The Dispute Resolution Board Foundation

Forum

Volume 8, Issue 4 November 2004

DRBF NAMES EXECUTIVE DIRECTOR

Larry Delmore Accepts New Role in Promoting the Foundation's Work

"Larry Delmore's first hand experience from the owner's perspective will serve as a great advantage when promoting DRBs"

One of the hottest topics at this year's Annual Meeting in October was the need for the Dispute Resolution Board Foundation to hire an executive director. The subject was discussed at length during the Board of Director's meeting, and at the breakout sessions on both days.

"As our membership and activities grow both domestically and internationally, there is an increasing need for expanded and more focused promotion of DRBs among agencies and private owners embarking on major construction programs," said DRBF President Bob Rubin. "The Board feels confident that an executive director can meet those challenges in a way that is not possible for our 'volunteer only' army."

After careful consideration, the Board of Directors agreed during special session to offer the position to Larry Delmore, who will start January 1. Many DRBF members had the opportunity to meet Larry at the Annual Meeting, where he delivered the keynote address, "The Lighter Side of the Big Dig," at Saturday evening's banquet. He was also active throughout the conference, bringing his perspective on DRB's and the Foundation's role to the breakout sessions.

The Board was impressed with Larry's vision for the executive director position, which featured kicking off with a "5 Point, 90 Day Plan" that included a census, a strategic plan to identify primary and secondary marketing targets, marketing to state and federal agencies, and seeking educational organizations for research and access to grant money.

Larry's 28 year career in contract administration and claims analysis and resolution also brought praise. He most recently served as the Disputes Review Board administrator and lead claims analyst for Bechtel Corporation on the

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President's Page

I am pleased to take the DRBF reins and look forward to a productive year. I believe the Annual Meeting established a turning point for the Foundation. There was strong consensus that the organization has reached the point where it must hire an executive director to further its development. As pointed out by Peter Chapman in the last issue of the *Forum*, the Foundation is entering its ninth year and has functioned quite well as an all "volunteer army." Our administrative manager, Steve Fox, has efficiently and admirably carried out the tasks needed for our internal organization. However, despite the best intentions of our hard working members, follow through on our external organizational tasks necessarily takes a back seat to the demands of our primary employment. As our membership and activities expand, there is an increasing need for more focused promotion of DRBs among agencies and private owners embarking on major construction programs, as well as development of Foundation membership and activities.

Retaining an executive director will require expanded funding sources. A consensus of Annual Meeting attendees supported a membership dues increase for this purpose. However, we recognize increased dues alone cannot support an executive director. Therefore additional sources will be sought, such as foundation grants and corporate gifts. After considering several candidates, the Board decided with strong consensus to hire Larry Delmore. Annual Meeting attendees had the opportunity to meet Larry during breakout sessions, and to hear his keynote address during the awards ceremony. I have personally known Larry for over 20 years, and am pleased he has agreed to take the helm and lead the Foundation to the next level. You will learn more about Larry in the cover article of this newsletter, and in the coming months. I encourage you to give him a call and share your input on what he can do to lead this organization in the right direction.

A second challenge being undertaken by the board of directors is that of expanding and revamping the Foundation's educational program. Under the leadership of Education and Training Committee Chair Bart Bartholomew, an exciting proposal is under development for three new types of workshops: (1) workshops specially tailored to the training needs of specific state DOTs and similar agencies; (2) promotional workshops for public and private entities that are new users of DRBs; and (3) advanced workshops for present DRBF practitioners. We will report the details of these workshops as they develop.

During the breakout sessions at the Annual Meeting, a proposal was advanced that certainly merits further consideration, namely the creation of different levels of membership based upon experience and training. One could start as an Associate Member, then progress to Member, and finally be elected to Fellow or Diplomat of the Foundation. The purpose of creating these membership levels would be to provide relevant information to those seeking candidates for selection to sit on DRBs.

Finally, the DRBF is in discussions with the U.S. Council for International Business (USCIB) to present a training seminar on new ICC Dispute Board documents. Since the USCIB includes most major U.S. companies active in international commerce, the dispute board concept is likely to be of interest to them on projects in and outside the U.S.

I hope you will correspond with me relative to these and other matters of concern to you, so that the Foundation can better serve your needs and interests.

Sincerely,

Bob Rubin

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Ann McGough

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The *Forum* welcomes articles on all aspects of Dispute Resolution Boards, and members are encouraged to submit articles or topics to the DRBF, attn: Editor.

Please send change of address with a copy of a recent mailing label six weeks in advance.

Committee Reports

Note: The following committee reports are an overview of 2004 presented at the Annual Meeting and Conference.

Best Practice

The final drafts of the suite of Best Practices documents have been completed and submitted to the board of directors of the DRBF for approval at the Annual Meeting. These drafts (USERS – 10/01/04, MEMBERS – 10/01/04 and HEARINGS 10/01/04) have incorporated BPG Committee member comments as well as comments from the Manual Committee and board of directors. All major differences have been reconciled with the Manual Committee with respect to philosophy and direction.

It was agreed at the board of directors meeting of July 9, 2004 that the BPG Guidelines not only would be "stand alone" documents but also would be incorporated into the Manual. It was agreed at that time that Best Practices Guidelines for Users would be placed in Appendix A, Section 2 and Best Practices Guidelines for Board Members and the Conduct of Hearings would be placed in Appendices B and C of Section 3 of the Manual. However, the Manual Committee currently is re-examining where the guidelines best fit in the Manual.

The draft guidelines were included in the Annual Conference packages distributed to the conference attendees as well as the packages for all attendees at the board of directors meeting. The president has suggested that the draft guidelines also be published in the *Forum* with an accompanying note by the BPG Chairman. The package of documents will be submitted to the *Forum* as well as put on the DRBF website for comments subsequent to approval by the board of directors.

After a full year of operation the membership of the committee will be polled to ascertain whether each will be able to commit the time required for the upcoming tasks; and, depending on the demands on the committee, additional members with DRB experience may be sought for BPG Committee membership.

What is next for the committee? We hope to answer in light of input gathered from the conference, specifically from the breakout sessions. One session, "The Foundation's Role," specifically outlines what the Foundation has done and asks the members "What else should we do?" "Publications" is a specific topic in the list of past accomplishments and proposals for future endeavors. We will develop documents the BOD decides are needed, and we are open to suggestions from the general membership.

Harold McKittrick

World Bank Liaison Committee

John Bradshaw and Jim Brady are working on a sample module on Dispute Boards for possible use by the World Bank in its distance learning training for staff members. If accepted by the Bank, further modules will be developed, so that Bank staff members, by using the modules via computer, can develop their knowledge of Dispute Boards and how to use them successfully.

Work continues with the International Development Law Organization in Rome, to develop distance learning video programs in cooperation with the World Bank Institute.

The Bank and FIDIC are working on a harmonized version of the FIDIC Conditions of Contract for use on Bank financed projects.

Gordon Jaynes

Information Technology

The IT Committee has worked through this year on preparing an expanded website for the Foundation. After a period of testing this new website has recently replaced the old site (visit www.drb.org). A policy of continuous development is essential in this area so the work needs to continue to introduce further enhancements. A special thanks is due to Ann Mc Gough for her excellent efforts in this work.

John Bradshaw

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Bylaw Revision Committee

Committee activities for the past year:

1. Preparation of guidelines for the formulation of new chapters within the DRBF and the inclusion of the two existing chapters in Florida and Australia into the DRBF framework. These guidelines were approved by the Board of Directors (BOD) on September 10, 2004, and they have been sent to the two existing chapters for comment. Upon receipt of any additional comments and the resolution thereof, the committee will prepare an amendment to the DRBF Bylaws.

The chapters have been asked to send the committee any interim or proposed bylaws being used by them. The committee welcomes assistance in getting responses from the existing chapters. Guide bylaws for the chapters will be developed by the committee.

2. Agreement in principle was reached by the BOD to modify the process for the selection of new members of the BOD to give the membership more opportunity to become involved.

A Nominating Committee will be appointed by the chairman in accordance with Article IX, Section 2. However, the committee must be appointed prior to the spring meeting of the BOD to allow the membership to submit nominations supported by a petition of 10 or more members in good standing. The Nominating Committee would include any nominations by petition along with other selected candidates. A slate of nominees for the officers for the DRBF and the BOD would be presented to the BOD at the spring meeting. The number of candidates for the BOD must be at least equal to the number of vacancies but can be more. An election of the officers and BOD members would be conducted by mail, electronic mail, etc., prior to the Annual Meeting. The results of the election would be announced at the Annual Meeting.

3. The policy of the BOD is that the members of the BOD must be Sustaining Members during their term of office. An appropriate revision to the bylaws was proposed for review at the annual meeting.

Sam Guy

International

The International Committee (IC) held its second virtual meeting during September. Not all members participated, however enough information was gathered to take some further steps forward. The DRBF Executive Board has now positively supported the concept of starting new chapters in countries where they do not exist at present and assistance will be given in the way of formulating chapter rules and meeting formats. Web based materials are now also available throughout the world which include guidance on Best Practices. In some cases limited financial support may also be available to help with kick off meetings for new chapters and local publicity for the initial events. Contact your local IC member for information on how to get help.

Grass roots members are encouraged to make contact with the IC representative for your area and to this end I posted a note in last quarter's *Forum* with the names and global territory for each IC member. The IC member can coordinate the activities of the DRBF chapters across regions and provide assistance with meetings and other organisational needs you may have. Country reps are also to be contracted in the near future by their regional IC member in order to compile a listing of what is needed in your particular area to further the DRBF cause.

The international aspect of the DRBF is now growing in momentum across the globe. The World Bank and the multilateral banks by their use of the FIDIC form of contract and the ICC with its new DRB procedures is ensuring the need for DABs and DRBs in many regions of the world where they do not currently exist. Vietnam, Cambodia and East Africa are now all using the DAB concept and boards are springing up in all of these locations. New boards have recently been formed in Iceland, Eastern

DRBF Regional Representatives

BLASE REARDON
New England
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island

KATHLEEN HARMON
Northeast
Connecticut, New York, New Jersey, Pennsylvania

ADRIAN BASTIANELLI
Mid-Atlantic
Maryland, West Virginia, District of Columbia, Virginia, North Carolina, Delaware, Kentucky

POSITION OPEN
Southeast
South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee

POSITION OPEN
North Central
Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri

DIANE GOLLHOFER
South Central
Texas, Oklahoma, Kansas, Arkansas, Louisiana

RAY HENN
Rocky Mountain
Montana, North Dakota, South Dakota, Nebraska, Wyoming, Colorado, Utah, New Mexico

JIM DONALDSON
Northwest
Alaska, Washington, Oregon, Idaho

JOHN NICHOLS
Southwest
California, Nevada, Arizona, Hawaii

Europe and in many regions in Africa. In Asia the requirement for DABs during the next few years will grow exponentially. It is estimated that some 70 projects, each with a value in excess of US$50M, will be commenced in the Asian Indian Ocean region over the next 18 months each of which will have a need for a DAB.

In the UK where statutory adjudication is used on a daily basis, the ICE is producing a new set of DAB procedures which it hopes to publish in the early months of 2005. This will complement its already existing list of accredited potential DAB members. Some major projects already have DABs in place in the UK and their implementation is seen as a great success story for project participants. Readers may be interested to know that since statutory adjudication was created in the UK in 1996 it is estimated that over 10,000 disputes have been settled by adjudication with only some 1% of them being subsequently referred to the courts for appeal. The system is clearly working well!!

The next virtual meeting of the IC will be in January and so I encourage you to make contact with your local IC member and make your views known.

Gwyn Owen

Regional Representative Coordinator

The 450 DRBF members in the US provides the major portion of the Foundation's income by payment of annual dues. In view of this, the demographics of this member body and information on regional representatives is important for the DRBF management.

Each region of the U.S. is explained below:

1. New England Region, total 17 members (Maine 1, New Hampshire 0, Vermont 0, Massachusetts 16, Rhode Island 0). Blase Reardon in the regional representative. He has talked to some owners, but was unable to get them to use DRBs on their jobs.
2. Northeast Region, total 31 members (Connecticut 3, New York 16, New Jersey 9, Pennsylvania 3). Kathleen Harmon is the regional representative. She has contacted some owners but has not been able to convince them to use DRBs.
3. Mid-Atlantic Region, total 33 members (Maryland 4, West Virginia 0, District of Columbia 4, Virginia 22, North Carolina 3, Delaware 0, Kentucky 0). Adrian Bastianelli is the regional representative.
4. Southeast Region, total 110 members (South Carolina 1, Georgia 11, Florida 95, Alabama 1, Mississippi 0, Tennessee 2). Rammy Cone has resigned from the role as regional representative, and a search is underway to find a new one.
5. North Central Region, total 29 members (Ohio 11, Indiana 3, Michigan 0, Wisconsin 2, Minnesota 3, Iowa 0, Illinois 8, Missouri 2). Sharon Daily has resigned as regional representative, and a replacement is pending.
6. South Central Region, total 19 members (Texas 16, Oklahoma 1, Kansas 2, Arkansas 0, Louisiana 0). Diane Golhofer is the regional representative. She works for an owner (DART) and has been active in convincing other owners to use DRBs.
7. Rocky Mountain Region, total 22 members (Montana 4, North Dakota 0, South Dakota 0, Nebraska 4, Wyoming 2, Colorado 8, Utah 3, New Mexico 1). Ray Henn is the regional representative.
8. Northwest Region, total 81 members (Alaska 1, Washington 52, Oregon 18, Idaho 10). Jim Donaldson is the regional representative.
9. Southwest Region, total 108 members (California 100, Nevada 1, Arizona 7, Hawaii 0). John Nichols is the regional representative.

Canada

At the present, there are six members in Canada, but there is considerable construction carried out there, such as preparation for the upcoming Olympics in Vancouver. Adele McKillop has been very active trying to convince many owners in Western Canada to use the DRB process. However, some are not receptive to the idea as yet. Robert McLean has also contacted potential users in Eastern Canada. Although both are leaving the DRBF board of directors, is is anticipated that they will continue their efforts to convince owners to use DRBs and to solicit new members to the DRBF.

John Nichols

Other News

PARKER ELECTED PRESIDENT OF ITA

Harvey Parker, Ph.D., P.E., a Seattle-based consulting civil engineer and member of the Dispute Resolution Board Foundation, was elected to a three year term as president of the International Tunneling Association (ITA), an organization based in Lausanne, Switzerland and composed of 53 member nations. ITA supports and represents the entire underground industry working to benefit the public, environment, and sustainable development. Parker is ITA's representative to the United Nations and ITA's spokesperson on sustainable development and tunnel security. He has consulted on major facilities for railroad, highway, water and waste, transit, hydroelectric, port, defense, mining, and development of underground schemes in over 15 countries, including transit projects in 12 cities, and over 150 railroad tunnels.

Parker received his BSCE from Auburn (API), and his Masters (S.M.) in engineering from Harvard University. He received his Ph.D. from the University of Illinois in geotechnical engineering, with a minor in geology. He taught part-time at the University of Illinois and as an Adjunct at Columbia University. Parker has authored or co-authored over 30 publications, and is a Registered Professional Engineer in the states of California and Washington.

Parker is active in many professional organizations. He has been involved with ITA for over 15 years. Formerly he served two terms as chairman of the United States National Committee on Tunneling Technology. He also served the Underground Technology Research Council (UTRC) in various capacities, including two terms as chairman.

Parker is a Fellow and Life Member of ASCE and he is a member of The Moles. He is currently the subcommittee chairman on Underground Shotcrete for the American Concrete Institute Committee on Shotcrete.

Parker has consulted on many impressive projects including Boston's Central Artery, New York City's water tunnel system, Hong Kong's Deep Sewer System, the Superconducting Super Collider in Texas, the Strategic Petroleum Reserve on the Gulf Coast, railroad systems in Morocco and Sudan, and highways, ports, railroads, and hydro facilities worldwide.

ECV/FIDIC TRAINING COURSE SCHEDULED FOR MARCH

The next training session for "The Practical Management of Contract Claims and the Resolution of Disputes" under the 1999 FIDIC Contracts will be held March 14-15, 2005 in Brussels, Belgium. Co-organized by FIDIC and European Construction Ventures, Ltd. (ECV), the program will again be led by Gwyn Owen, senior ECV consultant, FIDIC adjudicator (President's List), and active DRBF member; David Heslett, managing director of ECV; and Brian Totterdill, senior consultant with ECV.

Information and registration forms can be downloaded from the following websites:

www1.fidic.org/seminars
www.cce-ecv.com

ECV can be contacted by telephone or fax at +44 1234 340 180 or reach David Heslett by e-mail at dheslett@cce-ecv.com.□

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Meyer Construction Consulting
Mole Constructors, Inc.
Nadel Associates
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Letters and E-mail to the DRBF

Your recent cover article on "Assessing 10 Years of DRBs at BART" expresses many good ideas to be considered by an owner when setting up a DRB for a project. I do believe that Mr. Ruddin missed a couple of key points in his presentation. Since I was on the BART project mentioned in his article, I feel compelled to comment.

First he mentioned the selection of DRB members to sit on the Board and notes that they should not have any affiliation with either side for five years. The process of selection used on the BART project was one representative from BART side, one representative from the contractor's side, and the third selected by the previous two members. The two members could not agree on a third member, so they submitted their candidates to BART and the contractor. We interviewed both candidates and unanimously selected the candidate to serve as the DRB chairman. This worked well with the strong opinions of the members of our Board.

Second point, which was overlooked in the article, was the fact that, from the contractor's perspective, we looked very hard at our position on each matter considered to go to the DRB> After making several strong attempts to reach an equitable settlement and if we had a strong case, we took it to the DRB. What this means is that when the owner becomes unreasonable, you need a third party to listen to the facts and render a decision on the facts and all parties agree to abide by the decision. Thus in most of our issues brought before the DRB, we prevailed with a strong position with a unanimous decision by the DRB. The use of attorneys on a DRB who have little or no construction experience serves no value to the betterment of the DRB process.

If BART produced a quality, workable and clear specification without having their lawyers try to be cute with the documents, the DRB and its decisions would be greatly minimized.

If owners consider a decision against them is unrealistic, it demonstrates their "head in the sand" attitude toward their poorly written specifications.

Without our DRB to hear our rational issues, our project could have experienced an extremely confrontational contract with possible litigation.

I think that BART needs to take a realistic look at the value of the DRB and accept the recommendations rather than ignoring any decision rendered against them leaving a sour taste in BART's palate.

Ed Ritchie
Member, DRBF
Deputy Project Manager, Tutor-Saliba
BART Extension to the San Francisco Airport Project

Post Your Resume On-Line

As a member, you can post a short resume free of charge on the DRBF website. Let others know that you are interested in serving on DRBs.

Just go to **www.drb.org**
and click on
Member Resumes
and
Add Resume

Spotlight on Austria's Country Representative

Country Rep: Maria Theresa Trofaier

As explained at the Berlin Conference in June 2004, in fact Dispute Resolution Boards are presently unknown in domestic matters in Austria.

Generally, local disputes are resolved by reference to the courts –which provide a relatively efficient, speedy procedure, with experts in specific fields being called upon to give an analysis of a problem and assist the judge in assessing damages. Alternatively, a new Court of Arbitration in Construction matters has been set up in Vienna to exclusively deal with construction disputes, and involves arbitrators with a specialised knowledge of the construction industry.

In the outline of dispute resolution procedures, and the most commonly used methods in Austria, only one example could be found of a board-like body, which was a committee composed of representatives of the various contractors and interested parties on the building of the Department of Veterinary Medicine at the University of Vienna.

By contrast the concept of dispute resolution boards IS known to Austrian contractors working on international projects. Indeed it transpired at the conference in June that a major Austrian construction company had just found itself in the position of having to nominate a DRB member on its FIDIC contract in Romania, which was the reason why the delegates from Romania were also present, seeking to inform themselves of what Boards are all about!

In my recent research it has become clear that Austrian companies, when looking to nominate DRB members on international projects, would welcome the opportunity of choosing someone from a civil law jurisdiction, who they feel would be more familiar with their way of thinking. There is certainly an interest in hearing more about dispute resolution boards in connection with the large, multi-national projects, and in particular who was actually chosen on the DRBs that have been successful.

The difficulty of DRBs for domestic projects is obviously the cost, and most local construction contracts would not warrant the establishment of a three-man board alongside, for the duration of the project.

The opportunity for furthering the idea of Dispute Boards internally in Austria lies with contacting government departments and local authorities who are likely to be tendering large projects. The FIDIC contract is not used as a norm in Austria, but its terms and conditions are familiar to the construction industry, and certainly the idea of Dispute Boards could be put forward as a means of alternative dispute resolution in larger projects. I see English continuing to be the international language, but Austrians as German speakers would also look to Germany for Board experts, and a familiarity with the civil system of law.

Note: Born in Kirkuk, Iraq, the daughter of an English engineer with BP's subsidiary, Iraq Petroleum Company (IPC) and a cosmopolitan mother, whose ancestors were Ottoman Turks, Maria Theresa grew up in the Middle East, first in Iraq and then Beirut, Lebanon.

DRBF Country Representatives

Austria
Maria Theresa Trofaier

Australia and New Zealand
Norman Reich

Bahamas
Colin Arthur Marshall

Brazil
Gilberto José Vaz

Canada
Robert W. McLean

Columbia
Dr. Carlos Ospina

France
James Perry

Germany
Dr. Helmut Koentges

Iceland
Páll Ólafsson

India
Shri K. Subrahmanian

Ireland
Dr. Nael G. Bunni

Italy
Dr. Ing. Igor V. Leto

Japan
Toshihiko Omoto

Jordan
Hussam Yousef Tafish

Malaysia
Sundra Rajoo

Pakistan
Justice (Ret.) Khalil-Ur-Rehman Khan

Poland
Adam K. Heine

Southern Africa
Andrew L. Griffiths

Switzerland
Pierre M. Genton

United Arab Emirates
Hamish F. MacDonald

United Kingdom
Peter H.J. Chapman

Vietnam
Richard L. Francisco

Would You Like to Be a Country Rep. for the DRBF?

Help give the DRBF a voice in your country by becoming a Country Representative. You may be called upon to act as a spokesperson, and should be interested in raising the profile of DRBs and increasing membership. You may also be asked to help organize DRBF events within the country you represent.

To qualify, you must be a member of the DRBF and live in the country you represent (you need not be a national). Terms are for a three year renewable period.

If interested, contact the DRBF office today: Phone 206-248-6156, Fax 206-248-6453, or e-mail home@drb.org

Returning to England to complete her education, Maria Theresa Trofaier (nee Jones) qualified and practised as a Litigation Solicitor (England and Wales) in private practice in London; and obtained her MA (Advanced European Legal Studies) from Kings College, London University.

In London she met and married an Austrian diplomat, and when her husband became Doyen of the Military Attaches at the Court of St. James she had a leading role in the international diplomatic community, relating to and assisting people coming from very different cultures.

She then put her legal career on hold to follow her husband on his postings; first in Vienna, where her husband's position at the OSCE talks meant that the international contacts were primarily Eastern European oriented, with what have now become the new EU countries, and then in Russia, from 1990-1994, through years of great historical change. There she learnt Russian and once again became a name in the international community, ending up heading a major volunteer organisation in Moscow. Her husband's accreditation to Poland and the Ukraine added a more intimate knowledge of these two countries, through frequent visits and official engagements at State level.

After a long career break from practising as a lawyer, which included working for the International Monetary Fund and *The Economist*, she returned to the legal world to become the first non-Austrian to be registered with the Austrian Bar in Vienna, following the implementation of the EU directive on recognition of European lawyers, in May 2000.

As a lawyer she has had experience of advising and negotiating and preparing agreements in the banking/ finance sector and on major construction and engineering projects mostly in Central and Eastern Europe. Since commencing practice in Vienna she has specialised in International Arbitration, where she has primarily acted as party representative in disputes/arbitrations concerning construction projects at the international level, involving projects as far a field as Brazil, Egypt and the Philippines. This has included representing a major Austrian construction company in an ICC arbitration involving the construction of dams. She is presently involved in a major European motorway construction arbitration involving FIDIC conditions of contract. Other international arbitration experience includes disputes concerning joint ventures, privatisation in Central European States and commodities transactions.

Mrs. Trofaier is at the moment undertaking the official training required for registration as a commercial mediator with the Ministry of Justice in Austria. She is an accredited mediator with ADR Chambers UK, and following the Berlin meeting in June 2004 was asked to become the representative for Austria of the Dispute Resolution Board Foundation.

She speaks English, German, French and Russian, and has a passive knowledge of Arabic.

Practice areas with her present firm of Baier Lambert include: International Arbitration; International Trade Law; Banking and Finance Law; EU Competition Law; Construction Law and Commercial Mediation.

She has four children, two at University (son studying History in Vienna, daughter studying Astrophysics at Edinburgh) and two just about to finish school. Reach her at m.trofaier@baierlambert.com.

DRBF Board Meeting Summary Minutes

By Ann McGough

OCTOBER 22, 2004 MEETING
A DRBF board of directors meeting was held on October 22, 2004 in San Francisco with 15 directors and officers participating. Bob Rubin presided over the meeting. Gwyn Owen, Bart Bartholomew, Jack Feller, Josh Randall, Jack Norton, Ann McGough, Larry Delmore, and Steve Fox were also present by invitation. The following is a brief summary of the discussions and actions taken at the meeting.

Treasurer's Report:
A complete budget report was provided to each of the Board members, and the highlights were recapped: total revenues projected, big drops in the Manual and corporate grants, dues are less but close enough to be pleased. There were also less workshops than anticipated, the Annual Meeting costs were up due to the boat tour, and total expenses and operations were below budget (primarily due to the fact that we didn't hire an executive director). There was money budgeted for marketing that was not used. There is a net of $1700 to the reserve fund, which is 50% more than anticipated. The total estimated reserves are up to $125,000 for the year end.

For 2005, two budgets were prepared, one with and one without an executive director (ED). Pete stressed that all assumptions were his own, and the draft was prepared with the intent of stimulating discussion. Several line items were increased if an executive director were hired: corporate grants, number of workshops, etc. with a total revenue spread of $55,000 between having an ED or not. Expenses would increase, including salary, benefits, travel and other marketing costs.

It was pointed out that one would expect membership to go up if you hire and ED. Dan Meyer said that the recommendation of the consultants is that you would need to expect a three year lag time in some of the increases. The consultants base their recommendations on their global experience dealing with non profit organizations. Their message is to prepare adequately for the run up time. This should be considered when looking at the "increase" expectations in the budget for grants, increased membership, etc.

The proposed budget makes no changes to the dues structure, and there is no item for setting up new chapters (i.e. Australia). It was suggested that we consider setting aside a small budget ($5000) for this, which would then be offset by new membership. It was suggested that we set a threshold – anything up to $500 is paid no problem, and anything above that requires Board approval. It was noted that you see membership dues increases within the next quarter following the meeting. These suggestions would apply to any chapter, not just international ones. A motion was passed to add $5000 as a sub allocation to the budget, with the rule that up to $500 can be paid out without Board review.

Peter Chapman raised the point that there has never been a budget for the International Conference, and he feels the time has come to add one. It was recommended that $2500 be added for the International Conference.

Newsletter and Website Report:
Ann McGough gave a brief report on the newsletter, which has had a fairly smooth year. There was some discussion of adding advertising or moving to full color. The general consensus was "if it ain't broke, don't fix it."

John Bradshaw was unable to attend, so Ann also gave an update on the website. It was supposed to have been transferred over the week preceding the meeting, but was delayed due to some technical problems on the webmaster's end. It is more important for the site to be working properly than to push it through. Ann did say that overall both she and Steve Fox are very satisfied with the performance of the new web design and hosting company they have been working with.

The resume section of the site was discussed, and the relatively low number of DRBF

member's participating. It was noted that less than half of the Board of Directors have their resume on the site.

Best Practice Guidelines (BPG) and other publications:

Hal McKittrick gave the background on the creation of the BPG committee and their goals. He was complimentary of the committee members, who represent a good cross section of DRB experience. He said the committee worked closely with the Manual committee on the creation of the drafts, with 2 goals: nothing would be blatantly contradictory with the Manual, and to create standards that can be used universally over a broad cross section. They've done their best to reconcile differences that have arisen.

He recommended the drafts be disseminated at the conference and in the *Forum*, in an effort to drive input, which could be significant, prior to the finalization of the documents. He also wants to hear from the membership about education and other publications they'd like. Hal shared that he thinks the BPG should be a living document, like the Manual, with changes as needed.

The question was raised as to whether there had been a consideration to have language along the lines of "there is a minority view…" Peter Chapman stated that the World Bank and others want a stricter set of guidelines and verbiage so that they can pass them out and say "do this…" The committee paid careful attention to language – for example, the use of "shall" vs. "should." Technically, they mean the same thing, but there is a subtlety, and we are in the *should* mode, not the *shall* mode.

The question was raised whether the BPG would become a replacement to the Manual, a sort of "cheat sheet." Hal responded by saying that the guidelines would have no conflict with the Manual, they are simply a condensed version for those who aren't inclined to read the Manual. It was suggested that although the BPGs are an appendix to the Manual, because they are also stand alone a best practice should be to read the Manual. Some expressed concern that the guidelines become what people turn to and they don't read the Manual. This would be unfortunate, since they are not comprehensive enough.

Bill stated that there are half a dozen inconsistencies with the Manual, and we must work together to resolve them. He advised against distributing the drafts in their current state. Step one should be to streamline the documents and step two to distribute through the *Forum*. The BPG and Manual committees pledged to work together to resolve outstanding issues in the next few months. If there is a disagreement between the two, Bob Rubin will make the final call. There was a rock solid commitment for May, with the understanding that it could be as early as February.

Bylaw Revisions

The committee has approved guidelines for chapters, and distributed them to the two existing chapters. No comments have come back, and Jimmy Lairscey and Gwyn Owen were asked to follow up with a phone call. There is a new amendment that Board members must be "sustaining" members of the DRBF. The nominating policy for empty Board of Directors spaces was addressed, and the Board agreed that a perforated card would run on the back page of the May issue of the *Forum*, with a red banner on the front cover to draw attention to it.

DRB Manual:

Section 1 & 2 are on the internet, Sections 3 & 4 are underway. Some changes to Section 1 have already been identified, including adding a preamble and more testimonials.

There are proposed changes to the tabulation committee. There is great information available by sorting data various ways, and it is easy to see holes in the data. It was suggested that John Nichols is the best person to run down additional information needed to complete the tabulations.

Fund Raising and Corporate Grants:

Dan Meyer has met several times with the Alford Group. Their recommendations are summarized in a memo distributed to the Board. They caution against having and unbalanced membership base (more contractors than owners = perception of bias). They also made recommendations about the executive director position, and needed funding to secure one. An executive director (ED) would focus his time on promotion, something Board members can only do as their schedule permits. The ED would sell the process, which would drive more projects to use DRBs, and the membership would benefit.

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Board of Directors Meeting Schedule

The board has scheduled conference call meetings for December 10, 2004 and February 11, 2005.

The board will meet in Chicago April 29-30, 2005.

If you have something you would like the board to discuss or consider, notify Bob Rubin or one of the directors.

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Education:
Bart Bartholomew reviewed his recommendations, and said that his report would be emailed to the board of directors and will be added to the agenda for the next meeting. One of the suggestions is to add an advanced training course, to be held in conjunction with other meetings where there are potential attendees. It was agreed that all Board members would review the report in detail and discuss it again at the next meeting.

New BOD Members:
The following new Board members were welcomed: Jack Fuller, Jack Norton, Gwyn Owen and Josh Randall. New committees would be confirmed at the next meeting, Dec. 10.

Other:
Bob Rubin reported that he is meeting again with Lorraine Brennan with the ICC, and that we are anxious to have a seminar discussing DRBs under ICC rules.

2005 Meetings:
It was decided that the International Conference would be held in Dubai in early May (around the 7th) and the Annual Meeting would be held in Denver, Colorado.

The meeting was adjourned at 10:30 pm PDT. The next Board of Directors meeting will be held by conference call on December 10, 2004.

If you've got news about DRBs, Foundation members, or an article to share, we'd like to hear about it.

Deadline for the next issue is January 1, 2005

Redesigned DRBF Website Now Available

The Dispute Resolution Board Foundation's Information Technology Committee rolled out the redesigned website in late October. The new site directs visitors to three main sections: one for prospective users of DRBs, one for prospective new members, and a password protected area for DRBF members.

The new site has greatly expanded content, including pages on the concept, selecting DRB members, DRB frequently asked questions (FAQ), and a searchable member resume database. Some pages are still under construction, as content will continuously be added and updated to reflect the latest information and direction of DRBs.

Members can login using a computer generated password, and then go in and make changes to their own profile. New content to the members only section includes a searchable membership database (which replaces the printed membership directory), FAQs, and a chat room.

The design of the site is reflective of the new image created by the marketing committee and is compatible with all marketing pieces, including the DRBF brochure and pocket folder.

Members are encouraged to visit the new site at www.drb.org. Please send your comments and ideas for the website to Ann McGough, amcgough@triad.rr.com.

WELCOME TO NEW FOUNDATION MEMBERS

MEMBER ADDITIONS JULY THROUGH SEPTEMBER 2004

Ross Baldwin
Flagstaff Consulting Group P/L
Hawthorn, VIC AUSTRALIA

John F. Beech
Geosyntec Consultants
Atlanta, GA USA

John W. Brown
Dade City, FL USA

Thaw Sing Chong
50480 Kuala Lumpur,
MALAYSIA

John Eric Clark
Ft. Myers, FL USA

Wayne Clark
Bangkok, THAILAND

John Cooper
Allens Arthur Robinson Lawyers
Sydney, NSW AUSTRALIA

Scott A. Cushing
Scott A. Cushing Consulting, Inc.
Miramar, FL USA

Graham R. Easton
Greenwich, NSW AUSTRALIA

Lisa Enloe
Lisa Enloe Construction
Consulting, LLC
McLean, VA USA

Mark Entwistle
Mark Entwistle Ltd.
Cwmbran, WALES

Esther Farmer
National Ins. Property Dev. Co.
Port of Spain, TRINIDAD

Gordon Steve Gardner
Greater Orlando Aviation
Authority
St. Cloud, FL USA

Duncan W. Glaholt
Glaholt LLP
Toronto, ONT CANADA

V. Inbavijayan
Chennai, Tamilnaov INDIA

Patrick Lane SC
Benmore, Gauteng
SOUTH AFRICA

Dallas R. Lee
Space Gateway Support, LLC
Titusville, FL USA

John Lewis
San Francisco, CA USA

Charles J. Madewell, PE
Danville, CA USA

William H. McInerney
McInerney & Dillon, P.C.
Oakland, CA USA

Giampaolo Mancini
Todini Costruzioni Generali SpA
Sibiu, SB ROMANIA

Richard J. Melim, P.E.
Sierra County Engineering
Downieville, CA USA

Dr. Kamran M. Nemati
Univ. of Washington
Seattle, WA USA

John Papworth
John Papworth Limited
Bridgwater, Somerset UK

John J. Petro
Williams & Petro Co. LLC
Columbus, OH USA

David Place, P.E.
Bend, OR USA

Gregory A. Reader
A. Hattersley & Sons Inc.
Ft. Wayne, IN USA

D. Saravanan
Chennai, Tamilnaov INDIA

Bobby J. Sims
Ready Road Repair
Dania, FL USA

Kevin Spellman
Emerick Construction
Portland, OR USA

Charles J. Sukanek, P.E.
URS Corporation
Longwood, FL USA

Prof. Dr. Bjorn Svensvik
Trondheim, NORWAY

Maria Theresa Trofaier
Baier Lambert
Vienna, AUSTRIA

Lee C.Warnock
Hatch, Mott MacDonald
San Diego, CA USA

Gail Charles Wright
Decula, GA USA

WEIGHING AND DROPPING THE ANCHOR

By Tobias Oelsner

Europe's biggest building site? No hydroelectric project. No aviation hub built. No tunnel is in sight. *The fall of the iron curtain*. Once the bridge of the western world in the Eastern Hemisphere, Berlin nowadays is the open gate to the new members of the European Union (EU). Could you think of a better place to discuss and initiate perspectives of Dispute Boards in the heart of Europe?

Following the approach and advancing further from last year's Conference in Paris (see DRBF Forum Vol. 7 Issue 4 p. 18), the delegates discussed how to establish Dispute Boards in particular countries that are not governed by common law. For the first time, the conference was bilingual with simultaneous translation of the host countries' language. It was worth the effort: nearly one half of the delegates, altogether representing 15 countries, attended from German-speaking countries at the House of German Economics, right in the middle of Berlin. For two days members and non-members of the DRBF were given the opportunity to focus on a regional spot of application of Dispute Boards. On the first day Maria Theresa Trofaier (Austria), Lorenz Czajka (Germany), and Beat G. Koenig (Switzerland) reported on the *status quo* of dispute resolution in their respective countries. They concluded that – although all part of the same civil law "family" – the states provide different fertile soils for new methods of dispute resolution.

For example, German and Austrian constructors and employers still wonder why to change an established system of high performance and at the same time inexpensive court proceedings. Therefore parties still hesitate to refer their disputes to other authorities than state or arbitrary courts. In particular, employers have doubts about the costs of a Dispute Board and whether it works effectively. On the other hand it became clear that the usual way of dispute resolution does not cope with the particular challenges of construction disputes. It seemed that it would make sense that Dispute Boards could be one of the "missing tools" to bridge this gap. Nevertheless Germany seems to keep its traditional ways and Austria waits for further impact from "big brother" Germany.

In the meantime, many innovations are noticed in the smallest country of the trio – Switzerland. It provides litigants with a broad range of tools for alternative dispute resolution. Nevertheless most of these innovative approaches are officially offered but rarely applied in Switzerland apart from some major tunneling projects.

But why not try more or at least one Dispute Board? The delegates agreed that Dispute Boards request more promotion and marketing on the Continent. They called contractors to emphasize the model of Dispute Boards for construction disputes. A mentor for Dispute Board should be established to promote the concept for public authorities. The conference asked for more legislative initiatives such as the 1996's Adjudication Act in the UK. Parties should be obliged to submit their contracts to any Dispute Board as a prerequisite to initiate court proceedings.

On the second day Ulrich Helm (Germany) and Jonny Müns-Mang (Germany) stated that there might be various practical concerns about Dispute Boards in Germany but no legal obstacles. Remarkable, in Müns-Mang's view the "European style" of binding decisions is generally not permitted by German budget law while the U.S. style of non-binding recommendations faces no legal concerns. Helm predicted that the booming popularity of Public Private Partnerships bears the "historical" chance to drop the anchor for Dispute Boards in Germany with Austria in its streamline.

The next topic covered an overview on the extension of the EU. The ten countries which entered into the European Union in May 2004 offer a new field of operation for the Foundation. Several financial agencies are funding many infrastructure projects in the former Eastern Bloc. The contracts often foresee Dispute Review Boards or Dispute Adjudication Boards based on the former and recent FIDIC conditions. It seems that the Foundation should and can contribute help needed for properly utilizing Dispute Boards in this region of Europe.

No Dispute Board event should be without at least one visit to the site. I told you that Berlin has been one whole big site for years and I should not leave out mentioning that the delegates did not miss out on the opportunity to visit part of it, too. On a beautiful summer evening the anchor was weighed and most delegates and many wives enjoyed a delicious riverboat dinner on the River Spree and the "Landwehrkanal."

There were beautiful panoramic views from the boat. Berlin is a city of outstanding sites and beautiful views just the same. But: the city of Berlin. Nowhere else on the continent have more changes been made during the last decade than in the formerly divided town. A city full of changes and plenty of new challenges to come.□

WORKSHOP CALENDAR

May 24 - Administration and Practice Workshop
May 25 - Chairing Workshop
Location: Denver, Colorado

October 6 - Administration and Practice Workshop
October 7 - Chairing Workshop
Location: Seattle, Washington

Attendees should take the Administration and Practice workshop prior to the Chairing workshop. Registration fee includes lunch and workshop materials. Each participant will receive a Certificate of Completion from the Dispute Resolution Board Foundation.

To register for a workshop, contact the Dispute Resolution Board Foundation by phone at 206-248-6156 or e-mail home@drb.org.

For the latest additions to the training schedule, visit www.drb.org.

PRIVATE DISPUTE RESOLUTION BOARDS

By Len Holm

As we know, most DRB experience has been on publicly funded civil and commercial construction and engineering projects such as highways, schools, dams, tunnels, et al. Many public agencies have been applying lessons-learned from private construction projects to successfully assist with claim mitigation, such as design-build, prequalifications, and Construction Manager at Risk procurement methods. We are all probably in agreement that the use of Dispute Resolution Boards (DRBs) on public construction projects has also led to fewer claims and lawsuits.

According to Fails Management Institute, 2004 should see over $600 billion spent by private construction consumers, or approximately two-thirds of the total construction market[1]. It is assumed that few, if any, of these private projects are utilizing DRBs. Why not? We at the University of Washington's Department of Construction Management are studying the applicability of DRBs on privately funded projects. If the answer comes back that DRBs can be used on private projects, would the process need to be modified, and how would the concept be marketed?

An introductory informal survey was distributed at the Annual Meeting. I agreed to write a short article or two and publish the results of the survey in the DRBF *Forum*. So here we go. There were 83 registered and 48 responses were received, or 58% of those registered. The fact that there was not a larger response might be contributed to one or more of the following:

- Not all of those who registered actually attended the conference.
- Not all of those who attended the conference were present at the time the survey was introduced and collected.
- Some of those registered were guest speakers and may not have been present at the time of the survey or felt the survey was not intended for them.
- Some of the participants may not have had any DRB experience or did not feel qualified to respond.

Based on these possibilities, I will not assume that 42% of those who registered felt negatively about the potential for DRBs to be applied to privately funded construction projects. Let me know if you disagree. The opinion of respondents was overwhelmingly positive. Following are summaries of the responses and early conclusions:

Question 1: Of the 48 responses, the total construction experience was 1952 years, with an average of 41 years, ranging from a low of 20 to a high of 60 years.

Question 2: 46 responded to the question regarding the quantity of DRBs they have been involved with, whether on private or public work. The total DRB projects represented by the respondents was 863 with an average of 19 DRBs per participant and a range from 0 (3 participants) to 100.

Based upon the responses to questions 1 and 2, it can be concluded that the survey participants should be considered both construction and DRB experts.

Question 3: A concern was that the group might not have had any private construction experience, and therefore not able to relate to the idiosyncrasies of this industry. Instead, the group averaged 23% of their total experience in the private arena. One participant indicated that he had spent 100% of his career on private works projects.

Question 4: There was also a concern on my part that we would not be able to find any who had prior experience on privately

funded projects which utilized DRBs. 31 of 44, or 70% who to responded this question confirmed that they had not had any private DRB experience. But what was unexpected was that 30%, or 13 participants, from this small sampling had been on one or more private DRB projects. One of our next steps will be to probe these participants further about those projects.

Question 5A: I asked if the participants had spent less than 25% of their careers on private projects, would they still feel qualified to serve on private DRB projects. The response was overwhelmingly yes. Only one respondent felt he would not be qualified to serve on a DRB because he was a contractor. Who disqualified contractors?

Question 5B: All 48 responses indicated that DRBs would be applicable to private projects. The reasons they gave to both questions 5A and 5B were consistent:

- It (DRB) is the same concept
- There are not any differences (between private and public projects)
- The contracts are the same
- Both types of work (private and public) need a means of settling disputes
- The disputes are the same
- Benefits of the DRB process work for both types of projects
- Our experience (construction and DRB) is transferable

I anticipated the responses to questions 5A and 5B would be that the process is applicable, and the practitioners are qualified. In order to avoid the responses from being discounted, because they might have a vested interest in expanding the DRB horizon, I asked questions 3 and 4 about the group's private construction and private DRB experience. But due to the positive responses about private experiences, I conclude the answers to questions 5A and 5B are valid. Please let me know if you disagree.

Question 6: When asked about the size of private projects where DRBs might be effective, the group responded:

- Any size of project: 50%
- A minimum of $10 million: 37%
- Only over $50 million: 13%

Question 7: 17 of the 46, or 37% who responded to this question indicated that both 1 and 3 person DRB panels would be applicable to private projects, depending upon size. 13 of these 17 also responded to question 6 indicating that project size less than $10 million are suitable for DRBs, where 1 person panels might work. 63% responded that 3 person panels are most appropriate, regardless of size.

Question 8: This was an open-ended question requesting suggested means of marketing the DRB process to private participants. Most of the responses included associations such as AIA, AAA, AGC, CMAA, and NAOIP. Some indicated that because the private industry is so diverse, it might be difficult to market the process to any particular client, contractor, designer, or association. Additional research will be done in these areas once we contact those with private DRB experience.

Question 9: The group was almost exactly split (22 yes, 21 no) when asked if a section should be added to the DRB Manual specifically addressing private DRBs. The response against this question was along the same lines as answers to questions 5A and 5b: "Since the concepts are the same, the procedures would be the same." 15 of the 21 answering no, or 71%, also answered question number 4 indicating they had not had any private project DRB experience. The ability of private owners to negotiate dispute solutions, without having to answer to other governmental authorities, may require some adjustment to the process. This is an area that I will probe further when interviewing participants (owners, architects, and contractors) who practice almost exclusively in the private arena.

Question 10: 100% of you requested the results be published in the DRB *Forum*, so

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there you are. If you would like a blank copy of this first informal survey, or would like to participate in a likely more detailed follow-up survey, please send me an email (holmcon@aol.com) and I will forward and include your totals to the database.

I see the next steps as follows: Any who did not attend the conference, who have an opinion about these questions or conclusions, are invited to send me your comments. I will be contacting each of you who responded to question 4 positively about prior private project DRB experience. If any others have had any experience on privately funded projects which utilized DRBs, I would enjoy hearing from you. I would also enjoy receiving the contacts of the owners and contractors on these projects so that I might query them about their opinions of the applicability of DRBs on private projects. The results of further study in this area will also be shared through the *Forum*.

(1) Fails Management Institute, *2002-2003 U.S. Markets Construction Overview*, FMI, 2002

Ask the Experts

Do you have a question or concern about DRBs in general or a specific DRB you are working on? Consult with one of the Hotline Committee members:

Bill Baker
Calistoga, CA
707-942-5886

Roger Brown
Portland, OR
503-452-7835

Peter Chapman
United Kingdom
44-1372-843755

Jim Donaldson
Seattle, WA
206-525-5216

Ray Henn
Denver, CO
303-534-5789

Daniel F. Meyer
Lake Forest, IL
847-295-9197

Norman Nadel
Brewster, NY
845-279-5516

Joe Sperry
Auburn, CA
530-878-7305

(continued from page 1)

Central Artery/Tunnel Project in Boston, Massachusetts. This high profile project included 46 active three member DRB panels. "Larry Delmore's first hand experience from the owner's perspective will serve as a great advantage when promoting DRBs," said Bob Rubin. "He understands the process from the inside out and believes in it."

The executive director is charged with implementing a development program that would accelerate the expansion of DRBF activities, initially focusing in the US and then internationally. Some of the responsibilities include networking with and advising agencies that are developing DRB programs; coordinating activities with related organizations such as FIDIC, the World Bank, the International Chamber of Commerce, etc.; increasing DRBF membership; identifying and applying for grants to fund training and education activities; and identifying public and private employers in the development phase of a major construction program to advocate for the inclusion of DRBs on their program; and more. The executive director will focus exclusively on the promotion of DRBF goals and will not be permitted to serve on any dispute boards.

Larry has a bachelor of arts degree from Bates College and a juris doctor degree from the Western New England College School of Law. He studied construction mediation at the Straus Institute at Pepperdine University. He is a member of the Lousiana Bar and the Connecticut Bar and serves on the National Panel of Neutrals for the American Arbitration Association.□

A MESSAGE FROM THE NEW EXECUTIVE DIRECTOR...

It is with a sense of confident enthusiasm and humility that I have accepted the position of executive director of the DRBF.

I use the words *confident enthusiasm* because you have entrusted to me a wonderful opportunity of sharing with potential DRB members and users my experience managing the largest successful single project application of DRBs, where approximately $7 billion of construction contracts yielded over 300 DRB meetings, 30 advisory DRB hearings and 29 formal hearings. I know firsthand that DRBs provide an efficacious means to resolve disputes, both for contractors and for owners.

I use the word *humility* because no one person can do this job alone. I look forward to the shared knowledge of the construction industry in each of your home locales that you can offer to assist me in increasing the successes of the DRBF. Together, we can elevate the DRBF to become the domestic and international first choice for dispute resolution and also to make the DRBF an essential value added component to all construction projects.

I look forward to having the opportunity to work with you for the further success of the DRBF.

Larry Delmore
Incoming Executive Director
Dispute Resolution Board Foundation

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FOUNDATION FORUM

Dispute Resolution Board Foundation
6100 Southcenter Blvd., Suite 115
Seattle, WA 98188-2441

***Pictured left to right**: Pete Douglass, Peter Chapman, Steve Fox, and Jim Donaldson. Carlos Ospina was not present.*

AL MATTHEWS AWARD WINNERS NAMED AT ANNUAL MEETING AND CONVENTION

The Dispute Resolution Board Foundation bestows the "Al Matthews Award" to one or more members who have given exemplary service in advancing the use of Dispute Resolution Board concepts, and the DRBF. On Oct. 23, four awards were given, recognizing international member Carlos Ospina, DRBF Secretary/Treasurer and charter member Pete Douglass, charter member Jim Donaldson, and DRBF Administrative Manager Steve Fox. Outgoing president Peter Chapman was also recognized for his work in the past year. Congratulations, gentlemen, for all your hard work and dedication to the DRB process.

Past Winners of the Al Matthews Award include:

2001	**Al Matthews**
2002	**Robert Matyas, Robert Smith, and Joe Sperry**
2003	**Jimmy Lairscey**