

# GARY L. COLE AIA, ESQ.

ATTORNEY • ARCHITECT • ARBITRATOR • MEDIATOR • EXPERT WITNESS

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## LEGAL EXPERIENCE

### **THE LAW FIRM OF GARY L. COLE AIA, ESQ., Chicago, IL (2008 – Present)**

**Owner.** Provide a broad range of design/construction-related transactional and dispute-resolution legal services for architects, engineers, contractors and construction trades, and provide co-counsel expert consulting services to attorneys in construction contract disputes. Prepare American Institute of Architects (AIA) contracts for design and construction services. Provide real estate, leasing, financial incentive and development services for real estate developers and property owners. Provide historic rehabilitation tax-incentive and historic preservation Section 106 regulatory compliance services, and legal and expert witness services for historic preservation and Americans with Disabilities Act (ADA) disputes. Construction Arbitrator and Mediator for the American Arbitration Association (AAA); Mediator for the Association of Licensed Architects (ALA); Mediator for the Center for Conflict Resolution (CCR). Website at: <http://www.garylcolelaw.com/>.

### **BRYANT MILLER OLIVE, Tampa, FL (2007-2008)**

**Of-Counsel – Construction/Real Estate.** Represented real estate developer clients in retail development matters including leasing, public finance and property owners association governance issues. Prepared American Institute of Architects (AIA) contracts for construction including \$50 million in public improvements. Assisted public utilities with various real estate matters and prepared real estate and power purchase agreements for a public utility solar array development.

### **THE SEMBLER COMPANY, St. Petersburg, FL (2005-2007)**

**In-House Counsel - Real Estate/Finance/Construction.** In-House Counsel for shopping center developer active throughout the southeast United States and Puerto Rico. Lead attorney on retail projects up to 1,150,000 square feet in size consisting of national “big box” retailers, in-line retail, restaurants, retail banking and national outparcel users, grocery and drug store chains. Negotiated and prepared leases and disposition and acquisition documents for retail properties valued at more than \$600 million. Negotiated construction and permanent financing documents for more than \$750 million in development. Developer's counsel for \$50 million in special district public bonds for infrastructure development. Addressed development approvals, permitting, platting, land use and environmental matters. Prepared and negotiated agreements for construction, construction management and design/engineering services. Addressed formation and corporate governance issues for real estate development entities.

### **SEYFARTH SHAW, LLP, Chicago, IL (2002-2005)**

**Associate – Construction/Real Estate.** Extensive experience negotiating and drafting complex construction and design contracts, American Institute of Architects (AIA) contracts, construction litigation support; participated in Americans with Disabilities Act (ADA) litigation. Broad experience in real estate transactional matters including the acquisition, disposition, leasing and development of commercial, office, industrial and residential properties including “big box” retail and shopping center developments. Negotiated purchase and sale agreements, leases, easement agreements, addressed title and survey matters, prepared closing documents, negotiated land use, environmental, zoning and building code matters with local governmental authorities. Negotiated development financial incentives including “TIF” grants and local, state and federal tax benefit incentives; represented public sector clients in the acquisition, disposition and leasing of properties.

### **GUNSTER, YOAKLEY & STEWART, P.A., West Palm Beach/Miami, FL (2001-2002)**

**Associate – Construction/Real Estate.** Experience in real estate transactional matters including the purchase and sale of commercial, residential, and telecommunications properties, title and survey matters, closing documents, finance documents, retail and office leases, development agreements, construction contracts including American Institute of Architects (AIA) contracts, construction supply agreements, and condominium agreements. Responsible for historic rehabilitation tax-benefit matters and support for construction-related litigation matters.

### **WINSTON & STRAWN, Chicago, IL (2000-2001)**

**Associate - Construction/Real Estate.** Extensive experience in national and international construction projects ranging from \$1 million to \$2.3 billion in project cost, including drafting and negotiating construction contracts American Institute of Architects (AIA) contracts and service agreements; participated in dispute resolution, bankruptcy, and mechanics liens issues. Assisted in real estate transactional matters, including reviewing and drafting leases, conducting due diligence investigations for lending institutions, and overseeing historic preservation regulatory matters.

**D'ANCONA & PFLAUM LLC, Chicago, IL (1998-2000)**

**Associate - Construction Litigation/Transactional.** Experience included participation in commercial, construction defects, and mechanics lien litigation and mediation, construction contract drafting including American Institute of Architects (AIA) contracts, settlement negotiations, real estate transactional matters, historic rehabilitation tax-credit appeal and regulatory issues. Propounded and responded to all forms of written discovery, drafted and argued motions in state court, drafted briefs for state and federal courts, drafted deposition and trial examination outlines, and prepared and conducted fact and expert witness depositions.

**LEGAL EDUCATION**

**LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW, Chicago, IL - Juris Doctor (1998)**

*Journal of the National Association of Administrative Law Judges* - Senior Articles Editor, Spring/Fall 1997

*American Jurisprudence Award for Highest Grade* - Comparative International Law

*Dean's List*

*Loyola Rome Center for International Studies, 1997*

**ARCHITECTURAL EDUCATION**

**UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, Urbana, IL - Master of Architecture (1992)**

*First Place Charles E. Peterson Prize*

*First Place Edward C. Earl Prize in Architecture*

*Dean's List*

*Graduate Teaching Assistant*

**UNIVERSITY OF ILLINOIS AT CHICAGO, Chicago, IL - Bachelor of Architecture (1988)**

*Graduated with "Distinction in Design"*

*Dean's List*

*Talent Tuition Scholarship*

*Pillsbury Traveling Scholarship*

*Golden Key National Honor Society*

*Phi Eta Sigma Honor Society*

**L'ECOLE D'ARCHITECTURE ET D'URBANISME DE VERSAILLES, FRANCE**

Undergraduate architecture study and travel in France, England, Scotland, Spain, Greece, and Morocco (1985-86)

**ARCHITECTURAL EXPERIENCE**

**UNIVERSITY OF ILLINOIS GRADUATE SCHOOL OF ARCHITECTURE, Urbana, IL (1993-2001)**

**Visiting Associate Professor.** Created and taught graduate architecture and historic preservation courses in historic structures investigation and building pathology, construction documents, specifications and hands-on construction skills using traditional construction materials.

**COLE ARCHITECTS (1988-1998)**

**Architect.** Project architect/consultant for commercial and residential construction projects. Building investigation and documentation of historic residential, commercial, and pre-Civil War structures.

**Construction Contractor.** Contractor for concrete and masonry construction projects.

**Historic Rehabilitation Tax-Benefit Consultant.** Coordinated with state and federal administrative agencies in awarding historic rehabilitation income and property tax benefits to owners and developers of historic properties.

**Expert Witness.** Historic property litigation expert witness.

**STATE OF ILLINOIS, ILLINOIS HISTORIC PRESERVATION AGENCY, Springfield, IL (1992-1994)**

**Historical Architect.** Provided extensive application review, site inspections and technical assistance to developers, building owners, architects, engineers, municipalities, and federal agencies for over 300 historic projects seeking state and federal tax benefits and compliance with state and federal historic rehabilitation laws. 1993 FEMA/National Trust Mississippi Flood Assessment Team member.

**VARIOUS ARCHITECTURAL FIRMS (1985-1995)**

Employed by and consulted with architectural firms in a wide range of capacities including building design, construction documents and specifications development; building forensic investigation and material analysis. Project types included commercial, industrial, single and multi-family residential and historic rehabilitation.

## **PROFESSIONAL LICENSES AND MEMBERSHIPS**

**Licensed Attorney.** Admitted to Illinois Bar (1998), admitted to Florida Bar (2001)  
United States District Court, Northern District of Illinois (1998)  
Construction Arbitrator and Mediator for the *American Arbitration Association* (AAA)  
Mediator for the *Center for Conflict Resolution* (CCR)  
Mediator for the *Association of Licensed Architects* (ALA)

**Licensed Architect.** Registered in Illinois (1993)  
Member *American Institute of Architects* (AIA)  
Founding Board Member *The Chicago-Midwest Chapter of the Institute of Classical Architecture & Art*  
Board Member *The Jefferson Society*  
Member *National Trust for Historic Preservation*  
Member *National Veteran Owned Business Association* (NaVOBA)

## **PUBLIC SPEAKING**

- *NCSBN Keynote Speaker – Chicago 2011.* “Case Construction: Parallels Between Law and Architecture.”
- *Traditional Building Conference – Chicago 2010.* “Beyond Tax Credits for Historic Rehabilitation.”
- *Traditional Building Conference – Chicago 2010.* “Avoiding Legal Liability When Preservation Goes Green.”
- *American Institute of Architects – Historic Resources Committee, 2010.* “Historic Rehabilitation Incentives.”
- *American Institute of Architects – “Renew Tampa Conference 2008.* “The Rise of the Green Building Ordinance.”
- *American Institute of Architects – Historic Resources Committee, 2003.* “Legal Advocacy Skills for Architects.”
- *Miami Design and Preservation League, Art Deco Weekend, 2003.* “Historic Rehabilitation Economic Incentives.”
- *Restoration '97 National Preservation Conference, 1997.* “Legal Issues of Architectural Salvage.”
- *VI Foro International Patrimonio Arquitectonico, Cartagena, Columbia, 1996.* “Chicago Historic Preservation.”
- *Restoration '96 National Preservation Conference, 1996.* “Careers in Preservation - The Architect's View.”
- *Illinois Statewide Preservation Conference, 1995.* “Historic Building Assessment Fundamentals.”
- *Restore – National Masonry Conference, 1994.* “Structural Assessment of Flood Damaged Historic Buildings.”
- *Illinois Statewide Preservation Conference, 1994.* “Assessing Flood Damaged Historic Structures.”

## **PERIODICAL PUBLICATIONS**

- *Traditional Building Magazine*, Replacing the Secretary’s Standards with a Model Historic Building Code.” April 2013
- *Licensed Architect*, “Mediation and Arbitration 101 for Architects.” March 2011
- *Licensed Architect*, “Discover Ways to Pay for Historic Rehab Projects.” September 2010
- *Retail Law Strategist*, “Proposed Revisions to the ADA.” October 2004.
- *Illinois Institute for Continuing Legal Education (IICLE)*, “Land Use - Historic Preservation Law.” 2004/2006.
- *Heartland Real Estate Business*, “Minimizing the Risk of ADA Lawsuits.” January 2004.
- *Heartland Real Estate Business*, “A Lesson in Historic Properties.” June 2003.
- *Florida Journal of Real Estate*, “Financial Incentives for Historic Properties.” November 2002.
- *Midwest Real Estate Journal*, “Financial Incentives Help Preserve Historic Properties.” October 2002.
- *Journal of the National Association of Administrative Law Judges*, “State Court Invalidation of a Federal Regulation: Thomas v. NCDHR.” Spring 1997.
- *Urban Lawyer*, “Recent Developments in Historic Preservation and Architectural Control Law.” Co-authored, Fall 1996.

## **ONLINE PUBLICATIONS: *LawArk***

Gary L. Cole AIA, Esq. regularly publishes timely articles dealing with real estate development, design and construction, green building, historic preservation and accessibility issues on his websites “*LawArk*” at <http://www.garycolelaw.com/>.

His articles are frequently republished by national trade association online and print media such as the Associated General Contractors of America (AGC), the Association of Licensed Architects (AIA), *Traditional Building* magazine, various law firm blogs, national green building websites and other building-related websites and blogs.