retail center property owner. Center includes over one million square feet of relating space constructed over a 30-year period of time. Expert assessed the alleged deficiencies, recommended cures of actual deficiencies under appropriate governing regulations.

Status: Settled

Client: Foley & Lardner, Kevin Hyde, Esq.

Disabled Person v. Apartment Complex Owner

RGA was enlisted to assist in the lawsuit between an apartment complex known as BelAire at Boca Raton and one of its residents that is a paraplegic. The basis of the lawsuit was that the complex was not built to proper standards according to the Fair Housing Act Guidelines. Therefore, RGA was brought in to evaluate the property to ensure appropriate dimensional clearances were met and that accessible routes were provided to all on-site amenities.

Status: Settled

Client: Wilson Elser Moskowitz Edelman & Dicker LLP

Florida County ADA Assessment and Design Cure Preparation

William Henry and RGA Architects have been engaged by design build entity to assess ADA deficiencies and prepare design cures from Key West to Mile Marker 47, Florida. Major county and federally funded ADA conformance study and deficiency assessment currently under way.

Status: Pending

Client: Mailloux & Sons, Palmetto, Florida

ADA Assessment for Various Retail Shopping Centers

William Henry and RGA Architects have been retained by The Ross Realty Group, Inc. to undertake compliance studies for their various sites where they serve as property managers.

Status: Pending

Client: The Ross Realty Group, Inc.

ADA Assessment for Various Retail Parcels

William Henry and RGA Architects have been retained to initially review and report ADA compliance at 4 locations in the Tampa Bay Area involved in legal action.

Client: Robert L. Tankel, P.A.

- Construction Defect Litigation

Corporate v. Architect

Well known Medicaid provider alleges toxic mold in corporate headquarters caused by errors and omission of architect/ engineer along with construction defects caused by contractor. Plaintiff alleges that value engineering suggestions of contractor to remove structural steel caused building envelope to “billow in the wind.” Deflections from wind loads allegedly caused Exterior Insulating Finishing Systems to crack, leading to the infiltration of water into the wall cavities. Other issues included failure of the sill pan end dams, magnifying the water infiltration problem. Recommendations included multiple cures of design deficiencies.

Status: Pending

Client: William, Schifino, et al, Mr. John Agliano, Esq.

Housing Authority v. Engineer

Public Housing Authority owner alleges construction defects in acquired property from bank. Plaintiff alleges lack of insulation on CMU block walls contributed to the formation of toxic mold on wall surfaces and in wall cavities. Assessment confirms that temperature differential between exterior and interior humid environment was the major contributor to mold infestation. Expert eliminated other purported contributory factors, such as roof leaks, window water penetration, and air-conditioning deficiencies.

Status: Pending

Client: Saxon & Gilmore, Ricardo Gilmore, Esq. and Frasier Caraway, Esq.

Home Owner v. Home Builder

Homeowners allege numerous construction deficiencies stemming from construction negligence. Industry standard opinions issued and conflict resolution service provided.

Status: Settled

Client: Carlton Fields, George Meyer, Esq.

Home Owner v. Home Builder

Homeowners allege numerous construction deficiencies stemming from contractor’s standard of care below industry standards. Contract interpretation and opinions regarding defective construction issued. Defective construction components limited to high end finishes and cabinetry.

Status: Settled

Client: Earl Simendinger (private owner)

Condominium Association v. Developer and/or Contractor

Due diligence with respect to alleged miscellaneous building deficiencies including American's with Disabilities Act violations, water penetration, odor permeation between dwelling units, fire exit non-conformance, lack of climate control, cracks in the structural slabs between units, and additional minor associated problems.

Status: Settled

Client: Brighton Condominium Association – Gary Isner

Home Owner v. Home Builder

Homeowners allege numerous contractual breaches including failure to exercise standard of care during construction, to cure deficiencies identified on quality assurance punch list, and providing improper credits on deductive change orders (reduced scope). Below industry standard quality of construction also alleged. Report produced for binding arbitration.

Status: Settled
 Client: Ronald Scaglione (private owner)

William Henry and RGA Architects have been engaged by Roofing Logistics and the City of Sarasota to inspect all City owned buildings for roof conditions and to prepare forensic studies as needed.

Status: Pending
 Client: Development Logistics and City of Sarasota

- Wrongful Death and Permanent Disability

Suicide Victim v. Psychiatric Hospital

Case involved a suicide in a psychiatric hospital. The Defendant was providing care to Mr. Kristall. Various issues revolve around alleged building code violations, contract document breach, and construction below industry standards pertaining to the subject property, all of which purportedly contributed to incident.

Status: Settled
 Client: Harry Lee Coe, IV, Esq.

Injured Party and Insurance Carrier v. Utility Company

Case involves permanent injury at a job site caused by electrocution and job site during construction by contact with live distribution wires of utility company. Expertise involves land use regulatory approvals as well as design and construction safety protocol at the construction site.

Status: Pending
 Client: Bajo Cuva Cohen & Turkel P.A.

- Tenant Landlord Disputes

Commercial Property Owner. v. Tenant

Tenant allegedly damaged leased premise prior to termination of lease and amount exceeded tenant escrow funds. RGA documented condition and estimated amount required to restore premises to pre-leased condition.

Status: Settled
 Client: Hill, Ward & Henderson

- Zoning and Land Use Litigation

Community Association v. Church Group

Community group alleged that Church Group violated zoning conditional approval with non-conforming structures that detract from community cohesive appearance. Church and County and zoning administration caveat not specific with respect to appearance. RGA retained to interpret 'appearance' with respect to zoning caveat.

Status: Settled
 Client: Annis Mitchell, et. al – David Goldstein, Esquire

Compliance & Deficiency Assessments of Community Development Districts

Community Development Districts since January 2011

- Harbor Bay CDD (Mira Bay) – Apollo Beach, FL
- Arlington Ridge CDD – Leesburg, FL
- Harrison Ranch CDD – Parrish, FL
- Marshall Creek CDD (Palencia) – St. Augustine, FL

- Oak Creek CDD – Wesley Chapel, FL
- Piney-Z CDD – Tallahassee, FL
- Brighton Lakes CDD – Kissimmee, FL
- The Groves CDD – Land O’ Lakes, FL
- Country Walk CDD – Wesley Chapel, FL
- Dupree Lakes CDD – Land O’ Lakes, FL
- Lakeshore Ranch CDD – Land O’ Lakes, FL
- Grand Haven CDD – Palm Coast, FL
- Concorde Estates – Kissimmee, FL
- Fishhawk CDD-1 and CDD-2 – Lithia, FL
- Harbor Isles CDD – Apollo Beach, FL
- Preserve at Wilderness Lake, CDD – Land’O’Lakes