

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

A. Contact Information

Name: Ernest C. Brown		Date: 08/29/2012	
[REDACTED]		City: San Francisco	State: CA
Phone #: 415-646-8940		Email Address: ebrown@constructionlawyers.com	
		Zip Code: 94111	

B. Professional Licenses/Registrations (Please provide name/type of license, state, expiration date and number.)

<i>Name/Type of License/Registration</i>	<i>State and Number</i>	<i>Expiration Year</i>
Registered Professional Engineer	CA-Civil Engineer 31492	1980-Present
Member of the California Bar	CA-SBN 83349	1978-Present

C. Education/Related Training (Please list degree, college/other school and dates. Please indicate the location and date of your training.)

<i>University/College/Organization/Trade School</i>	<i>Degree/Certificate</i>	<i>Date/Year</i>
University of California at Berkeley	JD/MS Construction Management	1978
Massachusetts Institute of Technology	Bachelor of Science-Civil Engineering	1975

D. Construction Experience Summary

I have construction experience working in the following capacities:

<input checked="" type="checkbox"/>	Civil Engineer	<input type="checkbox"/>	Architect	<input type="checkbox"/>	Builder/Developer
<input type="checkbox"/>	Structural Engineer	<input type="checkbox"/>	Electrical Engineer	<input type="checkbox"/>	Designer/Planner
<input type="checkbox"/>	Geologist	<input type="checkbox"/>	Land Surveyor	<input type="checkbox"/>	Mechanical Engineer
<input type="checkbox"/>	General Contractor	<input type="checkbox"/>	Accountant	<input type="checkbox"/>	Chemical Engineer
<input type="checkbox"/>	Construction Manager	<input type="checkbox"/>	Supplier/Manufacturer	<input type="checkbox"/>	Environmental Engineer
<input type="checkbox"/>	Sub/Specialty Contractor	<input type="checkbox"/>	Owner Representative	<input type="checkbox"/>	Landscape Architect
<input type="checkbox"/>	Other (Describe) →	Geotechnical Foundation Engineer			

I have substantial experience in the following types of construction:

<input type="checkbox"/>	Bridge (Concrete)	<input type="checkbox"/>	Bridge (Steel)	<input checked="" type="checkbox"/>	Buildings
<input type="checkbox"/>	Earth Retaining Systems	<input type="checkbox"/>	Electrical Systems	<input type="checkbox"/>	Environmental
<input type="checkbox"/>	Foundation	<input checked="" type="checkbox"/>	Highway	<input type="checkbox"/>	Landscaping
<input checked="" type="checkbox"/>	Marine	<input type="checkbox"/>	Mechanical	<input type="checkbox"/>	Tunnel
<input type="checkbox"/>	Other (Describe) →	Industrial, Power, Process and Underground			

E. Qualification Statement

Candidates shall have substantial experience in or directly related to public agency highway and bridge construction projects with or on behalf of federal, state, or local government agencies, particularly MDOT. Experience shall be a minimum of 10 years in active involvement, supervision, or management of public agency highway and bridge construction contracts preferably with an emphasis in resolution of disputes arising out of said contracts. Lawyers, attorneys, and/or legal counsel are not permitted to be DRB candidates nor are they permitted to serve on a DRB panel in any capacity.

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Provide a 500 word or less statement of your qualifications that explain how you meet the aforementioned criteria:

Mr. Brown has 35 years high-level experience in large construction projects. He is a Civil Engineering graduate of MIT (BSCE) and the University of California at Berkeley (JD/MS Construction Management). He is a recognized international expert in Project Management, Construction Contracts, Administration, Infrastructure Projects and Dispute Resolution. He has worked on major projects in 26 countries and resolved 2,500 construction disputes, including mediations, arbitrations, jury and court trials.

F. General Experience Summary

Please provide a brief description of your experience in 25 words or less. If you are approved to be a DRB candidate, this information will be included next to your name on the Dispute Review Board Candidates List posted on MDOT's website.

Description:

Participated in 6 California Projects with DRB's (2000 - 2010) as advisor to various parties. DRB Member for LA-MTA project in 2006 - 2008. Member - American Arbitration Association - National Construction Panel since 1983. Chairman of AAA Arbitration Panels hearing disputes ranging from \$10 Million to \$100 Million (100 Arbitrations). Hearing Officer & Arbitrator for the California State Contractors License Board. Active Construction Mediator for the AAA in the Western United States (300 mediations).

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G. DRB Experience (include past and current experience if applicable)

Experience	MDOT	Other Public Agencies	Private Construction	Total
# of Jobs as DRB Member		1		1
# of Jobs as DRB Chair				

H. Conflict of Interest and Ethics Statement

I will provide a conflict of interest statement and a disclosure statement describing past, present, anticipated, and planned relationships, including indirect relationships through my present employer, to other parties involved in a construction project, including but not limited to, relevant construction engineering and inspection (CEI) firms, contractors, or suppliers to the parties, parties' principals, or parties' counsel. Furthermore, I will disclose any close professional or personal relationships with all key members in the project. This will be completed prior to accepting a nomination to serve on a DRB panel for any construction project.

<input checked="" type="checkbox"/> I agree <i>AM</i>	<input type="checkbox"/> I do not agree
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I. Compensation

I agree that I will be fully compensated in accordance with the terms and conditions of the contract and Dispute Review Board Agreement. This will be full compensation for on site time, review time, travel expenses, transportation, lodging, time for travel and incidentals for each day, or portion thereof that I am at an authorized DRB hearing. In addition, I will be paid the appropriate rate specified in the Dispute Review Board Agreement for additional days necessary to conduct a hearing that has been authorized.

<input checked="" type="checkbox"/> I agree <i>AM</i>	<input type="checkbox"/> I do not agree
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J. Professional References

Provide the following information for at least two references to attest to your professional experience as depicted in this application. In addition, these references should be able to attest to your suitability to perform as a DRB member and provide additional information about you.

Name:	Address:	Phone:
<i>See attached</i>		

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Certification and Acknowledgement

The information in this application is true and accurate to the best of my knowledge, information, and belief. Moreover, I acknowledge that submittal of this application is not a guarantee of work as a DRB panel member. I further acknowledge that there is a selection and approval process that must occur in order to be a part of a project specific DRB panel. (Must be checked to submit form).

Signature of Applicant: 

Send Completed Form to: R. Jason Clark, P.E.
Construction Contracts Engineer
8885 Ricks Rd
PO Box 30049
Lansing, MI 48909
ClarkJ25@michigan.gov

References:

Ken Gibbs
JAMS

[REDACTED]
Santa Monica, CA 90404
(310) 309-6205

George Calkins
JAMS

[REDACTED]
Santa Monica, CA 90404
(310) 309-6206

Other References:

Randy Finch
Marks, Finch, Thornton & Baird, LLP.

[REDACTED]
San Diego, CA 92121
(858) 737-3100

James Negele
Negele & Associates

[REDACTED]
Los Angeles, CA 90071-2606