

Thomas L Luth CMRS, MAC

Summary of qualifications

[1976 – Present]

As a Third Generation Builder I have over 30 years of designing, estimating and building experience in both residential and commercial projects. My extensive training, education and hands on experience in all areas of construction, qualifies me as expert in construction matters.

As a compliment to my construction company, I started a testing and remediation company called Absolute Air Quality LLC on 9/25/01. My education, testing and training obtained through the American Indoor Air Quality Council, Environmental RX Training Facility and the Department of State Health Services qualifies me to act as a consultant in microbial related matters. My experience along with on site air quality testing, remediation estimating, and remediating over 100 projects qualifies me as an expert to evaluate and respond to air quality conditions (relating to mold), necessary remediation practices and it's associated causes and costs.

Education

[1971-1976]

University of Nebraska's School of Engineering

Lincoln, Nebraska

Major: Construction Management Minor: Architecture

- Focus on Construction Principles, Practices and Designs.
- Engineering and Architectural design.
- Surveying

[1988]

Chief Pre-Engineered Metal Buildings

Grand Island, Nebraska

- Certified Chief Builder.
- Pre-Engineered building systems installation and estimating.
- Metal Roofing installation and estimating.

[1989]

State of Florida

Miami, Florida

Contractors License School

- Preparation to obtain Construction License in Florida
- Business practices, Construction techniques and Estimating.
- Passed Comprehensive Examination & Obtained General Contractor's License in the State of Florida.

[1990]

State of California

Sacramento, California

Contractors License School

- Preparation to obtain Construction License in California
- Business practices, Construction techniques, Estimating.
- Passed Comprehensive Examination & Obtained General Contractor's License in the State of California.

[1990]

State of Arizona

Phoenix, Arizona

Contractors License School

- Preparation to obtain Construction License in Arizona
- Business practices, Construction techniques and Estimating.
- Passed Comprehensive Exam & Obtained General Contractor's License in the State of Arizona.

[1991]

State of Alabama

Montgomery Alabama

Contractors License School

- Preparation to obtain Construction License in Alabama
- Business practices, Construction techniques & Estimating.
- Obtained General Contractor's License in the State of Alabama.

[1991]

State of New Mexico

Santa Fe, New Mexico

Contractors License School

- Preparation to obtain Construction License in New Mexico
- Business practices, Construction techniques & Estimating.
- Passed Comprehensive Examination

[1992] Star Pre-engineered Metal Buildings

- Certified Star Builder
- Pre-Engineered building systems installation and estimating.
- Metal Roofing installation and estimating

Professional experience

[1976 – 1978] Luth Construction Grand Island, Nebraska Contractor

- Designed and Built Custom Homes.

[1979 – 1980] Morton General Contractors Austin, Texas Field Engineer & Superintendent

- Large Commercial Construction Projects
- Main Branch Banks
- Motor Banks

[1980 – 1981] Benson General Contractors Austin, Texas General Superintendent, Estimator

- Commercial Construction Projects
- Restaurants
- Condominiums
- Interior Tenant Finishes

[1981 – Current] Outland Construction Co., Inc. Austin, Texas Founder & Chief Operating Officer

- **Commercial Construction Projects**
 - Restaurants
 - General Retail
 - Light Industrial
 - Commercial
 - Offices
- **Design / Built Custom Homes.**

- Winner “Max Awards” Best Home of the Year (Unlimited Category)
- Winner “Max Awards” Best Home of the Year (\$1,000,000 - \$2,000,000 Category)

[2001 – Current] **Absolute Air Quality, LLC** **Austin, Texas**

Founder & President

- **Air Quality Testing**
 - Performed over a hundred air quality examinations of commercial and residential projects.
- **Remediation**
 - Residential remediation projects.
 - Commercial remediation projects.
- **Building Envelope Testing for Moisture**
 - Window and Door Tests.
 - Side Wall Spray Tests.
 - *Water Penetration - A prescribed static pressure differential is created across an exterior wall while a spray rack delivers 5.0 gallons per hour of water per square foot to the specimen exterior. The specimen interior is then inspected for water penetration. Results are recorded and photographed.*
 - *Modified Navy Hose Stream Tests for smaller controlled leak examinations.*
- **Construction Defects Investigation**
 - Visual inspections & Analysis
 - Destructive Testing & Analysis
- **Construction Restoration**
- **Construction and remediation consulting in over 30 projects ranging from single family homes to schools.**

Chairs:

Chairman of the Government Affairs Committee for the Texas Capital Area Builders Association for two consecutive terms.

* As a result of my experience and licensing in numerous states outside of Texas I was asked to author a draft of Contractor Licensing and Procedures that could be used by the State of Texas should they decide to adopt mandatory licensing requirements.

Professional memberships

American Indoor Air Quality Council, Buda Chamber of Commerce, Kyle Chamber of Commerce, Austin Chamber Of Commerce, Austin’s Better Business Bureau, ASTM Roofing and Waterproofing Committee Member, ASTM Roofing Membranes Subcommittee, ASTM Waterproofing and Dampproofing Committee, ASTM Air Quality Committee, ASTM Forensic Sciences Committee.

Accreditations

Certified Microbial Remediation Supervisor “CMRS”. American Indoor Air Quality Council. Mold Assessment Consultant “MAC” Texas State Health Services.

Additional professional services

1. Air quality testing.
2. Testing evaluation.
3. Preparation of remediation plans.
4. Mold Remediation Consulting.
5. Estimating remediation projects.
6. Estimating renovations after the remediation.
7. Water damage evaluation and source testing.
8. Determining construction practices that were in affect in prior years versus post mold claims era.
9. Evaluation of Construction Practices to confirm they comply with industry standards.
10. Moisture Proofing Training and Testing Programs for Construction Companies/Insurance Companies.
11. Photography.
12. Digital Video Photography and Production.
13. Architectural Drafting of specific details.

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| <p>Noteworthy Accomplishments:</p> | <p>RESIDENTIAL CONSTRUCTION</p> <ol style="list-style-type: none">1. First home constructed by Tom Luth was in 1976.2. Custom home builder for the past 25 years.3. Largest home was 13,000 SF on Lake Austin.4. Most Recent Completion was 7,400 SF home in Central Austin overlooking Lake Austin and downtown skyline. Construction cost was approximately \$2,500,000.00. <p>RESTAURANT CONSTRUCTION:</p> <ol style="list-style-type: none">1. Sullivan Steak Houses2. Taco Canana Restaurants3. Shoney’s Restaurants4. Fazoli’s Italian Restaurants5. Taco Johns Mexican Food Restaurant6. El Arroya Restaurants7. Pondersosa Steak Houses8. County Line Restaurants9. Chick Filet Restaurants10. Captain D’s Seafood Restaurants.11. Others |
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COMMERICAL/RETAIL PROJECTS:

1. Frost Bank
2. Franklin Savings and Loans
3. Lammes Candies (All locations for 20+ years)
4. Le'Sport Sac Retail Outlet
5. Southern Floral Wholesale Flower Shop
6. Multiple Jewelry Stores
7. Boat Docks
8. Guitar's and Cadillac's
9. Bevo's Book Stores.
10. Rother's Book Stores.
11. Office Buildings.
12. Daycare Center.
13. Others

LIGHT INDUSTRIAL:

Registered Chief Metal Building Contractor & Distributor for Chief pre-engineered metal buildings.

1. Helicopter Hanger 10,000 square feet.
2. Light industrial warehouse 15,000 square feet.
3. Others.

CONSULTING:

1. Gottesman Residence: (Austin, Texas)

12,000 square feet custom home on Town Lake (Austin, Texas). Potential exposure was in excess of \$7,000,000.00. Retained by HVAC Contractor, All Year Heating and Air Conditioning. Evaluated overall causes of leaks and the extent of microbial and water related damages. Case Settled.

2. Villa's on Lake Travis: (Lakeway, Texas)

Retained by Flashing and metal pan provider. Potential exposure was in excess of \$12,000,000.00. Performed numerous flood tests, Evaluated extent and cause of all water related damages. Evaluated original construction details as it related to codes and building practices that existed during the original construction of the project. Produced report, estimates, video and still photography. Case Settled.

3. Epstein Residence: (Austin, Texas)

Retained by the General Contractor. Potential exposure was in excess of \$4,000,000.00. Monitored all testing performed on project. Performed numerous flood tests, Evaluated extent and cause of all water related damages. Evaluated original construction details as it related to codes and building practices that existed during the original construction of the project. Case Settled.

4. Anglin Residence: (Bartlet, Texas)

Retained by Homeowners council to identify and estimate mold and water damage caused by plumbing leaks. Produced report, estimates, video and still photography. Case settled.

5. Hollatz Residence: (Austin, Texas)

Retained by USAA to evaluate and estimate microbial and water damage to a 4000 to 5000 square foot house overlooking Lake Austin. Produced report, estimates, video and still photography. Case settled.

6. South Austin Transfer Station: (Austin, Texas)

Retained by Masonry Contractor to identified causes and extent of damage to City of Austin owned building caused by water infiltration. Produced report, estimates, video and still photography. Case settled.

7. Shive Light Industrial Complex: (Lago Vista, Texas)

Retained by property owner to evaluate water runoff concerns and damage claims made by a surrounding property owner. Produced report, estimates, video and still photography.

8. Gulfside Warehouses: (Brownville, Texas):

Retained by Texas Windstorm Insurance Association for appraisal of 13 individual light industrial structures from hail and other causes. Produced report, estimates, video and still photography.

9. Sneed Residence: (Austin, Texas)

Retained by homeowner's insurance company to evaluate

vandalism, water and mold damage claims. Case dismissed.

10. Wendel Residence: (Hondo, Texas)

Retained by Beacon Insurance Group for appraisal of two individual residences. Produced report, estimates, video and still photography.

11. Frisby Residence: (Galveston, Texas)

Retained by Beacon Insurance Group to identify and estimate water/mold damage for water front property. Produced report, estimates, video and still photography.

12. Guthery Residence: (Austin, Texas)

Retained by homeowner council to evaluate remediation and construction work performed by the general contractor/remediation company. Produced report, estimates, video and still photography.

13. San Diego ISD: (San Diego, Texas)

Retained by CNA representing the roofing contractor to evaluate his work on multiple structures, determine actual source, cause and extent of water/mold damage. Prepared estimates for remediation and restoration. Produced report, estimates, video and still photography.

14. Doug Scott Residence: (Hutto, Texas)

Retained by homeowner's council to determine cause of water infiltration, extents of damages caused by water infiltration and then determine the cost of repairs necessary to correct problems. Produced report, estimates, video and still photography. Provided deposition, court testimony, produced court video that I described to the jury. Case was settled during trial.

15. Aguilera Retail Centers: (Mission, Texas)

Retained by metal building contractor to determine the actual source, cause and extent of water/mold damage. Prepare estimates for remediation and restoration.

16. Patterson Residence: (Corpus Christi, Texas)

Retained by Texas Windstorm Insurance Association to determine the actual source, cause and extent of water/mold damage. Produced report, video and still photography. Case settled.

17. Westheimer Apartment Complexes. (Austin, Texas)

Retained by Employers Reinsurance Corp to determine the actual source, cause and extent of water/mold damage. Case Settled. Produced report, estimates, video and still photography.

18. North X Northwest Restaurant. (Austin, Texas).

Retained by United Fire Group to evaluate construction practices performed by the general contractor regarding the construction of a new restaurant. Produced report, estimates, video and still photography.

19. Sommerset ISD (Sommerset, Texas)

Retained by Mid-Continent Casualty to act as expert regarding general contracting practices regarding construction of a new elementary school. Mold remediation practices and charges regarding remediation of a school building. Remodeling costs, construction practices and betterment determination for a school building. This case involves the bonding company having to complete certain phases of the construction of a new elementary school due to a failed contractor. (Jurisdiction: Laredo, Texas).

20. Archer Residence. (Austin, Texas).

Retained by Builder (Monte Jannsen) to act as an expert regarding general contracting responsibilities and practices, construction repair costs, good and workmanlike construction practices. Prepared videos, estimates and supporting documentation. The case was settled against several subcontractors. The house was eventually torn down. (All complaints were dropped against my client, the builder).

21. San Diego High School (San Diego, Texas).

Retained by the Plumbing contractor to respond to claims that the plumbing was installed incorrectly. Retained as cost of repairs expert.

22. Armbruster Residence: (Lakeway, Texas)

Retained by the owner as an expert to oversee moisture proofing of underground facilities at the residence. Duties included but were not limited to: Drawing flashing and moisture proofing details, Direct supervision of moisture proofing companies work, Building Envelop testing, Supervision of masonry and other trades, Remediation protocol for water damage repairs, Air Quality testing and clearance of remediation. Current Project.

23. Lifestart Manufacturing Facilities, Georgetown, Texas

Retained by the erection/roofing contractor to identify any construction defects and estimate any costs to repair. Produced video and still photography. Status: Current project.

24. Dream Estates: Myrtle Beach, South Carolina.

Hired by the Builder to perform a quality inspection and prepare a punch list for a \$2,600,000 home that was recently constructed and under contract to be sold. Builder believed that the Buyer was being unreasonable and wanted a third party to evaluate claims of buyer. Produced video, still photography and report.

25. Westminster Manor: Austin, Texas

Retained as Mold Assessment Consultant to address any mold or air quality related issues as they arise for the retirement home. 200 plus tenants.

26. Cedar Park Public Library: Cedar Park, Texas

Retained as Mold Assessment Consultant to prepare Mold Remediation Protocol, supervise activities and perform clearance testing.

27. Babcock Elementary School, San Antonio, Texas

Hired by the insurance company to verify cost of repair claims from the general contractor regarding professional mistakes made by the surveyor. The foundation of the school had to be relocated approximately 10 feet due to surveying errors.

28. Pedernales Condominiums: Austin, Texas

Retained by the Erection/Roofing Company to determine if any construction errors were made on their behalf, perform building envelop water tests, assign cause and origin for

any damages and estimate cost of repairs for damages associated with client. Produced report, estimates, video and still photography. Status: Current.

29. Covenant Christian Academy: Georgetown, Texas.

Hired by building owner to determine cause and origin for water damages to the daycare facility. Project involves water intrusion through wall cavities and project flooding due to off premise development. Acting as arbitrator between parties to resolve issues out of court. Status: Current.

30. Holiday Inn Express: Georgetown, Texas

Hired by prospective purchaser to determine extent and cause of microbial growth and water damages to the building. Status: Purchase was cancelled due to findings.

31. Bill and Nicole Kessler Residence:

Hired by homeowners to investigate on going water intrusion, foundation failures and construction defects from a recent remodel of Historic Mansion on Windsor Road. Evaluated project, Produced report of findings, prepared protocol for repairs, estimated damages and repair costs. Status: On going.

32. Community Bank: Longview Texas.

Hired by insurance company to evaluate actual damages caused by recent hailstorm. Researched storm event then evaluated, produced photographic and video documentation of 3 separate bank buildings. Estimated all costs of repair. Prepared complete report of my findings. Currently selected as the banks appraiser regarding damages to the building. Status: On going.

33. Class Action Suit (home owners) vs. D & H Roofing and Certainteed Corporation:

Hired by Roofing Company to evaluate claims made by plaintiffs regarding roof quality. I have currently inspected over 100 homes, prepared video and photographic documentation of roofs. Status: On going.

34. Jones vs. Blue Haven Pools:

Hired by Blue Haven Pools to evaluate claims made by plaintiff regarding construction of pool and associated water damage claims. Prepared video and photographic

documentation along with full report of findings and estimate of repairs. Status: Case settled.

35. J.L. Love vs. Ranger Excavation: Leander, Texas

Hired by homeowner to evaluate damage that occurred to his home during road construction of highway in front of his house. Vibration of large vibrators caused damage to his house. Video and photographic documentation, Complete report and estimate. Status: On going.

36. Maisel Residence, Austin, Texas:

Hired by homeowner to evaluate water intrusion into the home. Discovered water leak under the foundation. Prepared restoration protocol, supervised work and documented damage, repairs and cost of repairs. Status: Complete.

37. Robles vs. Steve's Plumbing: San Antonio, Texas:

Hired by plumber to investigate cause of damages to home. Case involves premature deterioration of copper plumbing lines due to flux corrosion. Produced video and photographic documentation along with cause report.

38. Holiday Inn Express vs. Mira Enterprises, Laredo, TX.

Hired by general contractor to evaluate over \$3,000,000.00 in claims brought against them. Complete project evaluation of hotel built in 2004 regardless of cause. Project included water infiltration. Produced complete report with video and photographic documentation, assignment of responsible parties, rebuttal of all opposing experts, estimate of necessary repairs, evaluation of all work performed including but not limited to: architecture, specifications, site work, paving, framing, moisture proofing, masonry, EIFS, window installation, HVAC installation, roofing, insulation, completion schedules, draw requests and then evaluation of all contract documents. Status: Case Settled.

39. Holiday Inn Express vs. Duro-Last: Laredo, TX.

Hired by roofing manufacturer to evaluate claims made by plaintiff regarding material quality and installation of Duro-Last reinforced PVC roofing system. Produced report showing that no evidence exists that Duro-Last roof failed, instead produced evidence of actual documented sources of water intrusion that were not related to Duro-Last system. Status: Case Settled.

40. McMean vs. Artistry Homes: Lakeway, Texas.

Hired by Builder to evaluate construction defect claims made by the homeowner. Project included water infiltration. Produced video and photographic documentation, evaluation report of work performed, estimate of necessary repairs and assignment of responsible parties. Evaluated all phases of construction including but not limited to: framing, moisture proofing, masonry, stucco, window installation, HVAC installation, roofing, insulation, millwork, finishes, sound controls, electrical, architectural and draw requests. Status: Case settled.

41. Foster Residence: Austin, TX.

Hired by homeowner to evaluate failure of exterior finishes, window installation and framing failures. Prepared full protocol of repairs then supervised work through completion.

42. Pharr Police and Court Facilities vs. Valley Builders, Inc, Pharr, Texas:

Hired by general contractor to evaluate over \$3,000,000.00 in claims brought against them. Evaluation the work performed by the general contractor for the construction of a court house/police station building regardless of cause. Project included water infiltration. Produced complete report with video and photographic documentation, assignment of responsible parties, rebuttal of all opposing experts, evaluation of all work performed including but not limited to: architecture, specifications, site work, sidewalks, framing, moisture proofing, stucco, window installation, spray polyurethane foam roofing, correspondence, daily reports, RFI's and then evaluation of contract documents. Status: Case Settled.

43. Charlie Clark Nissan: Harlingen, Texas.

Active: Hired by the owner to evaluate water intrusion concerns, window installation, pre-engineered metal building construction, roofing, flashing and foundation work to determine if work was performed in a good a workmanlike manner.

44. Winston Hills vs. Hartford, et al.

Del Sol Restaurant: San Antonio, Texas

Active: Hired by Hartford to determine the cause of foundation failures. Case involves a history of plumbing leaks, foundation failures and expansive soils.

45. Evans Team USA vs. Farmers Insurance.

First United Methodist Pasadena, Texas

Active: Hired by the General Contractor (Evans Team USA) to evaluate remediation procedures for restoration of hardwood flooring due to a plumbing leak.

46. Fountain vs. Vo.

Fountain Residence, Jonestown, Texas.

Evaluation of storm water runoff and associated damages. Case settled.

47. Hodes Residence, Austin, Texas:

Active: Evaluation of construction defects. Hired by the owner to evaluate foundation, tile, roofing and other construction defects associated with the work of the general contractor.

48. Candena Reeves Justice Center San Antonio, Texas

Active: Hired by Insurance Company to evaluate a suspended stucco ceiling failure.

49. Kennedy ISD vs Williams Insulation

Kennedy Elementary School, Mercedes, Texas

Active: Evaluation of water intrusion claims. Scope of evaluation includes moisture proofing, flashing, roofing and microbial growth.

50. Kennedy ISD vs Williams Insulation

Mercedes Early Childhood Center, Mercedes, Texas.

Active: Hired by Williams Insulation to evaluate moisture proofing, foundation and insulation installations.

51. Munday vs. Design Werks

Munday Residence, Austin, Texas

Active: Hired by the General Contractor, Design Werks to evaluate water intrusions concerns of the owner. Case involves swimming pool surround, moisture barrier under the pool surround, flashing details, chemical reactions to the pool chemicals, remediation practices for microbial growth, roofing, stucco and cost evaluations.

52. Larry Peel & Co., Inc., Nalle Woods, LTD vs Chase Carpets, Inc vs. Maarek Brothers Company, Inc.

Nalle Woods Apartments, Austin, Texas

This case involves leaking showers in nearly all the apartments. Marek Brothers Company, Inc. who installed the moisture resistant drywall surround about the showers hired AAQ. The case involved forensic investigation as to the causes of the leaks and the evaluation of the resulting damages. Primary cause of the leaks was determined to be cuts in the shower pan made by the tile subcontractor. Case Settled.

53. Reissedonna vs. United Fire:

Oski's Convenience Store, Lago Vista, Texas.

Active: Acting as the Umpire in a case involving hail storm damage to convenience store.

54. Steiner Ranch Steak House, Lakeway, Texas.

Hired by the General Contractor to evaluate and repair of water infiltration concerns. Case involves leaks at the exterior decks, doorways, through wall penetrations, HVAC ductwork, roofing and stucco systems. AAQ was asked to evaluate the sources of the water intrusion, prepare a protocol for correcting the problems and then repair all problems. Work completed.

55. Foundation Surgery Center Affiliates of New Braunfels, LLC vs. Shiloh Enterprises.

Foundation Surgery Center New Braunfels, Texas

Active: Hired by the General Contractor (Shiloh Enterprises, Inc.) to evaluate certain claims regarding water infiltration, storm water run off, HVAC systems and construction defects.

56. Wegner vs. The Plumbing Shop, LLC

Wegner Residence. Holland Texas.

Active: Evaluation of foundation failure. AAQ was hired by the plumber to evaluate claims made by the plaintiff that improper installation of the plumbing may have contributed to the foundation failure observed at the residence.

57. Yardley vs Haraway Construction

Yardley Residence. Harlingen, Texas

Hired by Owner to evaluate quality of construction performed by Haraway Construction. Haraway Construction took over construction of a new residence after the original builder was terminated for fraudulent activities. Haraway Construction worked on the project until irreconcilable differences between the builder and the owner put the project on hold. Yardley asked AAQ to evaluate the quality of construction performed by Haraway. A report and estimate of repairs were produced by AAQ. Improper work was performed at the following locations: moisture barrier, window installations, Fypon installation, roofing installation, trim installation, framing, drywall finish and electrical. AAQ was asked to act as the expert during arbitration hearings. Case settled during second day of Arbitration.

58. Foundation Surgery Center Affiliates of Seguin, LLP vs. Shiloh Enterprises.

Foundation Surgery Center, Seguin, Texas

Active: Hired by the General Contractor (Shiloh Enterprises, Inc.) to evaluate certain claims regarding water infiltration, storm water run off, HVAC systems and construction defects.

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| | <p>ESTIMATING:</p> <p>I have been estimating construction projects for over 30 years. I currently use the Xactimate estimating program due to its widely accepted status in the insurance and legal communities. When estimating any project I breakdown each element of the project in understandable terms so the client, attorneys and potential jurors can understand the process and have confidence in me that I fully understand the work required to get the job done in a good and workmanlike manner complying with industry standards.</p> <p>Tom Luth President Absolute Air Quality, LLC</p> |
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*Tom Luth, MAC
President
Absolute Air Quality, LLC*