



Fenix Financial Forensics LLC

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David is a Senior Managing Director of Fenix Financial Forensics LLC (F3) who specializes in financial contract compliance services, dispute advisory services, financial investigations, and expert witness testimony, with an emphasis on long-term contracting, capital asset construction projects, and the quantification of commercial damage. David also performs project management and business advisory services for active construction projects.

David's work has involved the quantification and rebuttal of commercial damages resulting from breaches of contract and construction project-related damages, including terminations, delays, disruptions, accelerations, scope changes, differing site conditions and general cost overruns. His financial contract compliance services include construction project cost audit activities for project owners. David's construction project management advisory services have included operational and risk assessment reviews, establishing cost control systems, and the development of policy and procedure manuals for financial control of construction projects.

David has also been engaged by a global manufacturing, development, and technology company, with significant licensed intellectual property, to provide licensee royalty compliance review services on their portfolio of IP licenses. His responsibilities included verifying the royalties paid were in accordance with the license terms and supported by the licensee's financial records.

David's industry experience includes the telecommunications, construction, petrochemical, healthcare, architectural, airline and aerospace, oil and gas, manufacturing, distribution, insurance, transportation, and engineering.

Prior to establishing F3, David was a Senior Managing Director at FTI Consulting, Inc. and a partner at KPMG LLP and Arthur Andersen LLP in their Dispute Advisory Services and Audit and Business Advisory Services segments, respectively.

Professional History

- Fenix Financial Forensics LLC (F3) – Senior Managing Director – Scottsdale, AZ (11/08 – Present)
- FTI Consulting, Inc. (FTI) – Senior Managing Director – Phoenix, AZ (11/03 – 10/08)
- KPMG LLP – Partner Dispute Advisory Services – Phoenix, AZ (05/02 – 10/03)
- Arthur Andersen LLP – Partner – Business Consulting – Phoenix, AZ (07/00 – 05/02)
- Arthur Andersen LLP – Partner – Business Consulting – London, England (12/94 – 06/00)
- Arthur Andersen LLP – Audit and Business Advisory – Phoenix, AZ (08/87 – 11/94)

Education

- Master of Accountancy, University of Wisconsin (MAcc)
- Bachelor of Business Administration, University of Wisconsin (BBA)

Certifications

- Certified Public Accountant (CPA) licensed in Arizona
- Certified in Financial Forensics (CFF)
- Certified Construction Auditor (CCA)
- Chartered Global Management Accountant (CGMA)

Professional Affiliations

- American Institute of Certified Public Accountants
- Arizona Society of Certified Public Accountants
- Associate Member – American Bar Association, including membership in the Litigation Section and Construction Industry Section
- Associate Member of the Construction Financial Management Association

Civic Affiliations

- HandsOn Greater Phoenix – Audit Committee Chair (2012 – Present)
- HandsOn Greater Phoenix – Board member (2009 – 2011)
- HandsOn Greater Phoenix – Board Chair (2011 – 2011)
- HandsOn Greater Phoenix – Board Vice Chair (2009 – 2010)
- Make A Difference – Board member (2001 – 2007)
- Make A Difference – Board Chair (2004 – 2007)
- Make A Difference – Board Vice Chair (2003 – 2004)
- Make A Difference – Board Treasurer (2002 – 2003)

Publications and Presentations

- Presented “Smooth Landings and Rough Rides—Lessons Learned on Major Airport and Rail Projects” at the 2003 International Construction Superconference
- Moderator for the Center for International Legal Studies’ International Construction Law Seminar February 2003
- “ISO 9000 Certification: Has the Time Come for the Construction Industry?” chapter for 2001 (Wiley) Aspen Construction Law Update
- Presented “Trouble in Paradise: Is ADR Losing Its Shine in the Construction Industry?” at the 2000 Construction Superconference
- “Benchmarking as a Catalyst for Change in the Construction Industry” (co-author) 1999 Wiley Construction Law Update
- “Accounting Issues: Project Management and Claims—Suggested Strategies for Owners and Contractors” (co-developer and presenter of paper) at 1997 Construction Law and Practice Conference
- “Cost Overrun Quantification,” “Delay and Disruption Analysis” and “Quantification of Time-Related Events” (co-author of three issue papers and associated presentation materials) for the 1995 FIDIC construction contract seminar in the U.K.

Deposition and Testimony Experience

- Reiman Corp., a Wyoming Corporation, Plaintiff, v. State of New Mexico by and through the New Mexico Department of Transportation, a Department of the Executive Branch of the State of New Mexico, Defendant.- State of New Mexico, County of Santa Fe, First Judicial District - Case No. D 101-CV-2010-04313 Reference: Sierra County Road AO13, MP 4.3 to MP 12.8 Deposition (2015)
- Big R Manufacturing, LLC d/b/a Big R Bridge vs. Meadow Valley Contractors, Inc. and Liberty Mutual Insurance Company. In the District Court, Clark County, Nevada. Case No. A-14-698807-B Dept. No. XXV (Deposition 2015)
- The United States of America for the use and benefit of Fisher Sand and Gravel Co. d/b/a Arizona Drilling and Blasting and Fisher Sand and Gravel Co. d/b/a Arizona Drilling and Blasting vs. Kirkland Construction, LLP and Travelers Casualty and Surety Company of America. In the United States District Court for the District of Colorado Case No. 1:13-cv-00066 Deposition (2014)
- Moon Mountain Farms, LLC, Plaintiff vs. Rural Community Insurance Company a/k/a Rural Community Insurance Agency, Inc., a corporation; Defendant. In the United States District Court for the District of Arizona Case No. CV-13-00349-PHX-SRB Deposition (2014)
- Meadow Valley Contractors, Inc., Plaintiff/Counter-Defendant and Safeco Insurance Company of America, Counter-defendant vs. C&S Engineers, Inc. Defendant/Counter-Claimant and Town of Springerville, Defendant and Counter-claimant. In the Superior Court of Arizona, Apache County, Case No. CV-2011-0211 (Consolidated with CV-2012-016) Deposition (2014)
- STRS Ohio CA Real Estate Investments I, LLC, Plaintiff vs. AAA Energy Systems, Inc.; Alliance Building Products, Inc.; B&L Glass Company; Empire Painting; Fitch Plastering Corporation of California; Fedco Construction, Inc.; Gilbert Electric, Inc.; Kiernan & Sons Landscape, Inc. dba C&S Landscape; Merga Foundations, Inc.; Miller Concrete, Inc.; Old Country Roofing; Opus West Construction Corporation; Opus West Corporation; The Overlook at Santa Rosa, L.L.C.; Pacific Parks Landscaping, Inc.; SR Overlook Corporation; Steel Stairs; Sunshade Awning Co., Inc.; Tara Coatings, Inc.; Torres General, Inc.; TRP-Santa Rosa-102-Overlook L.L.C.; and, Western National Construction, Defendants. In the Superior Court of the State of California, In and for the County of Sonoma, Case No. SCV-247545 Deposition (2014)
- Reiman Corp., a Wyoming corporation, Plaintiff vs. State of New Mexico - New Mexico State Highway & Transportation Department, Defendant. Third Judicial District Court, County of Dona Ana, State of New Mexico. D-307-CV-2007-01097 Deposition (2014)
- STRS Ohio CA Real Estate Investments I, LLC, Plaintiff v. ACCO Engineered Systems, Inc., BAR Architects, DRI Commercial Corporation, Etter & Sons Construction, Inc., Northstate Plastering, Inc., Opus West Construction Corporation, Opus West Corporation, R-Bros. Painting, Inc., R.H. Tinney, Inc., and, 65th & Hollis, L.L.C., Defendants In the Superior Court of the State of California, in and for the County of Alameda Case No. RG10-496973 Testimony (2014)
- STRS Ohio CA Real Estate Investments I, LLC, Plaintiff v. ACCO Engineered Systems, Inc., BAR Architects, DRI Commercial Corporation, Etter & Sons Construction, Inc., Northstate Plastering, Inc., Opus West Construction Corporation, Opus West Corporation, R-Bros. Painting, Inc., R.H. Tinney, Inc., and, 65th & Hollis, L.L.C., Defendants In the Superior Court of the State of California, in and for the County of Alameda Case No. RG10-496973 Deposition (2013)
- Arizona Board of Regents for and on behalf of Arizona State University v. United States Fire Insurance Company; Commonwealth Insurance Company; Continental Casualty Company; Integon Specialty Insurance; Certain Underwriters of London; and GAB Robins North America, Inc. Superior Court of the State of Arizona, in and for the County of Maricopa Case No. CV2011-012637 Deposition (2013)
- DDMC, L.L.C.; Prime Earth Development Company, L.L.C.; Prime Earth Development Co – Villages, LLC v. Rodney L. Morris; Bonnie E. Morris; Del Mar Development, Inc.; Villages at Country Club Development,

LLC. Superior Court of the State of Arizona, in and for Maricopa County CV2010-004011 Deposition (2012)

- Dillon Real Estate Co., Inc. and Smith's Food & Drug Centers, Inc. vs. American National Insurance Co. and Dollar Tree Stores, Inc. US District Court, District of AZ CIV 08-1508-PHX-FJM Testimony (2009)
- Dillon Real Estate Co., Inc. and Smith's Food & Drug Centers, Inc. vs. American National Insurance Co. and Dollar Tree Stores, Inc. US District Court, District of AZ CIV 08-1508-PHX-FJM Deposition (2009)
- Johnson & Danley Construction Co., Inc. and Meadow Valley Contractors, Inc. v. The State of New Mexico, ex rel. New Mexico Department of Transportation 12th Judicial District, County of Otero, State of New Mexico CV-04-269 Div.: I, Deposition (2009)
- Summit Builders v. Structures, Inc., American Arbitration Association Case No.: 76 110Y 002575 06 JISI, Deposition (2008)
- Asphalt Products Corporation, a Nevada corporation, d/b/a APCO Construction v. The City of Las Vegas, a political subdivision of the State of Nevada, Nevada Arbitration Association Case No.: 05-108, Testimony (2007 and 2008)
- Asphalt Products Corporation, a Nevada corporation, d/b/a APCO Construction v. The City of Las Vegas, a political subdivision of the State of Nevada, Nevada Arbitration Association Case No.: 05-108, Deposition (2007)
- Tiffany Construction Company, Inc. vs. Linthicum Constructors, Inc., and Western Surety Company, Arizona – Superior Court CV 2004 - 245, Deposition (2007)
- Meadow Valley Contractors, Inc. v. Clark County, Nevada, Nevada Arbitration Association, Testimony (2004)
- Mercury Constructors Inc. v. Colorado Structures, Inc., Arizona – Superior Court CV 2003 – 010149, Deposition (2004)
- Atlantic Industries v. Bechtel and Lockwood Greene, Mediation in London, England, Testimony (2002)
- Granville Constructors v. Deer Valley Unified School District, Arizona – Superior Court, Deposition (2002)
- Baker Concrete v. City of Phoenix Aviation Department, Mediation in Phoenix, AZ, Testimony (2001)