



John D. Tolman General Contractor

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Doctor of Law – Western State University
Bachelor of Science, Law – Western State University
Bachelor of Arts, Business Management – University of Redlands



Licensed General Contractor –
California #410125
Licensed General Contractor –
Utah #9779160-5501
Licensed General Contractor –
Arizona #259463
Licensed General Contractor –
Florida #CGC1525800
Licensed Real Estate Broker –
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Certified Professional Estimator (ASPE)

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EXPERIENCE

John Tolman is a general contractor licensed in California, Arizona, Utah, and Florida. For more than 30 years, Mr. Tolman worked with local and nationally recognized builders managing the construction of hundreds of commercial projects and thousands of single-family homes valued at nearly two billion dollars. He also owned and operated his own general contracting firm constructing similar projects.

Immediately prior to joining Bert L. Howe & Associates, Inc. in 2007, he was the Southern California Area President for a top ten, publicly traded home builder. Mr. Tolman possesses comprehensive residential, commercial, and institutional construction field and management experience. His passion for building is the basis for his exacting analysis, time-honored perspective, and convincing opinions of the construction and development industry custom practice and standard of care. Mr. Tolman earned separate undergraduate degrees in business management and business law, as well as a Juris Doctor Degree. Mr. Tolman has testified at trial or arbitration on more than 25 occasions and has been deposed over 75 times.

Having earned the designation of journeyman carpenter, Mr. Tolman worked as a tradesman on both residential and high-rise commercial projects. He entered construction management as a jobsite superintendent for Watt Industries in 1979. Mr. Tolman's affiliation with other notable builders includes Republic Development (1982), JD Construction (1985), Triple Five Development (1991), L & R Construction (2001), and K. Hovnanian Homes (2004). With these builders, he served as a Jobsite Superintendent, Purchasing Agent, Project Manager, VP of Construction, VP of Operations, Company Director, and Area President.



He personally managed the planning, site improvement, construction, and development of custom homes, housing tracts, apartments, condominiums, restaurants, office buildings, medical buildings, industrial tilt-ups, churches, and public schools. Mr. Tolman has worked with the California Division of the State Architect submitting plans, obtaining approvals, and managing the construction of public-school projects. While the Director of L&R Construction, Mr. Tolman also managed the separately licensed custom cabinetry, finish carpentry, electrical and framing divisions of L&R.

In 2004, Mr. Tolman joined K. Hovnanian homes as Vice President of Operations for the Southern California Region. He was quickly promoted to Area President and was the licensed RME for all K. Hovnanian developments in California. While at K. Hovnanian, Mr. Tolman implemented comprehensive construction quality assurance programs requiring hundreds of quality control inspections on each home constructed. He initiated and conducted superintendent, construction manager, and sales training seminars training associates on such topics as land development, residential construction techniques, scheduling sub-trades, safety, and home sales. As a result of his focus on safety, K. Hovnanian Homes was recognized by CAL/OSHA as the first home developer in California to be awarded CAL/OSHA's Golden State safety designation.

From Carpenter to Area President, Mr. Tolman has personally performed, estimated, coordinated, scheduled, or supervised each of the various sub-trades over a broad range of construction and development projects. He perfected his understanding of building and safety codes, vigorously requiring high standards of craftsmanship from every manager, subcontractor, and vendor. He became a specialist at estimating the cost of residential and commercial systems, components, sub-trades, and projects. He has estimated, negotiated, written, approved, and executed thousands of subcontract, professional services, and national vendor purchase agreements.

Mr. Tolman worked closely with public agencies and private associations purchasing, planning, budgeting, and entitling residential and commercial developments. He provided constructability, design, and value engineering consultations for many commercial and residential developments, resulting in finished products that were architecturally compelling, functional, and cost-efficient.

Mr. Tolman possesses an in-depth understanding of the enigmatic details of subdivision development agreements, general contracting and subcontractor agreements, developer/contractor liability, and owner-controlled (WRAP) insurance policies. He has worked closely with legal counsel regarding the application of SB 800 functionality standards, developing a matrix for applying statute-based repair recommendations. Mr. Tolman has been designated as a construction expert in hundreds of SB 800 defect cases providing trial and arbitration testimony on the application of the statute.

His extensive experience and broad education provide him a unique skill set to evaluate and assess the intent of project plans, specifications, and contracts. He applies industry standards of customary practice, reasonableness, and due care to determine the most cost-effective construction and remediation measures necessary to perform effectual permanent solutions for construction defects.



Mr. Tolman is adept at communicating his views deferentially and persuasively in both written and verbal formats, providing reliable analysis, precise and comprehensive remediation costs, detailed allocation documentation, and convincing mediation perspective.

Mr. Tolman is actively involved in many areas of expertise pertaining to subcontract analysis, construction industry standards of due care, and cost estimating relating to construction defect litigation. His background and experience afford him insight to conditions and standards applicable to a broad spectrum of specialty contractor and general construction practices. Mr. Tolman participates in all types of visual, intrusive, and destructive testing activities providing protocols for testing and specialized investigative procedures and repairs.

He has actively taken part in settlement negotiations, resolution conferences, and mediations. He has participated in state and federal cases, testifying in arbitration, judicial reference proceedings, and at trial. His prior testimony has addressed disputes including: purchase and sale agreements, contractual interpretation, breach of contract, personal injury, soil subsidence, water intrusion, major slope failures, cosmetic and structural failures, slab and foundation cracking and settlement, stucco cracking, framing, mold remediation, mechanical failures, cost of repair estimates and analysis, industry standard billing practices, etc.

In addition to his notable industry tenure, Mr. Tolman earned a Bachelor's Degree in Business Management from the University of Redlands, a Bachelor's Degree in Law from Western State University College of Law, and a Juris Doctor Degree in Law from Western State University College of Law. Mr. Tolman is presently a member of several industry trade associations and obtained his real estate broker's license in 1995 (currently inactive). Mr. Tolman has served on the board of directors of several homeowner's associations as President and Vice President.

As a Senior Consultant with Bert L. Howe Associates, Inc., John Tolman serves as an expert witness, providing mediation support, allocation of financial liability, case analysis, cost estimates, and testimony regarding the actions of developers, general contractors, architects, engineers, and subcontractors. Additionally, he conducts seminars for industry professionals relating to construction defect prevention and SB 800 functionality standards.

AREAS OF SPECIALIZATION *(includes but is not limited to)*

- ▣ Mediation Support
- ▣ Allocation of Subcontractor Liability
- ▣ Land Acquisition Disputes
- ▣ Land Entitlement Issues
- ▣ Land Development Delay/Stoppage
- ▣ Development Agreement Liability



AREAS OF SPECIALIZATION *(continued)*

- ▣ Architectural Design Defects
- ▣ Specification Non-Compliance
- ▣ On-Site Construction Defects
- ▣ Off-Site Construction Failures
- ▣ AIA Contract(s) Analysis
- ▣ Subcontract Agreement Analysis
- ▣ Scope of Work Determination
- ▣ Change Order Analysis
- ▣ Construction Scheduling
- ▣ RFI Analysis/Construction Delay/Acceleration Claims
- ▣ Construction Means and Methods
- ▣ Billing Procedure Standards
- ▣ SB 800 Repair Recommendations
- ▣ New Construction Estimating
- ▣ Repair Estimating
- ▣ Water Intrusion Analysis
- ▣ Concrete Defect Analysis
- ▣ Framing Defect Analysis
- ▣ Stucco Defect Analysis
- ▣ EIFS Systems Evaluation
- ▣ Roofing And Waterproofing Defects
- ▣ Project Management Performance
- ▣ Job Site Personal Injuries
- ▣ Insurance Policy Conformance
- ▣ Fire Reconstruction
- ▣ Industry Breach of Standards Care
- ▣ Site Inspections and Analysis
- ▣ Personal Injury Responsibility
- ▣ Remediation / Repair Protocol
- ▣ LEED Compliance Analysis
- ▣ SWPPP Compliance Analysis
- ▣ DSA Submission and Compliance
- ▣ ADA Compliance
- ▣ OSHA Compliance Analysis



PROJECT EXPERIENCE

- ▣ *Design, Consulting, Construction, and Testimony Experience relating to:*
- ▣ Single Family Communities / Production Homes
- ▣ Community Centers Public Sports Fields
- ▣ Multiple Pool Aquatic Center
- ▣ Custom Homes
- ▣ Apartments / Condominiums / Multi-Family Residences
- ▣ Fast Food Restaurants, Family Restaurants
- ▣ Automotive Repair Buildings
- ▣ Medical Arts Office Buildings
- ▣ High-Rise / Mid-Rise Office Buildings
- ▣ Hospital Emergency / Medical Centers
- ▣ Tenant Improvements
- ▣ Concrete Tilt-Up Warehouses
- ▣ Retail Shopping Centers
- ▣ Educational Public / Schools / DSA Projects