

Case Study

You Ruined My Monument to Myself!

A Super Custom Home With Lots Of Problems

The Problem

The project was a \$9 million, 11,000 square foot, single family residence. It was a grand design including a palatial front entry and wrap-around open deck with synthetic stone walking surface, ornamental railings, stately exterior stairs, and impressive decorative columns. Like many super-rich, super-opinionated, super-demanding owners, this owner was deeply involved in the day-to-day decision making onsite during construction.

The problem was the deck waterproofing. In the process of designing the grand, open deck for entertaining that was over living space (meaning the deck was also a roof), the specifications were neglected. The plans and specs for an assembly like this should be thoughtful and intricately detailed; these plans were not. To add insult to injury, instead of requesting further information from the architect, the general and trade contractors had a quick huddle on-site and decided how to execute the work on their own. So, hundreds of thousands of dollars in wood framing, waterproofing, sheetmetal flashing, stucco building walls, doors, plumbing, electrical, a built-in BBQ, exterior paint, ornate synthetic stone, and more, were pieced together as they went, rather than engineered and planned thoughtfully.

It should have been no surprise that the assembly leaked and caused terrible damage. And the Owner was spitting-mad!

The Solution

Pete Fowler Construction was hired by the attorney, who worked for the insurance carrier, for the synthetic and natural stone installer. There were minor problems with the stone countertops throughout the home... but the deck was a bloodbath.

As usual, we began with project documents and information, and then conducted an onsite investigation with the experts for all key parties. It didn't take much analysis to figure out that no one had "clean hands." Pete Fowler communicated to the attorney, and he relayed some of his findings to the insured contractor who shouted at him: "Who the f*** is Pete Fowler and what the f*** does he know about f***ing cast stone?!" He was prepared to respond: "Pete made a pretty compelling case that the surface of an outdoor, waterproof deck should not be leveled using plaster of paris." The contractor calmed himself for the rest of the news.

The complete repair was going to require a re-design in coordination with an architect, engineer, and waterproofing specialty expert. Then they would need to find, contract with, and coordinate construction professionals who had experience in this type of meticulous work, including permitting and verifying the quality at specified hold points throughout the construction process. And all this time, life at the mansion would be disrupted.

The hardest part of negotiations was going to be to convince the Owner that the installer was only responsible for his own poor work, and not responsible for the leaks and damage. So we composed a detailed scope of repair and cost estimate for only the poor work. We included explicit specifications for product and installation requirements, a list of qualified installers, and contact information for where these products and people could be found. We succeeded with our argument and the Owner agreed to accept a settlement amount for only the replacement cost of the poor work. Our client was very satisfied with the outcome and thanked us for all of our hard work.

