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

A. Contact Information

Name: Richard Fullerton			Date: 11/7/2012
[redacted]	City: Denver	State: CO	Zip Code: 80222
Phone #: 3036229-8668	Email Address: rbf@richardfullerton.com		

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

Name/Type of License/Registration	*State and Number*	*Expiration Year*

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

University/College/Organization/Trade School	*Degree/Certificate*	*Date/Year*
University of Denver	Applied Comm - ADR MA	6/2003
AAA	Arbitration I & II	2002
DRBF	DRBF Trainings	2009/2010

D. Construction Experience Summary

I have construction experience working in the following capacities:

	Civil Engineer		Architect	X	Builder/Developer
	Structural Engineer		Electrical Engineer		Designer/Planner
	Geologist		Land Surveyor		Mechanical Engineer
X	General Contractor		Accountant		Chemical Engineer
X	Construction Manager		Supplier/Manufacturer		Environmental Engineer
	Sub/Specialty Contractor		Owner Representative		Landscape Architect
	Other (Describe) ➔	Dispute Professional			

I have substantial experience in the following types of construction:

	Bridge (Concrete)		Bridge (Steel)	X	Buildings
	Earth Retaining Systems		Electrical Systems		Environmental
X	Foundation		Highway		Landscaping
	Marine		Mechanical		Tunnel
	Other (Describe) ➔				

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:
My background includes more than 22years as a general building contractor serving as estimator, project manager, and Executive VP overseeing field operations, contract negotiations, safety and risk management. Saunders Constr. had an annual volumn of $86 million, employed up to 250 concrete, rough and finish carpenters and laborers. The company has continued to be a leading contractor in Colorado with annual volumes over $400 million. In 1998, I began to pursue professional Dispute Resolution, focusing on construction mediation and arbitration. In 2003, I graduated from the University of Denver in organizational communication with a Master of Arts degree with a focus on Alternative Dispute Resolution. I joined the American Arbitration Association (AAA) in 2002 as an arbitration and mediation panelist and developed a private practice in those dispute methods dealing with AAA and private clients. In 2008, I was accepted by the Colorado Department of Transportation (CDOT) on their DRB roster and have served on 8 different dispute boards, both standing and on-demand, 3 as board chair.As a member of the Dispute Resolution Board Foundation, I have attended two national conferences, 2011 in Seattle and 2012 in New York City. In 2008, I joined the adjunct faculty of University College, University of Denver, teaching dispute ethics and ADR practices. In 2011, I wrote an article published in the Colorado construction newspaper promoting the expansion of DRBs in commercial construction.

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:
With a background primarily in building construction, I have served effectively on disputes boards using my professional background to encourage better communication between parties and to conduct productive practices, including DRB hearings. My interpersonal skills have provided administrative balance and efficiency to dispute boards involving construction specialists and attorneys dealing with parties in conflictual situations.

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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		5-Colorado DOT		5
# of Jobs as DRB Chair		2-Colorado DOT 1-Douglas Cnty		3

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.

X	I agree		I do not agree

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.

X	I agree		I do not agree

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:	[redacted]	Phone:
Roger Brown, Pre	[redacted]	n OR 503-452-7835
Lance Tanaka	[redacted]	720-932-8134
Bill Hinton	[redacted]	720-272-5430

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Certification and Acknowledgement

[X] 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: [redacted]

Send Completed Form to:

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

Richard Fullerton

[redacted]
Denver CO 80222-7329
303-229-8668

adr@richardfullerton.com
www.richardfullerton.com

DISPUTE RESOLUTION EXPERIENCE

Constructive Options – Principal in charge of dispute services
Facilitation – Mediation - Arbitration - Dispute Review Boards (DRBs)
400 cases since 1998

- commercial/highway/residential construction
- business/public entity
- real estate/homeowner/common interest communities/neighborhood
- employment/EEO

PROFESSIONAL AFFILIATIONS

American Arbitration Association - construction arbitration panelist; mediation panelist
Colorado Department of Transportation – Dispute Review Board
University of Denver – Adjunct faculty - University College - Applied Communication Program in graduate ADR studies
US Postal Service REDRESS Mediation Program – employment/EEO mediation

DISPUTE RESOLUTION BOARD EXPERIENCE

US 287 from MP 60 to MP 73 Lamar Overlay – CDOT #NH 2871-031
I-25 & Plum Creek Interchange - CDOT # IM 0252-383
I-25 Between Highway 66 & 119 Longmont – CDOT #IM 0253-160
I-70 West of Vail Wildlife Fence – CDOT #SHE 0702-267 – Board Chair
County Line Road Project – University Boulevard and County line intersection and County Line Road widening – Douglas County CO #CI 04-019 & CI 04-020 – Board Chair
I-25/SH392 Interchange – CDOT #IM392A-012/C16639
SH 7 – Cherryvale Rd to 75th Street, Boulder - CDOT #STA 0072-010
US 50 – Hasty to McClave Junction, Las Animas – CDOT #NH 0505-046 – Board Chair
I-76 Brush Reconstruction - MM 84.9 to MM 91.1 - CDOT #IM 0761-191 – Board Chair

Attended Dispute Resolution Board Foundation (DRBF) conference in Seattle September 2011 and CDOT DRB trainings in Colorado 10/19/2009 and 11/2/2010

CONSTRUCTION EXPERIENCE

Saunders Construction, Inc. - Englewood CO

Executive Vice President - 1984 to 1996 - responsible for operations of commercial building construction. Supervised ten teams of Project Managers and support personnel; responsible for project budgets, schedules, quality control, safety performance client satisfaction, risk management and legal affairs. Employment responsibility for 50-person office including hiring, employee standards, personnel guidelines, and training.
Project Manager/Estimator - 1974 to 1984 - managed multiple projects, responsible for budgeting, estimating, scheduling, contracting, documentation, cost control and team relations

EDUCATION AND ADR TRAINING

University of Denver - Master of Applied Communications, ADR concentration
College of William & Mary - Bachelor of Arts - Business Administration
CDR Associates - The Mediation Process
American Arbitration Association - Arbitration I; Arbitration II
Lincoln Institute – Land Use Mediation; Advanced Land Use Mediation
United States Postal Service – REDRESS Training

DISPUTE RESOLUTION ARTICLES

"Dispute Resolution Boards: Commercial Construction Has Much to Gain – *The Daily Journal* March 15, 2011
"The Ethics of Mediation-Arbitration" *The Colorado Lawyer* May 2009
"Recommended Education/Training and Experience for Professional Mediators" *The Colorado Lawyer,* March 2008
"Impact of Senate Bill 06-089 on Dispute Resolution between Associations and Unit Owners" *Community Associations Institute* 2006
"More Effective Mediation" *Colorado Construction Magazine* 8/2005
"More Effective Use of Dispute Resolution", *On Site*, vol. 29, no. 2, February 2004;
"Searching for Balance in Conflict Management: The Contractor's Perspective" *Dispute Resolution Journal*, vol. 60, no. 1 (Feb.-April 2005);
"Can Arbitration Fulfill Its Obligation to the Construction Industry?" *Colorado Construction Magazine* 4/2005;
"Negotiation," *On Site*, vol. 28, no. 12, December 2003;
"Mediation," *On Site*, vol. 28, no. 11, November 2003;
"Arbitration," *On Site*, vol. 28, no. 10, October 2003;
"Litigation," *On Site*, vol. 28, no. 9, September 2003.

PROFESSIONAL ASSOCIATIONS

Associated General Contractors of Colorado (AGC/C)
Colorado Chapter President – 1991
Member since 2005
Association for Conflict Resolution (ACR)
Member since 2002
CBA-CCMO Committee for Education/Training and Experience for Professional Mediators
Member 2003 - 2006
Dispute Resolution Board Foundation
Member since 2009
Jefferson County Mediation Services Advisory Board
Member since 2004
Mediation Association of Colorado
Board of Directors – 2002-2004
Co-chair Legislative Committee – 2005-2007
Lobbyist – 2006 -2009
Co-chair Ethics Committee since 2009