



Date: 02/20/2025
To:
From: Pete Fowler Construction Services, Inc.
Project: Construction Site Accident Claims Webinar 2/27/2025 (PFCS 24-0918)
Regarding: Audience Handout Package

Meet the Panel

Tom Fama

PARTNER - WOOD, SMITH, HENNING & BERMAN LLP

Tom Fama's practice focuses on all aspects of real estate including title insurance claims, boundary disputes, easements, mechanic's liens and broker professional liability. Tom regularly counsels clients navigating difficult agency disputes between brokers and sales associates as well as advising brokers on proper disclosures of a sales transaction during escrow. He devotes a significant amount of his practice to counseling real estate brokers in Northern California on emerging areas of exposure in real estate law and guides brokers through the preparation and formation of agency relationships.

Tom also brings his honed litigation skills to complex construction claims counseling and defending the nation's largest home builders against all facets of construction defect and construction accident litigation. He advises home builders on creative alternative strategies and proposals to litigation that have helped clients avoid multi-million dollar lawsuits. He has been recognized by judges and mediators as a creative lawyer that brings practical effective solutions to complex construction situations.

Don Gifford

EXPERT - PETE FOWLER CONSTRUCTION

Don Gifford is an expert in both general construction and electrical construction and design. With extensive experience as a testifying expert and witness, Don possesses a wealth of knowledge with respect to building systems, electrical and mechanical systems, lighting, fires and explosions, trips and falls, contract disputes, fiscal inequity, damages, and surety resolution. Don has more than 50 years of construction experience and more than 25 years serving as a forensics expert. He is a trusted resource to attorneys, carriers, contractors, building owners, and bonding companies, and he has been retained as an expert over 1,300 times.



Elgin Hakala

TECHNICAL LEAD - PETE FOWLER CONSTRUCTION

A licensed general contractor in the state of California, Elgin Hakala has years of experience in contracting, remodeling, project management, landscaping, and team leadership. He has worked hands-on with electrical, plumbing, carpentry, drywall, concrete, paint, windows, doors, and insulation, with proficiency in engineering & architectural plans. Elgin is constantly working to better his expertise, with his latest accomplishments including mastery of the Matterport 3D Modeling Software and Green Belt Certification through Lean Six Sigma.

The years Elgin spent honing his craft executing full spectrum home remodels while leading and supervising a team of subcontractors are used to serve clients who are property owners and managers, developers and contractors, product manufacturers and suppliers, insurers, and lawyers here at Pete Fowler Construction. With the communication skills required to maintain positive relationships with project board members, clients, and construction teams, Elgin Hakala is a valuable addition to any project he gets his hands on.

Walter Nelson

CLAIMS MANAGER - TURNER SURETY AND INSURANCE BROKERAGE

Walter Nelson is a seasoned Claims Manager at Turner Surety and Insurance Brokerage, specializing in construction defect claims since 1996. With an impressive career spanning over 25 years, Mr. Nelson has established himself as an expert in handling complex claims related to high-end homes and condos, and holds the following designations: CRM, CGA, and CRIS. Alongside his professional endeavors, Walter finds joy in activities such as golfing, biking, hiking, and attending live music events.

Attachments

1. Lesson Plan
2. Power Point Slides



Construction Site Accident Claims Webinar



OFFICES

CALIFORNIA

(949) 240-9971

29122 Rancho Viejo Road, #114
San Juan Capistrano, CA 92675

NEVADA

(725) 333-2365

2470 St Rose Pkwy, Ste 104
Las Vegas, NV 89074

FLORIDA

(407) 517-0650

174 Semoran Commerce Place,
#A-109
Apopka, FL 32703

TEXAS

(469) 677-8710



Pete Fowler
CONSTRUCTION
Services, Inc.

INTRODUCTION

It is no secret that a construction site is not a playground. Few places are more potentially dangerous; the list of safety regulations goes on and on to safeguard the wellbeing of construction professionals. Still, humans are flawed and prone to error, with three construction site fatalities and hundreds of injuries each day here in the US.

When these accidents happen, the companies involved are obligated to step in and investigate the details, rendering a thoughtful opinion about the facts surrounding the accident. No two claims are the same. Our analytical method walks through a professional investigation and analysis regardless of the specifics of the claim, like how the scientific method aids in discovery of the workings of our natural world.

Anyone who works with construction of any kind has an interest in being prepared for construction site accident claims and knowing how to handle them effectively. Insurance professionals need to know how to investigate a claim fairly and thoroughly with the full context of construction site safety standards. Legal professionals need the specific knowledge necessary to best represent their clients. Construction professionals should be aware of the process involved in an investigation.

PROGRAM OUTLINE

1. Introduction
2. Method
3. Analysis
4. Drawing Conclusions
5. Conclusion

LEARNING OBJECTIVES

- Introduce a framework for conducting a professional investigation of a personal injury that occurred on a construction site.
- Gain a big-picture perspective on handling construction site accident claims from abuilding expert perspective.
- Review real world case studies for examples of good practice handling construction site accident claims.
- Discuss the roles and responsibilities on a construction site based on contracts, industry standards, and OSHA regulations, including their multi-employer worksite rules.

PROGRAM CONTENTS

1. Introduction – 5 minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Introduction
 - D. Learning Objectives
2. Method – 20 minutes
 - A. Top 10 Most Common Construction Site Injury Accidents
 - B. Case Study Discussion
 - C. Issues / Allegations
3. Analysis – 15 minutes
 - A. Federal & State OSHA
 - B. OSHA Pocket Guides
 - C. Multi-Employer Worksite Analysis
 - D. Company IIPPs & Safety Plans
4. Drawing Conclusions – 15 minutes
 - A. Conclusions
 - B. Expert Coordination
 - C. Presentation
5. Conclusion – 5 minutes
 - A. Learning Objectives
 - B. Back-Up Materials
 - C. Webinar Materials / CE Certificates
 - D. Feedback

BACKUP MATERIALS

1. [OSHA Fact Sheet: Requirements When a Worker Experiences a Job-Related Injury or Illness](#)
2. [Sample Declaration One](#) by Pete Fowler Construction
3. [Sample Declaration Two](#) by Pete Fowler Construction
4. [Testimony Using the Term "Reasonable Scientific Certainty"](#) by the National Commission on Forensic Science

WEBINAR

THURSDAY, FEBRUARY 27th, 2025 @ 10:00AM PT

Pete Fowler
CONSTRUCTION
Services, Inc.

Construction Site Accident Claims

With Elgin Hakala, Don Gifford, Tom Fama, and Walter Nelson



ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



Contract Claims

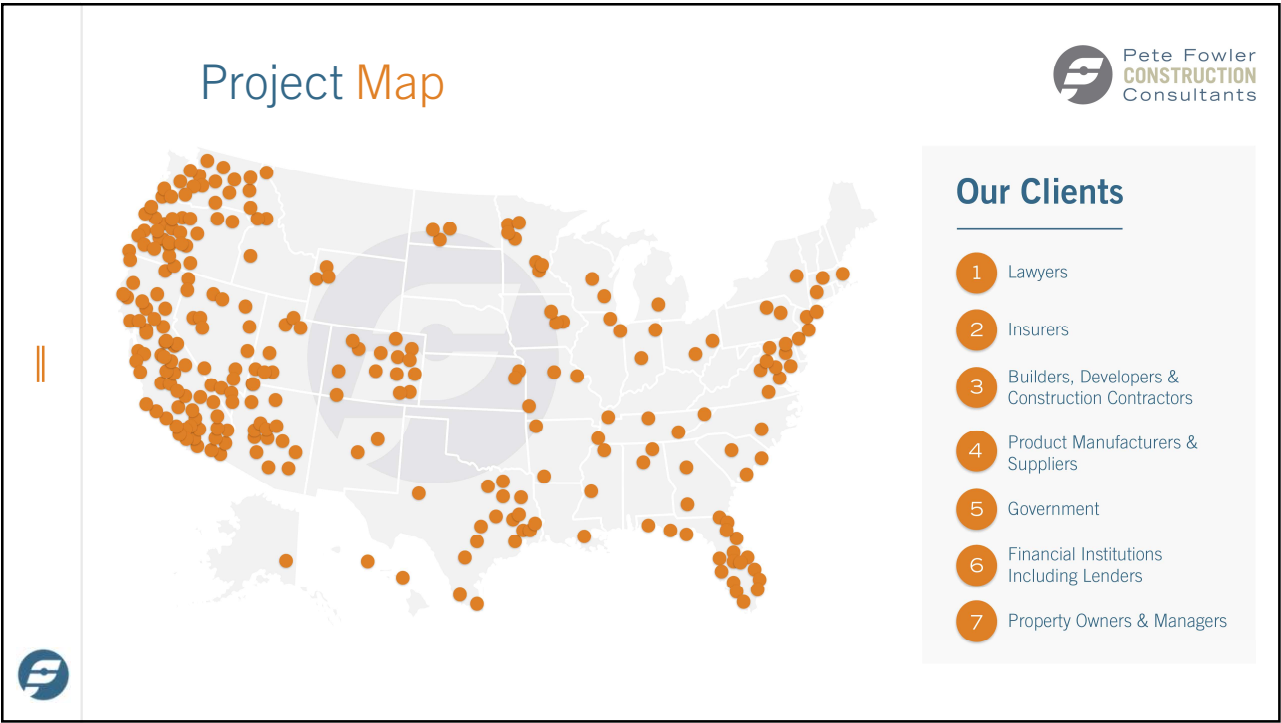


Estimating, Quality & Construction Management



Fire Claims



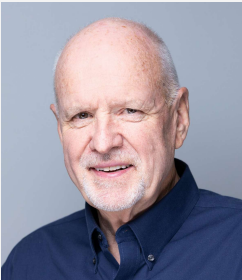




Meet our Presenters



Elgin Hakala
Technical Lead
Pete Fowler Construction



Don Gifford
Expert
Pete Fowler Construction



Tom Fama
Partner
Wood, Smith, Henning & Berman LLP



Walter Nelson
Claims Manager
Turner Surety and Insurance Brokerage, Inc.



Program Outline

CONSTRUCTION SITE ACCIDENT CLAIMS WEBINAR

- Introduction
- Method
- Analysis
- Drawing Conclusions
- Conclusion

The slide features a white content area on the left and a dark blue geometric pattern on the right. The title 'Program Outline' is in a large, dark blue font. Below it, an orange banner contains the text 'CONSTRUCTION SITE ACCIDENT CLAIMS WEBINAR'. A list of five topics is presented, each with a colored square icon to its left: orange for 'Introduction', dark blue for 'Method', olive green for 'Analysis', grey for 'Drawing Conclusions', and blue for 'Conclusion'. Each item is enclosed in a white box with a right-pointing arrow. A small FDOT logo is located in the bottom left corner of the white area.

Introduction



Learning Objectives



Introduce a framework for conducting a professional investigation of a personal injury that occurred on a construction site.



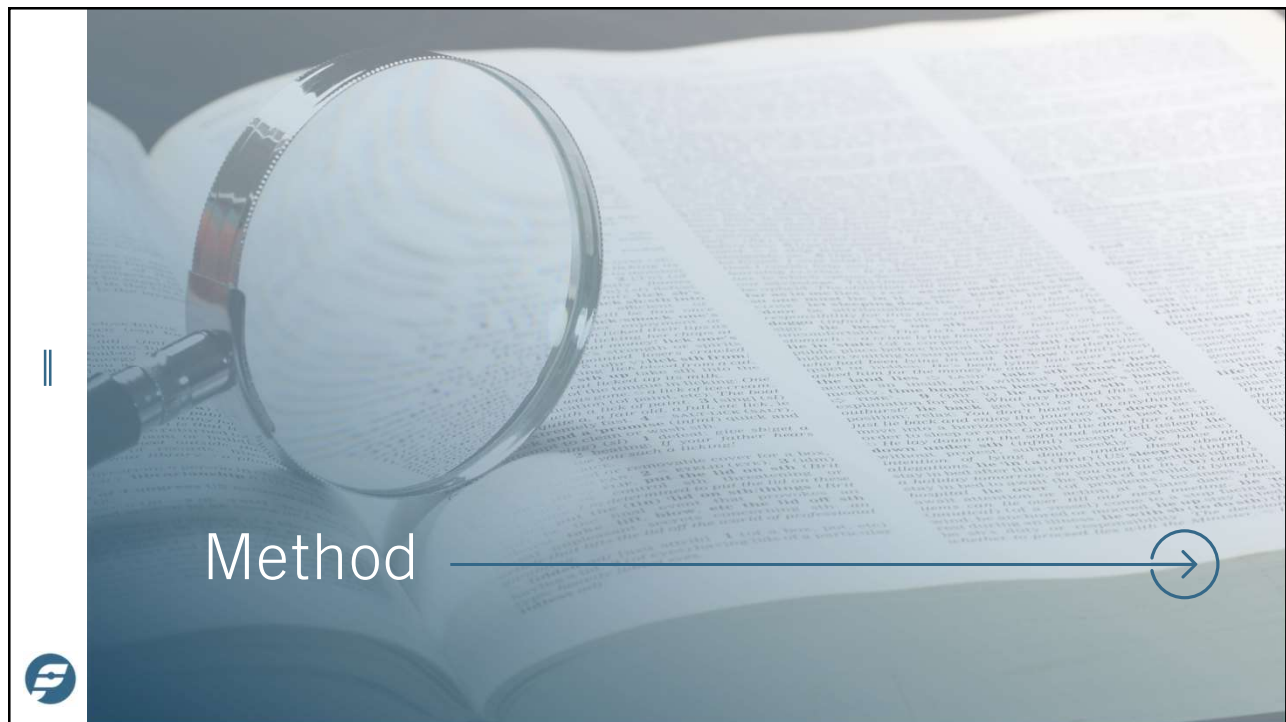
Gain a big-picture perspective on handling construction site accident claims from a building expert perspective.



Review real world case studies for examples of good practice handling construction site accident claims.



Discuss the roles and responsibilities on a construction site based on contracts, industry standards, and OSHA regulations, including their multi-employer worksite rules.



Top 10 Most Common Construction Site Injury Accidents

FY 2023



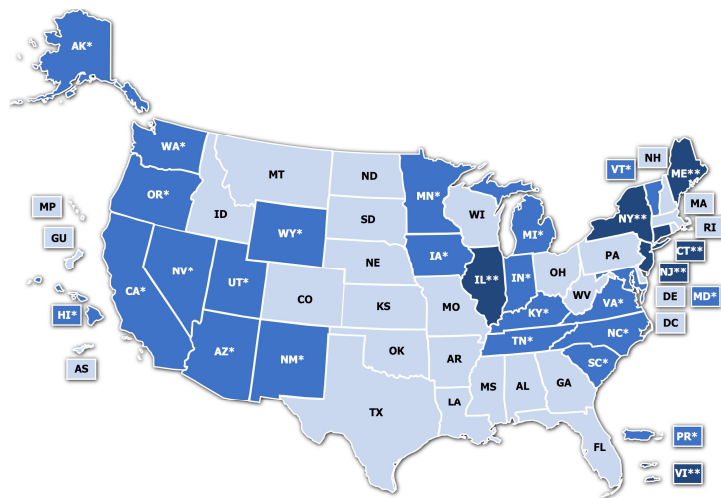




Analysis

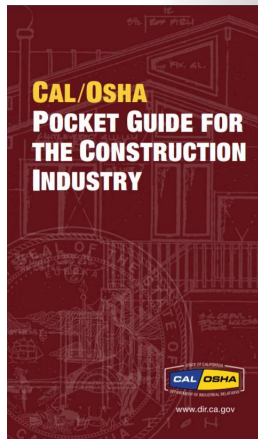


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- This state's OSHA-approved State Plan covers private and state/local government workplaces.
- This state's OSHA-approved State Plan covers state/local government workers only.
- This state (with no asterisk *) is a federal OSHA state.

OSHA Pocket Guides



Multi-Employer Worksite Analysis

Types of Employers:

- ⌘ Exposing Employer
- ⌘ Creating Employer
- ⌘ Controlling Employer
- ⌘ Correcting Employer





Drawing Conclusions



Conclusions

- Inspection Documentation
- Inspection Summary
- Project Summary
- Declaration
- Opinion Letter
- Report

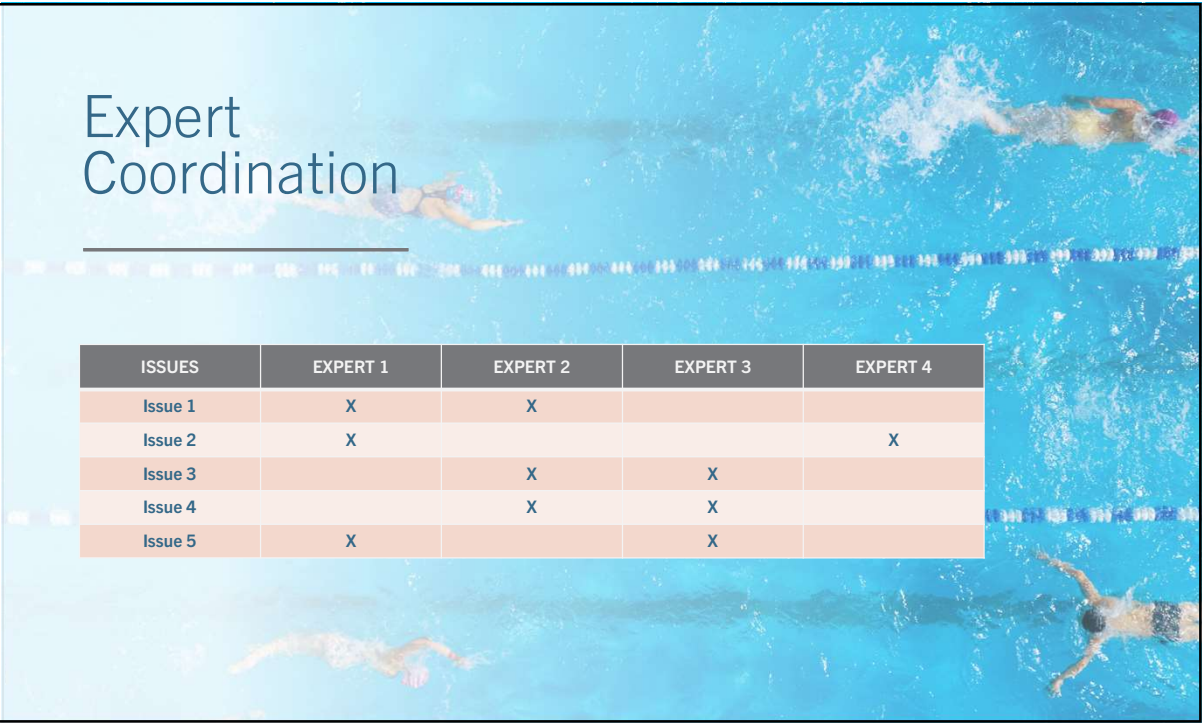


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Expert Coordination

ISSUES	EXPERT 1	EXPERT 2	EXPERT 3	EXPERT 4
Issue 1	X	X		
Issue 2	X			X
Issue 3		X	X	
Issue 4		X	X	
Issue 5	X		X	





A woman in a dark blue shirt and light-colored pants is standing and gesturing with her right hand towards a group of people seated at a table in a modern office. The office has large windows and a bright, airy feel. The background is slightly blurred, focusing attention on the presenter.

Presentation

- ⌘ Mediation
- ⌘ Deposition
- ⌘ Arbitration
- ⌘ Trial

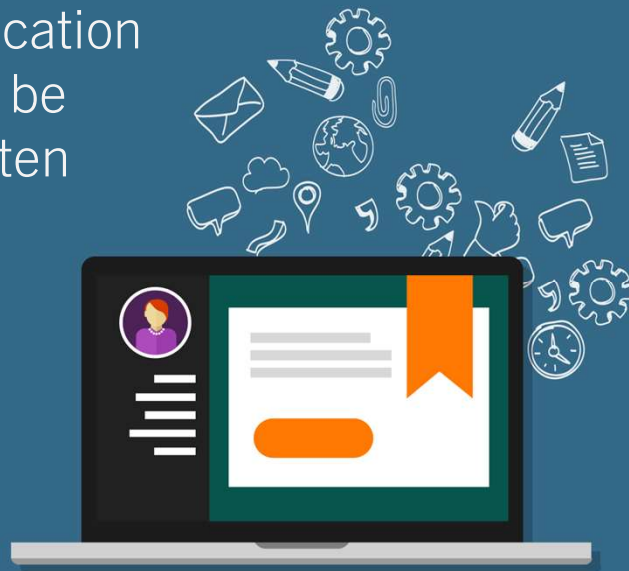
A circular logo with a stylized 'F' inside, located in the bottom left corner of the slide.

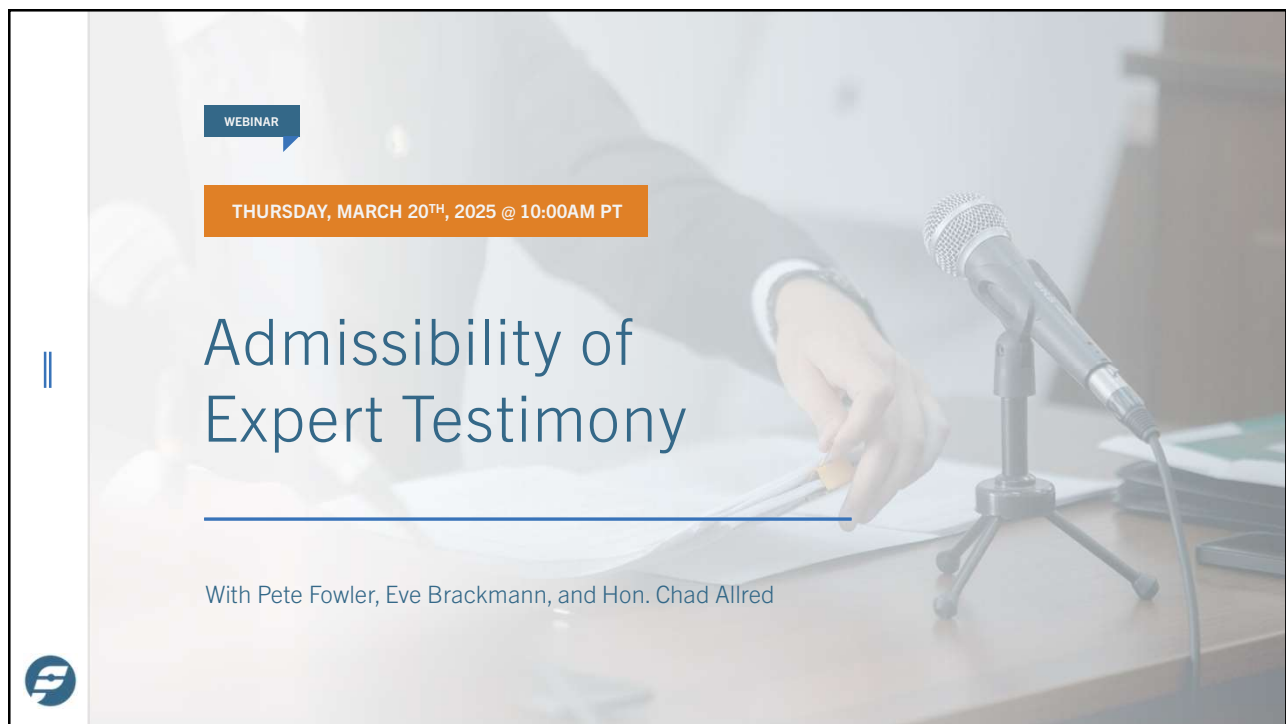


Learning Objectives

- 
- Become familiar with the basic vocabulary of personal injury claims.
 - Understand the components of a personal injury claim as they relate to the building environment.
 - Explain the basic elements arising from the theory of negligence in slip and fall cases.
 - Describe the significance of building codes and standards.
 - Explore the role of expert witnesses in slip and fall cases.

Continuing Education
Certificates will be
sent out within ten
business days.





WEBINAR

THURSDAY, MARCH 20TH, 2025 @ 10:00AM PT

Admissibility of Expert Testimony

With Pete Fowler, Eve Brackmann, and Hon. Chad Allred

