

HOA President Files Lawsuit Against Engineering Firm and Builders of a High-Rise Residential Tower

A day of emotional testimony and intense cross-examination took place on February 28, 2026, at the Central Magistrate Courthouse in Columbia, SC, between East Jasper Residential Tower's Home Owners Association president Reed Alvarez and Apex Engineering and Metro Builders LLC.

"I was outraged that this valuable information was being kept from me, and it put hundreds of residents' lives on the line," testified Alvarez, who is suing on the grounds of breach of contract, negligence, and breach of fiduciary duty.

In March of 2016, Alvarez received a "very alarming" whistleblower memo from a former Apex employee detailing a structural risk within the East Jasper Residential Tower. During his direct examination, Alvarez described his extreme concern for the safety of his residents, and he immediately reached out to Apex and Metro to get the details of what exactly was wrong with the structure of the tower. However, neither Apex nor Metro responded to his concerns.

Alvarez explained that he couldn't simply wait around for something bad to happen to the tower and its residents. He felt that Apex and Metro were "jeopardizing the safety of residents by not responding." He called an emergency HOA meeting to vote on retrofits to the tower. Apex and Metro were not invited as they had a "clear financial incentive to downplay the risks to the building," Alvarez said.

The vote passed 51% to 49% in favor of the retrofits, amounting to 23 million dollars, thus increasing HOA fees by \$765 per resident.

Later in his testimony, Alvarez said that Dr. Rowan Hightower, a licensed engineer and safety consultant with over 20 years of experience and an expert witness for the prosecution, attended the HOA meeting to explain why the tower's structure left it so vulnerable from an engineering standpoint. Specifically, the tower was threatened by quartering winds that hit an object on two or more sides, at an oblique angle. These winds can be threatening in high wind scenarios, like hurricanes or tornadoes.

Amanda Kimpson

Spring Valley High School

Hightower, during his testimony, detailed that the tower's use of bolted shear connections rather than welded joints left the tower "far weaker," and exposed to quartering winds. He criticized Apex Engineering's decision not to conduct a full dynamic wind analysis on the tower, despite the building code not requiring this step at the time of construction.

Ellis Chen, a professor at Columbia University in Civil and Environmental Engineering, called by the prosecution, corroborated Hightower's statement, saying "the engineers at Apex had the means and responsibility to conduct these [wind tunnel and computational fluid dynamics (CFD)] tests, but they strayed from the common engineering practices. This was extremely concerning, considering the hundreds of residents in the tower and the amount of harsh winds."

When Cam Martinez, the lead project manager for Metro, was called to testify, he refuted the prosecution's claims, confirming the safety of the East Jasper Residential Tower. He asserted that while the tower "utilized complex structure and frames," the switch from welded joints to bolted shear connections did not jeopardize the safety of the building, and this change was approved by the building inspector and Apex.

Under cross-examination, Martinez revealed that the bolts were approved after reviewing cost concerns, and saved three months of construction time and lowered costs by 18%.

Retired city building inspector Whitley Carter, called by the defense, was the one to actually inspect the tower and ensure all code requirements were met. In his over 15 years of experience, The East Jasper Residential Tower was the first he's seen to ever pass inspection on the first try. Carter was amazed at this, given the tower's incomparable structure and height. "All regulations were met, and there were no code violations," Carter said on the stand. He went on to say that he granted the tower a certificate of occupancy, meaning that it was safe for residents to move in.

Carter stressed to the court that this certificate meant the tower was completely safe and met all building codes at the time. He emphasized that the memo Alvarez received, alluding to structural

Amanda Kimpson

Spring Valley High School

deficiencies in the building, does not carry the same weight as this government document, the certificate of occupancy.

During the cross-examination, the attorney for the prosecution made the point that no wind analysis or tests on the bolted shear connections were conducted on the tower, to which Carter reemphasized, “all required tests were passed on the first try.”

The last witness the defense called to the stand, Ash Forrester, a licensed structural engineer, testified that “these bolted connections had no effect on the safety of the tower, and if they did, it would have been reflected in the code.” A crucial point of the defense’s case is that the code was the standard of care Apex and Metro were obligated to hold, and they did exactly that.

In closing arguments, the prosecution’s attorney used the theme of “food, water, and shelter” to show that Apex Engineering and Metro Builders LLC betrayed the trust Reed Alvarez and residents placed in them to construct a safe shelter; they “gambled with lives to save pennies,” the prosecution said as a final statement.

The defense negated this notion, saying the prosecution’s entire case was built on hypothetical concern and fear, that “compliance with the building code is the level of care,” and implored the jury not to take “possibility over proof.”

The jury remains in deliberation at this time.