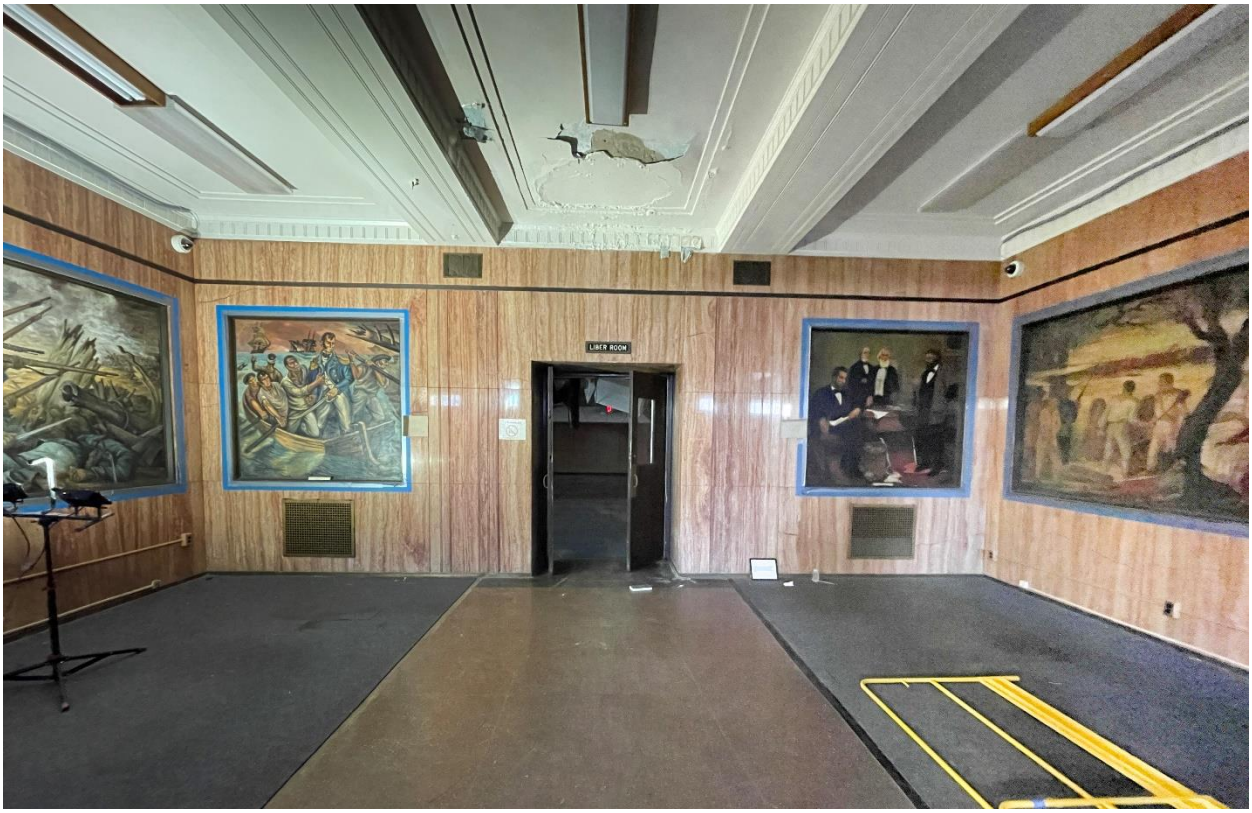
EVERGREENE
Architectural Arts

DC RECORDER OF DEEDS BUILDING
MURALS CONDITION AND TREATMENT ASSESSMENT

WASHINGTON, DC

Client: SmithGroup, Inc.



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INTRODUCTION

This report is prepared in fulfillment of the contractual request. It is intended to provide information of existing conditions that can inform future treatment options. It is not intended, nor should it be used as, a specification for such treatment. Construction documents may be derived from the information provided herein but by itself this report is not to be used for construction.

EXECUTIVE SUMMARY

EverGreene Architectural Arts (EverGreene) was retained by SmithGroup, Inc. (SmithGroup) to conduct the removal and replacement of protective coverings, in addition to the visual assessment, documentation, and limited treatment testing of seven (7) painted marouflage murals in the historic Recorder of Deeds (RoD) Building, located at 515 D St NW in Washington, DC. EverGreene's scope of work included providing recommendations for the conservation of each mural and budgetary cost estimates for their remedial treatment. The assessment was performed as part of a larger ongoing project lead by SmithGroup to provide pre-design services for the development of a Bridging Contract Document package to the District of Columbia Courts for modernization of the RoD Building.

EverGreene carried out field investigations from January 10-26, 2024. Senior Conservator, Katey Corda, provided project management coordination and oversight. Corda, along with Senior Conservator, Brooke Russell, carried out field assessments and testing, and are the authors of this report. Senior Technicians, Kevin Wagner and Mirta Vidal, performed the removal and re-installation of protective coverings over the murals.

All seven murals are marouflage technique, meaning they are painted on canvas which is mounted directly to the wall surface with an adhesive. Testing indicates that a lead-based adhesive was used to secure the canvases to the wall surface.

Existing conditions were recorded through photography, graphic mapping, and annotation. Results of the assessment suggest the murals are in relatively stable condition. Each of the 7 murals were found to exhibit many similar conditions, which mainly vary by degree and extent. Typical conditions include surface soiling, reflective and discolored varnish layers, flaking paint, craquelure, delamination of canvas from the plaster substrate, salt efflorescence, and previous restorations.

Findings from treatment trials indicate that aesthetic and visual interpretation improvements to the murals are possible through cleaning: removal of surface soiling and reduction of existing varnish layers. However, the successful cleaning methodologies established are different for each mural. Paint

flake re-adhesion trials were also performed successfully and a single approach can be applied to all of the murals.

The RoD murals are historically, socially, politically, and artistically significant and their preservation should be seen as a high priority. Conservation treatment would benefit all the murals though improving stability and reclaiming both visual integrity and original artistic intent. The results of the assessment suggest that conservation treatment is possible in-situ. Detailed remedial treatment recommendations are provided for each mural. Two of the murals have suffered a greater degree of water damage than the others and have more compromised plaster substrates as a result. Alternative treatment options for the removal and off-site conservation treatment of these two murals are therefore also presented.

A budgetary cost estimate for the treatment of the murals is provided in Appendix C.

HISTORICAL OVERVIEW

The historic Recorder of Deeds (RoD) building is significant not only for the architectural design of the structure, but also for the social and political symbolism of the RoD position, and the historic and artistic context of the artwork contained within, particularly the seven murals.

RECORDER OF DEEDS APPOINTMENT

In 1863, Congress formalized the District's recordkeeping by creating the office of Recorder of Deeds, with responsibility for registering, certifying, and filing all deeds, mortgages, conveyances, quit claims, powers of attorney, leases, trusts, incorporations, contracts, covenants, agreements, and similar documents. Congress made the position of the Recorder, the overseer of these services, a presidential appointee subject to Senate confirmation in the manner of a cabinet officer or ambassador. Following the Civil War, even after the Civil Service reforms of the 1880s, the appointment of African Americans to governmental positions was severely restricted by rampant racial discrimination and segregation systems. However, in 1881, President James Garfield appointed Frederick Douglass as the DC Recorder, making the position one of few federally appointed positions open to African Americans. Since Douglass's appointment, the position has historically been filled by an African American.

The position was highly coveted because it was highly lucrative. In addition to fees for certification and other services, the office used the method of hand-copying even the longest deeds into record books called "liebers". Customers were charged by the word, with one-third of the fee going to the copyist and two-thirds to the office. The recorder used the proceeds to pay office expenses and staff salaries and kept the remainder as personal compensation. After his term, Frederick Douglass suggested that

commercial activity increased so much that the Recorder of Deeds had become the most highly compensated government official after the President.

RECORDER OF DEEDS BUILDING

The historic RoD building is a landmark and was first recognized for its significance in 2005 when the RoD murals and history were acknowledged by a Washington, DC city historic marker. In December 2019, the building and its interiors were added to the DC Inventory of Historic Places[1]. Finally, in April 2020, the building was added to the National Register of Historic Places[2].

The old RoD Building is a three-story structure with a limestone façade, built between 1941-1943 by the municipal government of the District of Columbia (Figure 1). It is located at 515 D St NW in downtown Washington, DC. The building was designed by the Office of the Municipal Architect under Nathan C. Wyeth, a prominent architect known for his many contributions to the Capital's important buildings. Wyeth designed the White House's West Wing, including the Oval Office, as well as Longworth House Office Building and several embassies. The RoD's austere Classical Modern/Stripped style echoes that of the District of Columbia Municipal Center, located one block east. Both buildings, along with a third companion building, the DC Library Annex (demolished in 1982), were intended to be components of a large municipal complex planned for the Judiciary Square area but never realized.

The building was designed as a governmental office building, with a specific function—to process and hold original deed certificates. For this purpose, the building contains basement vaults intended for record keeping. The first floor includes foyers at each entrance, a lobby that runs parallel to D Street, and public rooms. Offices for the Recorder, other managerial positions, and a library room occupy the second floor. The third floor originally housed copyists and other clerical staff.

The functioning offices were moved to a new site south of the Mall in 2010. The historic RoD has been vacant since and is currently in poor condition.

[1] https://dcpreservation.org/2020/01/14/recorder-of-deeds-building/
[2] https://www.nps.gov/subjects/nationalregister/weekly-list-20200417b.htm

Figure 1. Contemporary image of the Recorder of Deeds building. (Photo courtesy of the DC Preservation League)

MURALS IN THE RECORDER OF DEEDS BUILDING

The RoD building includes notable artworks by recognized American artists that possess high artistic value. The most prominent artworks are the seven murals painted between the years 1942-1944. Although not commissioned as part of the Works Progress Administration, they are of the WPA era. The murals exemplify the socially progressive nature of the RoD's history. The artists selected to paint the murals were diverse: a Cuban man, three women (one of whom was first generation American), a Jewish man, and an African American man. It should be noted that each of the artists comes from, or studied in, the Midwestern United States. Equally important to the diversity of the artists is the murals' subject matter as each depicts important African American men who were pivotal in United States' history and growth.

Figure 2 below shows plans of the first and second floors indicating the locations of the murals. Six of the murals are located in the vestibule and lobby areas of the first floor and the seventh mural is located over the fireplace in the library on the second floor.

The following section describes each mural with an overview of its artist and history.

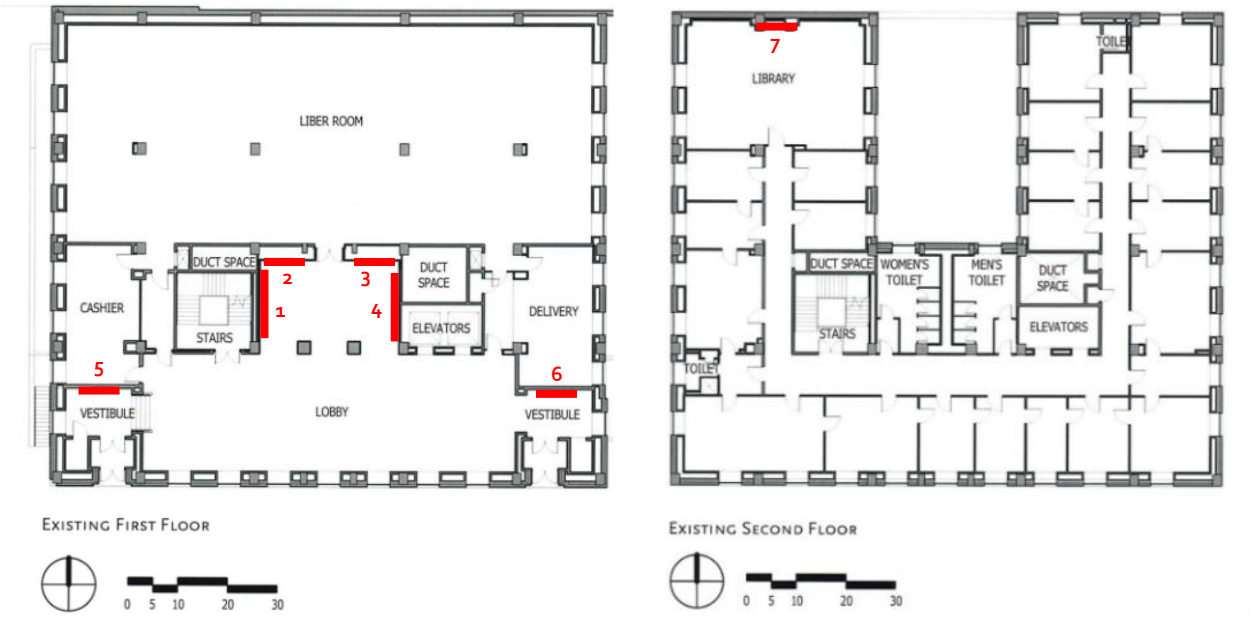


Figure 2. Plan of the Recorder of Deeds first and second floors, showing the locations of the seven murals. (Image provided by Smith Group.)

Mural 1: Carlos Lopez, The 54th Massachusetts regiment, under the leadership of Colonel Shaw in the attack on Fort Wagner, Morris Island, South Carolina[3]

Carlos Lopez was born in Havana in 1908 and moved with his family to the United States in 1919. Lopez studied at the Detroit Arts Academy and the Art Institute of Chicago. In 1933, Lopez became the director of the Detroit Art Academy, holding that position until 1937 when he left to teach at various academies in Michigan. In 1945, he was tenured at the University of Michigan in Ann Arbor. He remained there until his death in 1953.

Lopez was known for his oil paintings and watercolors, using dark tonalities across his classically arranged compositions. He completed many projects for the Works Progress Administration (WPA), specializing in murals for post offices. The RoD mural is his largest commissioned piece (Figure 3, 14'2"x5'5").

[3] https://www.valpo.edu/brauer-museum-of-art/files/2015/01/Carlos-Lopez-A-Forgotten-Michigan-Painter.pdf
https://en.wikipedia.org/wiki/54th_Massachusetts_Infantry_Regiment

Figure 3. Carlos Lopez, *The 54th Massachusetts regiment, under the leadership of Colonel Shaw in the attack on Fort Wagner, Morris Island, South Carolina* (Photo by EverGreene, January 2024)

The subject of the mural is the 54th Massachusetts Regiment, the second black regiment assembled for the Union Army in the American Civil War. White officers led the regiment, one of whom was Colonel Robert Gould Shaw, the son of two abolitionists. Also of note is that Frederick Douglass's two sons enlisted in this regiment, which ties this mural to the Scott mural described later in this report.

Shaw came from an upper class, intellectual family in Dartmouth, MA who were active supporters in the abolitionist movement. Shaw believed in equal pay for all soldiers supported his soldiers in their refusal of pay until it equaled that of white soldiers. Shaw perished on the battlefield at Fort Wagner in Charleston, SC. He was shot three times in the chest as he led the 54th Regiment into active fire.

The mural Lopez painted for the RoD building illustrates the dying moments of Colonel Shaw, utilizing the classical triangular composition often implemented to demonstrate reverence for the subject and drama. The subject at the triangle's base is viewed as the foundation of the painting, with the drama and emotion occurring at the sides and top of the triangle. The composition evokes Classical depictions of the Lamentation of Christ, after Jesus's body is taken down from the cross and laid on the ground surrounded by his acolytes. In a similar fashion, pale, elongated and gaunt, Shaw's body is laid across the triangle's base, comprised of his dead soldiers, while two of them attend to his wounds. The soldiers at the top continue to fight, protecting Shaw's body and its attendants. At the apex of the triangle is the Union flag, held by a young boy, representing the future and the fight for freedom.

Mural 2: Martyl (Suzanne "Martyl" Schweig Langsdorf), *Cyrus Tiffany in the Battle of Lake Erie, September 13, 1813*[4]

Figure 4. Martyl, *Cyrus Tiffany in the Battle of Lake Erie. September 13, 1813* (Photo by EverGreene, January 2024)

Suzanne "Martyl" Schweig-Langsdorf was born in St. Louis in 1917. Martyl was born into an artistic family and exposed to art at an early age. Her father was a well-known portrait photographer, and her mother was a famous painter and founder of the Ste. Genevieve Art Colony. Martyl took painting classes during her childhood and graduated from Washington University in 1938. In 1942 she married Manhattan Project nuclear physicist Dr. Alexander Langsdorf, Jr. and worked as the art editor for his *Bulletin of Atomic Scientists* from 1945 to 1972. It was for this journal that she designed the iconic "Doomsday Clock" for the cover, which brought her national fame. She designed and painted multiple post office murals for the WPA and became an instructor at the Art Institute of Chicago in 1965. Martyl continued painting until she passed away in her nineties in 2013.

In her mural for the RoD Building, Martyl depicted Cyrus Tiffany shielding Oliver Hazard Perry. Cyrus, also known as Silas, was born in 1738 to Nathan Tiffany and Sarah Harvey, however little else is known of his childhood (Figure 4, 5'7"x5'5"). It is believed that Tiffany served as a fifer in the Revolutionary War and continued serving in the War of 1812. Records show that he was a fifer, musician, or seaman, and

[4] https://missouriartists.org/person/morem40/
https://artic.contentdm.oclc.org/digital/api/collection/artists/id/308/download
https://en.wikipedia.org/wiki/Martyl_Langsdorf
https://www.blackpast.org/african-american-history/tiffany-cyrus-1738-1818/

became close to Commodore Oliver Perry during the War of 1812. In 1813 on Lake Erie, Perry's ships were overwhelmed by a British fleet. Perry commanded Tiffany to remain aboard his ship and to prevent anyone from retreating off the ship. Tiffany remained on the ship until the ship was sunk by the British. Tiffany escaped into the same boat as Perry, and shielded Perry from British gunfire. Tiffany's heroism allowed for Perry's narrow victory over the British navy. Tiffany remained on Perry's crew after the war, dying at sea in 1818.

Martyl utilized a similar triangular composition as Lopez, however in a different manner. By maximizing the size of the figures within the compositional space, and by utilizing strong, angular positions of the figures, tension, anxiety, and drama are conjured by the painting. The broken, jagged wood of the ship to the right, the red sky showing the battle raging in the background, and the turbulent water in the foreground adds to the sense of urgency. Additionally, Martyl depicted the expressions on the men's faces as neutral, even as the drama unfolds around the scene, to lend a sense of calm focus and dedication to their task.

Mural 3: William Edouard Scott, *Frederick Douglass appealing to President Lincoln and his cabinet to enlist Negroes*[5]

William Edouard Scott, part African American and Indigenous American, was born in Indianapolis, IN in 1884. Scott is considered one of the first American black artists to gain international recognition, after his mentor Henry Ossawa Tanner. Scott studied art at Emmerich Manual Training School and was the first black man to obtain a teaching position in the Indianapolis public school system. Scott moved to Chicago to attend the Art Institute, where he was trained in studio and mural painting. Scott frequently studied abroad in Paris, where Scott met his mentor, Tanner. European portrait painting styles greatly influenced Scott's method of portraying his historical figures. He did not ascribe to the previous methods that artists used to represent blacks in paintings; he felt that the subject of the painting should be the individual and not their race. In his paintings of blacks, he downplayed the color of his subject's skin, and focused instead on the character in facial expressions and body language. This painting ethos was his contribution to the "New Negro" movement, which was one of the founding ideas of the 1920's Harlem Renaissance.

[5] https://www.illinoisart.org/william-edouard-scott
https://thejohnsoncollection.org/william-scott/
https://schwartzcollection.com/artist/william-edouard-scott/
https://en.wikipedia.org/wiki/William_Edouard_Scott
https://www.commonlit.org/en/texts/abolishing-slavery-the-efforts-of-frederick-douglass-and-abraham-lincoln

Figure 5. William Edouard Scott, *Frederick Douglass appealing to President Lincoln and his cabinet to enlist Negroes* (Photo by EverGreene, January 2024)

In *Frederick Douglass appealing to President Lincoln and his cabinet to enlist Negroes* (Figure 5, 5'7"x5'5"), Scott portrays the meeting between Frederick Douglass and President Lincoln which ultimately resulted in black men being allowed to enlist in the Union Army and receive payment and pension for their service. In 1863, Lincoln enabled the Union Army to establish the Bureau of Colored Troops and enlist black men into service. Douglass's own two sons served in the Massachusetts 54th Regiment on the basis of this meeting. The subject matter is inextricably linked to the subject of Lopez's nearby mural.

Scott's mural demonstrated the urgency of Frederick Douglass's meeting. The cabinet room has crumpled paper strewn about, and the wastebasket sits prominently in the foreground indicating that many plans are occurring at once, but no solution has been agreed. Within the anxious surroundings are Douglass and Lincoln. Douglass adopts a calm stature with a pleading stance, underlining the pressing need for more soldiers to win the war. Lincoln sits with paper and quill in hand, making eye contact with Douglass, showing that he is listening intently and taking notes. This not only demonstrates the importance of this meeting, but also the regard and respect the President held for Douglass, emphasizing how instrumental Douglass was in changing the course of history.

Mural 4: Ethel Magafan, *Andrew Jackson at the Battle of New Orleans, January 8, 1814*[6]

Figure 6. Ethel Magafan, *Andrew Jackson at the Battle of New Orleans, January 8, 1814* (Photo by EverGreene, January 2024)

Ethel Magafan, and her twin sister Jenne, were born in Chicago in 1916. The Magafan sisters' parents had recently emigrated from Greece (father) and Poland (mother). After the sisters' births, the Magafans moved to Colorado Springs, CO, and then Denver, CO in the 1930s. Ethel's father was supportive of both Jenne's and Ethel's artistic talents and encouraged them to pursue training in painting. Ethel attended the Colorado Springs Fine Arts Center before going to the School of Modern Art in Denver, followed by the Broadmoor Art Academy in Colorado Springs. It was there that Ethel received her most intensive mural painting training and secured four commissions from the WPA Program to paint murals for four post offices. In the early 1940s, the sisters moved to Los Angeles and then drove cross country to Woodstock, NY to live with other artists. Ethel was honored with a Fullbright Scholarship in 1951 and traveled to Greece. She remained painting in Woodstock until her

[6] https://www.aaa.si.edu/collections/interviews/oral-history-interview-ethel-magafan-12460
https://mona.unk.edu/mona/ethel-magafan/
https://art.state.gov/personnel/ethel_magafan/
https://www.annexgalleries.com/artists/biography/5012/Magafan/Ethel
https://en.wikipedia.org/wiki/Ethel_Magafan
https://theneworleanstribune.com/2018/02/21/blacks-and-the-battle-of-new-orleans-the-story-of-james-roberts/
https://www.army.mil/blackamericans/textonly.html#:~:text=On%20Dec.,secure%20victory%20for%20the%20Americans.

death in 1993. Unlike most mural artists, Ethel's murals were executed exclusively in egg tempera. According to a 1960s interview, Ethel believed that murals should not have a sheen; egg tempera with its matte appearance and durability achieved the desired effect.

In the second mural depicting an event during the War of 1812, Ethel Magafan was tasked with composing a visual narrative of the Battle of New Orleans, telling the story of the many enslaved and free African Americans who rose to defend this country against the British (Figure 6, 14'2"x5'5"). The Battle of New Orleans had the largest number of free and enslaved black men fighting (900 men). The Battle was a triumph for the Americans, even though the British had twice the number of soldiers. Andrew Jackson enlisted the enslaved prior to the battle to increase the numbers on the battle fields. He promised the enslaved men their freedom in exchange and recruited the men from a nearby plantation. Though the enslaved men fought nobly in battle, Jackson did not keep his word and forced the men to return to the plantation.

The mural's scene depicts the battle as it is beginning to wane. The British, across the field in the distance, are shown as a large cluster of red, with several individual soldiers felled by the Americans. The British are painted as a mass, demonstrating the British soldiers' vast numbers in comparison to the Americans. The British are in action, with men and horses turning to flee to the right. Ethel Magafan created an ambience of post-frenetic calm, with wisps of mist floating across the scene, and an eerie yellow and brown toning in the sky. In the foreground, Andrew Jackson is astride his horse, watching the enslaved men work to move barricades. Behind Jackson, soldiers continue to take aim at the British. On the right, men reload the cannon and stare into the distance as though the weight of the war is beginning to settle upon them, while two dead men lay on the ground and one wounded man, clutching his bleeding arm, stand in front of the viewer. The mural evokes a sense of anticipation and anxiety, as though Ethel wants the viewer to wait with the men on the battlefield to watch what unfolds.

Mural 5: Maxine Seelbinder, *Benjamin Banneker: Surveyor-Inventor-Astronomer*[7]

Maxine Seelbinder Merlino (known as Seelbinder in her paintings) was a renowned muralist, illustrator, and art teacher. Seelbinder was born in Portland, OR in 1912. She studied at the Portland Art Museum School before moving to New York City, where she attended the Art Students' League and was taught the art of mural painting by her teacher, Anton Refregier. After Seelbinder won and completed the commission for the Recorder of Deeds Building, she moved to California to pursue an MA in painting from Long Beach State University and received her doctorate in painting from the University of

[7] https://www.washingtonpost.com/archive/lifestyle/2000/02/20/insiders-guide/5883b6cc-3853-4f88-9981-343b56a87876/
https://en.wikipedia.org/wiki/Maxine_Merlino#cite_note-LAT-5
https://en.wikipedia.org/wiki/Benjamin_Banneker

Southern California. She remained at the University of Southern California, becoming the Dean of the School of Fine Arts until she retired in 1976. Seelbinder lived until 2013, passing away at 101 years old.

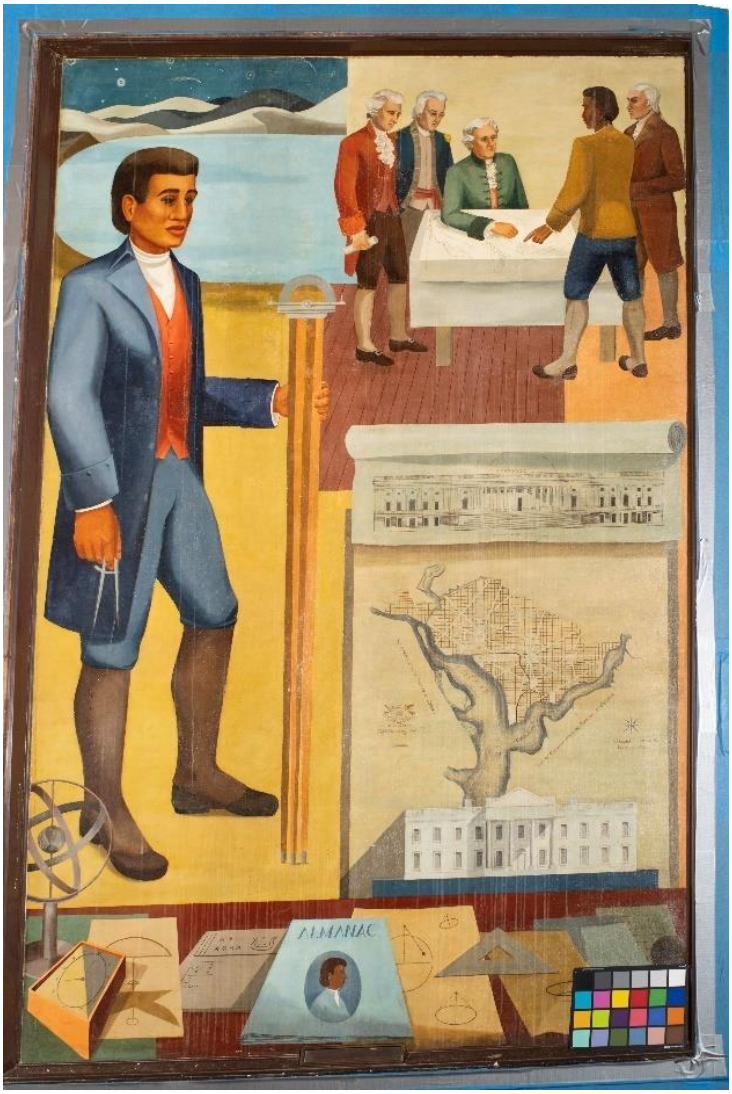


Figure 7. Maxine Seelbinder, *Benjamin Banneker: Surveyor-Inventor-Astronomer* (Photo by EverGreene, January 2024)

Seelbinder's subject for her commissioned mural is Benjamin Banneker (Figure 7, 5'3.5"x8'3). Benjamin Banneker was born in 1791 to a formerly enslaved couple in Baltimore County, MD. Banneker was precocious and brilliant. Largely self-taught, he learned to read and in his later childhood had the opportunity to attend a school that was established by a Quaker neighbor. Other Quaker neighbors, The Ellicotts (the family who established Ellicott City outside West Baltimore) took an interest in Banneker's education, teaching him astronomy. When Thomas Jefferson asked Andrew Ellicott, son of one of Banneker's neighbors, to survey a new federal district, Ellicott asked Banneker to survey the boundaries of what would become the District of Columbia. After the survey was completed, Banneker returned to Baltimore County to provide astronomy predictions for almanacs.

The Banneker mural is the most portrait-like of the seven murals in the building. The mural is unique in that it does not narrate a specific moment in history. Instead, Seelbinder creates a collage of Banneker's pursuits of study and achievements. The composition moves clockwise, representative of the clocks that Banneker often built. In the upper right-hand corner, a scene of Banneker working with men on the survey is depicted, and as the eye follows around the painting in a clockwise motion, architectural drawings flank a historic map of Washington DC. Under that are tools used for architectural drawings and surveying, strewn across a table. An almanac he wrote for and notes about astronomy lay in the center. As the eye travels left, a modern clock and globe rest on the lower left of the table, representing Banneker's impact on the world at large and on modern times. Above the table on the left stands Banneker, holding his surveying tools, calmly looking towards the right of the mural. Above Banneker's head, an expressive night sky, a nod to astronomy, completes the circular composition.

Mural 6: Herschel Levit, *Crispus Attucks*[8]

Herschel Levit's mural is the most "WPA-style" of the seven selected artists in the Recorder of Deeds building. Levit was born in Philadelphia, PA in 1912 and was a part of the Social Realist movement, which focused on representing the conditions of the working class in art. Levit's father was a Russian immigrant, which played a part in his depictions of the working class throughout his career. Levit received his training from the prestigious Pennsylvania Academy of Fine Arts and later taught design classes at the Pratt Institute in Brooklyn, NY for thirty years. After his retirement from Pratt, he taught photography at Parsons School of Design in Manhattan until his death in 1986. Levit, who was also an accomplished lithographer, painted in the large figured, 2-dimensional, angular style of the WPA-era.

Levit's mural depicts a scene from the Boston Massacre, which occurred on March 5th, 1770. Its central subject is Crispus Attucks, the legendary mixed race sailor whose murder at the hands of British Soldiers is widely remembered as the first American casualty of the Revolutionary War (Figure 8, 5'3.5"x7'7"). Not much is known about Attucks's childhood and accounts of his adult life are scattered.

[8] https://en.wikipedia.org/wiki/Herschel_Levit
https://www.amny.com/news/inspiring-professor-who-promoted-the-love-of-art/
https://www.washingtonpost.com/archive/lifestyle/2000/02/20/insiders-guide/5883b6cc-3853-4f88-9981-343b56a87876/
https://www.loc.gov/item/today-in-history/march-05/
http://www.crispusattucksmuseum.org/crispus-attucks-role-in-the-boston-massacre/

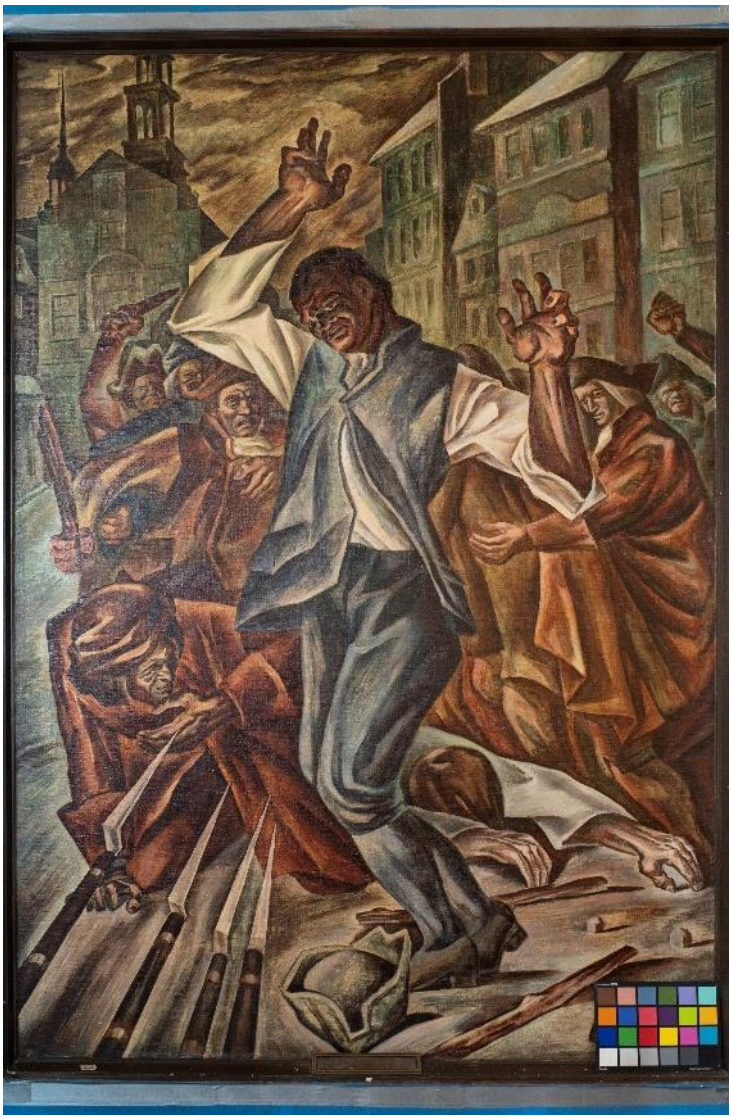


Figure 8. Herschel Levit, *Crispus Attucks* (Photo by EverGreene, January 2024)

The Massacre began when a crowd of civilians, including Attucks, approached a group of soldiers from the British 29th Regiment and began jeering and harassing them due to an earlier incident. The group of soldiers lost control after one was struck with a stick. The soldiers fired on the civilians despite explicit orders to the contrary. Attucks was struck in the chest and became the first to be killed. He is regarded as a Revolutionary War martyr.

Levit's dramatic mural depicts the moment after Attucks was shot by The British Soldier. The group of Soldiers are not shown in the painting; the only evidence of their presence are the sharp projecting bayonets pointed directly at Attucks and the crowd behind him. The crowd of colonists are depicted in browns and reds with their fists raised in in protest, faces displaying shock and anger. An individual on the lower left is doubled over in pain from a gunshot wound, and another lays dead behind Attucks at his feet. Attucks is painted in blue clothing, a contrast and complementary color to the red of the

crowd. Additionally, blue is a color ascribed to religious martyrdom, evoking classical depictions of Mary in Crucifixion scenes. The ground is in disarray with a hat and broken clubs. The sky is turbulent with wavy strokes of greens and browns. The scene has an overall frenetic, chaotic energy that supports the power of Attucks's central figure. Attucks's figure seizes the entire composition to underline his importance as a martyr.

Mural 7: Austin Mecklem, *Commander Peary and Matthew Henson at the North Pole*[9]

Austen Mecklem is another mural artist known for his WPA work. Born in Colfax, WA in 1890, Mecklem studied art at the University of Washington, followed by either San Franscisco School of Fine Arts or the California School of Art (records are conflicting) before settling in New York City. While in New York, Mecklem studied at the Art Students' League, subsequently moving to Woodstock, NY to become one of the first artists to establish an art colony there. While painting numerous commissions for the WPA, Mecklem taught at multiple art schools, including the Art Students' League, until he passed away young in 1951.

Mecklem's contribution to the Recorder of Deeds Building is a pivotal scene from the life of Arctic explorer, Matthew Henson (Figure 9, 5'3" x 4'1"). Henson, born just after the Civil War (1866) in rural southern Maryland to black sharecropper parents, spent much of his early childhood in Washington DC. Leaving school at age 12, Henson joined a ship's crew as a cabin boy in Baltimore, MD. Henson traveled across the world, including the Russian Arctic. He subsequently worked as a store clerk where Commander Peary shopped. Peary hired Henson as a valet before realizing Henson was an experienced seaman. Peary and Henson traveled on many expeditions together, with Henson being promoted to Peary's first man. Peary and Henson spent 20 years leading Arctic expeditions, the most pivotal being the expedition of 1908-1909 where they became the first explorers to stake a flag at the North Pole. Though many contested their claim to having been the first to reach the Pole, the National Geographic Society and a committee of the US House of Representatives substantiated their claim. Henson died in the Bronx, NY in 1953 and is buried with honor at Arlington National Cemetery.

[9] https://en.wikipedia.org/wiki/Austin_Mecklem
https://connecticutcreativeplaces.org/people/mecklem-austin-merrill
https://americanart.si.edu/artist/austin-mecklem-3257
https://timesmachine.nytimes.com/timesmachine/1951/10/09/87326890.html?login=google&auth=login-google&pageNumber=28
https://en.wikipedia.org/wiki/Matthew_Henson

Figure 9. Austin Mecklem, *Commander Peary and Matthew Henson at the North Pole* (Photo by EverGreene, January 2024)

Meklem employed the triangular composition that is also seen in Lopez's and Martyl's murals. Matthew Henson is the tallest figure in the center of the triangular composition, having just staked the American Flag into the North Pole. An Inuit man facilitates Henson's placing the Flag into the ice at the base of the triangle. The figures in the background, on the left surrounding Commander Peary and his sled, and on the right, are Innuits who assisted with the expedition. This mural is more realistically executed than the other six. Mecklem depicts Henson and Peary's faces precisely how they appear in historic photographs. The details of the Inuit Arctic wear, as well as the colors of the ice and the sky are as if Mecklem had been a part of the expedition. Peary laying on a sled is historically accurate. In the 1908 expedition, Peary could no longer walk and was placed on a dog sled for the remainder of the journey to the Pole. Mecklem's employed realism and expressive use of colors in the sky and ice emphasize the Arctic's treacherous terrain, as well as lend a sense of realness to the event.

PROJECT METHODOLOGY

LIMITATIONS AND CONSTRAINTS

The murals' surveys and treatment testing summarized in this report are limited to the seven installed marouflage murals and do not include any other decorative surfaces or existing works of art.

The assessment and testing took place during wintertime in an unheated building. As a result, EverGreene used large, infrared space heaters to slowly warm the wall surfaces prior to applying cleaning agents; however, due to thermal buffering of the masonry, it is possible that the efficacy of some products may have been affected. The interior of the building was unlit, and the windows covered with plywood. All interior lighting was provided by portable work lamps supplied by EverGreene.

ARCHIVAL RESEARCH

Comprehensive archival research was not included in the scope of this project. A cursory review of background information about the building and murals was performed online, at sites including the DC Preservation League, DC Inventory of Historic Sites, and the National Register of Historic Places online database. Further information about the murals and their artists was found in Sarah A. Butler's article in *Winterthur Portfolio* (Winter 2011) titled "Ground Breaking in New Deal Washington, DC: Art, Patronage, and Race at the Recorder of Deeds Building" as well as other online resources dedicated to the individual artists. Citations for sources can be found in footnotes provided.

ONSITE INVESTIGATION

EverGreene performed sitework from January 10-26, 2024. Site investigations were carried out largely from ground level. Single level baker scaffolds provided by EverGreene allowed access to the upper regions of the murals. Sitework tasks included:

- Removal of temporary protection covering the murals
- Photographic documentation of the interior site and 7 mural paintings
- Close visual examination of 7 mural paintings in normal incident, raking, and ultraviolet lights
- Acoustic sounding of the murals' surfaces to identify areas of delamination. Investigation of plaster cracks and any associated plaster movement.
- Graphic, photographic, and annotated documentation of identified conditions

- Limited treatment testing including cleaning, varnish reduction, paint layer stabilization performed in representative and inconspicuous areas.
- Re-installation of protective covering over mural surfaces.

CONDITIONS SURVEY

CONDITIONS OVERVIEW

All seven murals are marouflage technique, meaning they are painted on canvas which is mounted directly to the wall surface with an adhesive. Testing on the reverse of one of the murals (#5, *Benjamin Banneker)* indicates that a lead-based adhesive was used to secure the canvases to the wall surface. The use of lead-based adhesive for this purpose was common practice during the era in which these murals were created. It can therefore be presumed that lead adhesive was used to install all 7 murals and remains present beneath the canvas substrates of each.

Where relevant, identified conditions were mapped graphically. Digital renderings of the graphic documentation are presented in Appendix A—Conditions Survey Drawings. Representative photographs of conditions were also captured and are used to illustrate this report. The degree and extent of existing conditions were found to vary from mural to mural. However, in general each of the 7 murals exhibit similar conditions with only a few murals exhibiting unique or isolated conditions. Typical conditions identified include:

- Surface soiling, including dust, dirt, and drip marks
- Shiny, uneven, and/or discolored coating(s)
- Flaking/lifting paint layer
- Craquelure in paint layer
- Paint loss
- Bubbling and delamination of the canvas from the plaster substrate
- Salt efflorescence
- Pitting, blistering, and cracking of plaster substrate
- Previous restorations/treatment interventions

The murals are in relatively stable condition and can be conserved in place. The option to remove and perform conservation treatment off-site is presented for two of the murals: #5 *Benjamin Banneker* and #3 *Frederick Douglass*. These murals have been affected by water infiltration to a greater extent than the others and the plaster substrates beneath are degraded as a result. Mural-specific conditions are discussed in greater detail in the following sections of this report.

CONDITIONS FINDINGS BY MURAL

Mural 1: Carlos Lopez, *The 54th Massachusetts Regiment*

Muarl 1, *The 54th Massachusetts Regiment*, by Carlos Lopez, is a marouflage mural which appears to be painted with an oleaginous medium on medium weight and medium weave canvas. One or more varnish layers have been applied over the painted surface. The following condition issues were identified:

- The mural exhibits a thin overall layer of surface soiling including dust and dirt (Figure 10).
- Drip marks from liquid moisture infiltration were observed on the surface, particularly in the upper left quarter of the mural (Figure 10).
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective and may have darkened to a degree, muddying the painting's colors and partially obscuring the details (Figure 10).
- Although no flaking or powdering was observed, the paint layer is weak and easily disturbed if the canvas substrate is flexed (Figure 11).
- Minor paint loss and some scratches in the paint layer were identified (Figure 12).
- Multiple areas of craquelure were observed, particularly associated with the dark-hued pigments. These are likely a natural result of cracks caused by the drying of the oleaginous medium over time (Figure 13).
- Pockets of canvas detachment were detected throughout the mural. Many areas of planar detachment were identified; however, others were associated with bubbling or raised deformation of the canvas. No major cracks or other instability was detected in the plaster substrate beneath the mural. However, some firm raised blisters were identified which may be associated with previous water infiltration and/or salt activity (Figure14).
- Multiple previous treatment interventions including previous injections to address detachment, inpainting, and the application of a modern synthetic resin varnish (Figures 15-17).

Figure 10. Drip marks on the surface, particularly visible in the top lefthand corner of the mural, as well as an overall muddy, dirty appearance. (Photo by EverGreene, January 2024)

Figure 11. Delicate paint layer exhibiting loss over raised bubbles in the canvas substrate. (Photo by EverGreene, January 2024)

Figure 12. Scratch identified in the mural surface. (Photo by EverGreene, January 2024)

Figure 13. Craquelure in the paint layer, which is particularly widespread in the dark-hued pigments. (Photo by EverGreene, January 2024)

Figure 14. Canvas detachment and deformation. (Photo by EverGreene, January 2024)

Figure 15. Mismatched inpainting from previous treatment intervention. (Photo by EverGreene, January 2024)

Figure 16. Concave area of canvas caused by re-adhesion treatment during a previous treatment intervention. (Photo by EverGreene, January 2024)

Figure 17. Small holes in the canvas caused by the injection of adhesive by needle during a previous treatment intervention. (Photo by EverGreene, January 2024)

Mural 2: Martyl, *The Battle of Lake Erie*

The mural, *The Battle of Lake Erie*, by Suzanne "Martyl" Schweig Langsdorf, is a marouflage mural which appears to be painted with an oleaginous medium on medium weight and medium weave canvas. One or more varnish layers have been applied over the painted surface. The following condition issues were identified:

- The mural exhibits a thin overall layer of surface soiling including dust and dirt.
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective making the mural details difficult to view clearly under direct light.
- The paint layer appears generally robust; however, multiple areas of previous loss have been covered by repainting during a previous restoration intervention (Figure 18).
- Substantial networks of cracking were observed in the paint layer across the mural's surface (Figure 19).
- Pockets of planar canvas detachment were detected throughout the mural. Two areas of raised canvas detachment were observed—one approximately 2-inches wide running vertically along the top left edge of the mural, and another approximately 2-inches wide running horizontally along the top center edge of the mural Figure 20).
- A single crack was identified in the plaster substrate below the canvas. Movement in the plaster was not associated with the crack.
- The mural was heavily restored in 1988 by the original artist. A secondary signature and date were added to the painted surface documenting the restoration (Figure 21).

Figure 18. Area of loss in the mural's surface which has been repainted during a later restoration intervention. (Photo by EverGreene,

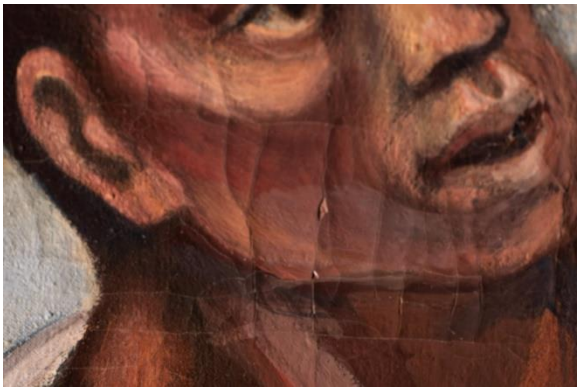


Figure 19. An extensive network of cracking extends across the mural's surface. (Photo by EverGreene, January 2024)

Figure 20. Area of raised canvas detachment which runs vertically along the top left edge of the mural. (Photo by EverGreene, January 2024)

Figure 21. The artist's signature indicated the original artwork creation date of 1943 and restoration in 1988. (Photo by EverGreene, January 2024)

Mural 3: William Edouard Scott, *Frederick Douglass*

The mural, *Frederick Douglass*, by William Scott is a marouflage mural which appears to be painted with an oleaginous medium on medium weight and medium-heavy weave canvas. One or more varnish layers have been applied over the painted surface. The following condition issues were identified:

- The mural exhibits a thin overall layer of surface soiling including dust and dirt.
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective making it difficult to view painted details under direct light; however, it is otherwise evenly applied and appears to be in good condition.
- No flaking or powdering of the paint layer was observed. Relatively minor losses in the paint layer have been previously restored and inpainted.
- Small pockets of planar canvas detachment were detected throughout the mural.
- Minor areas of canvas bubbling were observed which may be the result of blistering plaster beneath the canvas (Figure 24).

- Salt efflorescence was observed on the painted surface in multiple areas (Figure 22).
- One crack in the plaster substrate was detected beneath the canvas; however no associated movement of the surrounding plaster was observed.
- The opposite side of the wall on which the mural is positioned has been severely damaged by liquid moisture. Substantial salt efflorescence, flaking paint, and powdering plaster were observed (Figure 23).
- Minor areas of inpainting from a previous conservation treatment intervention were observed in addition to the application of a modern synthetic resin varnish (Figure 25).

Figure 22. Large area of salt efflorescence visible under raking light on the mural's surface. (Photo by EverGreene, January 2024)

Figure 23. Opposite side of the wall on which *Douglass* is installed, showing clear evidence of substantial liquid moisture damage. (Photo by EverGreene, January 2024)

Figure 24. Bubbling or blistering in the canvas and plaster substrates. (Photo by EverGreene, January 2024)

Figure 25. Area of inpainting and a yellow-green varnish layer visible under UV light examination. (Photo by EverGreene, January 2024)

Mural 4: Ethel Magafan, *The Battle of New Orleans*

The mural, *The Battle of New Orleans*, by Ethyl Magafan is a marouflage mural which is painted with an egg tempera medium on medium weight and tight weave canvas. The texture of the paint layer appears to be very smooth, possibly due to both the tightly woven canvas and a possible gesso or priming layer. According to the artist, no varnish was originally applied to the mural at the time of its creation, however, one or more post-historic varnish layers have been applied over the painted surface since. The following condition issues were identified:

- The mural exhibits a dense overall layer of surface soiling including dust and dirt (Figures 24, 26).
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective, unevenly saturated, and appears to have darkened and discolored, causing the mural to appear muddy and difficult to view clearly beneath. In addition, the varnish imparts a heavy sheen to the mural's surface appearance and is inconsistent with the artist's original intent and the naturally matte surface finish of an egg tempera painting (Figure 25).
- Localized pockets of flaking paint were observed scattered across the mural's surface (Figure 26).
- Minor paint loss and some scratches in the paint layer were identified.
- Multiple areas of craquelure in the paint layer were observed.
- Pockets of planar canvas detachment were detected throughout the mural. Where detachment was present near the edge of the mural, the canvas was observed lifting from the plaster substrate. Only a few areas of bubbling in the canvas or blistering beneath the canvas were identified.
- Salt efflorescence was observed on the painted surface in multiple areas (Figure 27).
- Multiple previous treatment interventions, including previous inpainting and the application of multiple varnish layers, were identified.

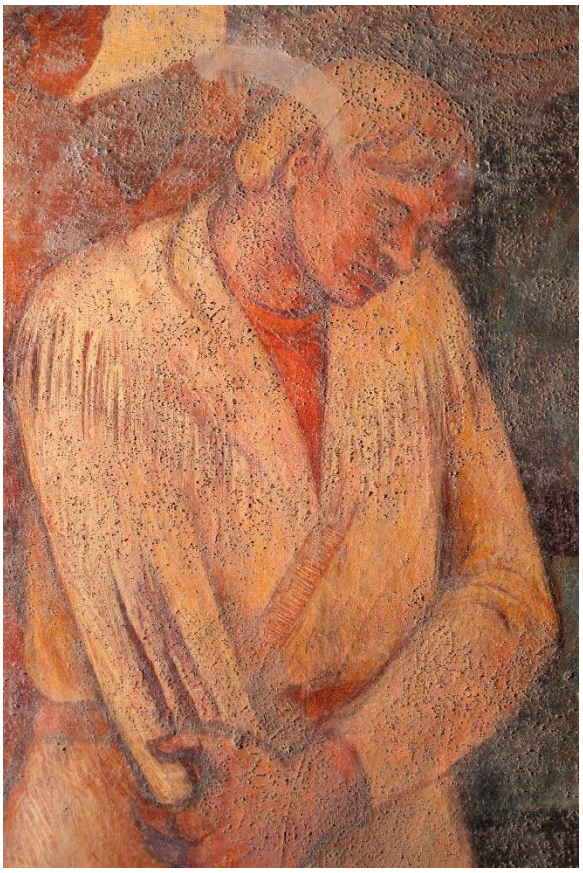


Figure 24. A thick accumulation of surface soiling covers the mural. (Photo by EverGreene, January 2024)

Figure 25. Thick and uneven varnishes have been applied to the mural's surface, changing its original optical appearance and making it difficult to see the painted details beneath. (Photo by EverGreene, January 2024)

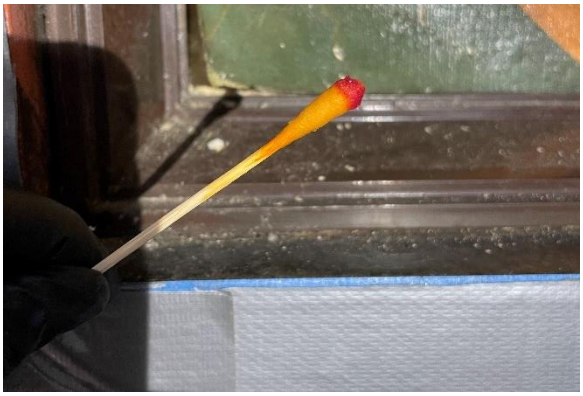
Figure 26. Patch of flaking paint observed on the mural as well as dust and salt accumulation. (Photo by EverGreene, January 2024)

Figure 27. Possible salt efflorescence identified on the mural's surface. (Photo by EverGreene, January 2024)

Mural 5: Maxine Seelbinder, *Benjamin Banneker*

The mural, *Benjamin Banneker*, by Maxine Seelbinder, is a marouflage mural which appears to be painted with an oleaginous medium on medium weight and medium weave canvas. One or more varnish layers have been applied over the painted surface. This mural is in the worst condition of the 7 murals examined. The following condition issues were identified:

- Lead testing indicates the presence of a lead adhesive used to install the mural on the wall surface (Figures 28-29).
- The mural exhibits a thin overall layer of surface soiling including dust and dirt.
- A dark band approximately 1-inch high was identified across the bottom of the mural and may the result of surface deposits caused by dusting or other cleaning maintenance of the mural's frame (Figure 30).
- Multiple drip marks from liquid moisture infiltration were observed across the surface, streaked from top to bottom. The streaks have disrupted the varnish layer in multiple areas (Figure 31).
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective and has a yellow discoloration, causing the mural to appear more yellow in tone that originally intended and making it difficult to clearly view the mural under direct light. Furthermore, a sensitivity to moisture, heat, or both has caused the varnish to partially solubilize and recondense in droplets on the mural's surface (Figure 32).
- Although no active flaking or powdering was observed, the paint layer is weak and easily disturbed if the canvas substrate is flexed (Figure 33).
- Small paint losses and scratches in the paint layer were identified across the mural's surface (Figure 34).
- Pockets of canvas detachment were detected throughout the mural. Many areas of planar detachment were identified; however, a few areas were associated with bubbling or raised deformation of the canvas.
- A few large cracks were identified in the plaster substrate beneath the canvas. Assessment indicated instability of these cracks and associated movement. Raised blisters were also identified, which may be associated with previous water infiltration and/or salt activity (Figure 35).
- Salt efflorescence was observed on the painted surface in multiple areas (Figure 36).
- Multiple previous treatment interventions including previous cleaning tests, inpainting, and the application of a modern synthetic resin varnish were identified (Figure 37).



Figures 28-29. Testing identified the presence of lead in the adhesive behind the canvas, evidenced by the magenta coloration in the testing solution. (Photo by EverGreene, January 2024)

Figure 30. Dark soiling along the bottom edge of the mural's solution may be the result of residue from fame maintenance. (Photo by EverGreene, January 2024)

Figure 31. Drips from water infiltration are evident across the surface and have disrupted the varnish in multiple locations. (Photo by EverGreene, January 2024)

Figure 32. Heat and/or moisture have caused the varnish to solubilize and re-accumulate in thick discolored droplets on the mural's surface. (Photo by EverGreene, January 2024)

Figure 33. The paint layer is weak and easily disturbed if the canvas substrate is flexed. (Photo by EverGreene, January 2024)

Figure 34. Small losses in the paint layer were observed scattered across the paint surface. (Photo by EverGreene, January 2024)

Figure 35. Cracks in the plaster beneath the canvas are visible in raking light and could be felt moving when pressed. (Photo by EverGreene, January 2024)

Figure 36. Salt efflorescence was identified in patches on the mural's surface. (Photo by EverGreene, January 2024)

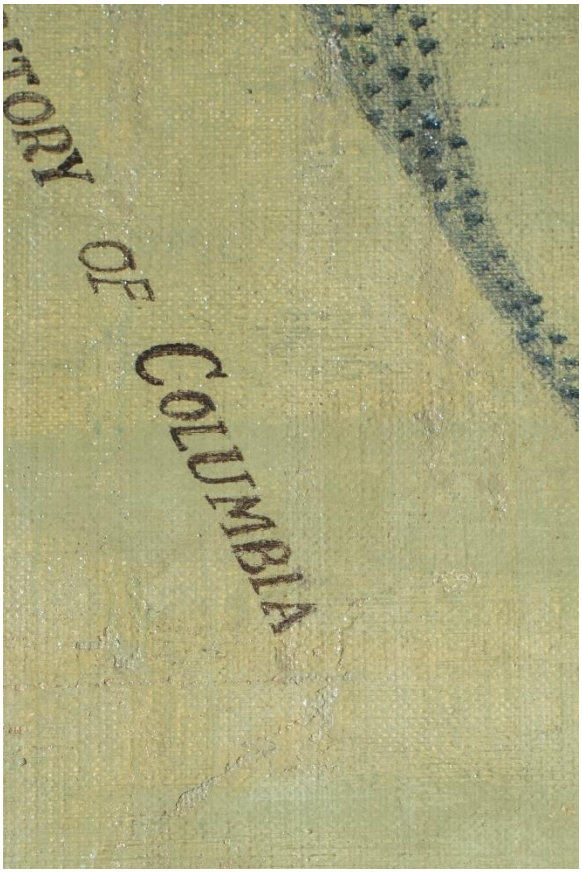


Figure 37. Areas of previous loss in the paint layer have been inpainted. (Photo by EverGreene, January 2024)

Mural 6: Herschel Levit, *Crispus Attucks*

The mural, *Crispus Attucks*, by Herschel Levit, is a marouflage mural which appears to be painted with an oleaginous medium on medium weight and coarse weave canvas (Figure 38). One or more varnish layers have been applied over the painted surface. This mural is in the best condition of the 7 murals examined. The following condition issues were identified:

- The mural exhibits a thin overall layer of surface soiling including dust and dirt.
- One or more varnish layers cover the surface of the painting. The varnish is highly reflective but is otherwise evenly applied and non-disruptive to the appearance of the mural.
- Pockets of canvas detachment were detected throughout the mural, particularly widespread in the upper third. Many areas of planar detachment were identified; however, pockets of detachment in the upper third were generally associated with bubbling or raised deformation of the canvas (Figures 39-40).
- No cracks were identified in the plaster substrate beneath the canvas. Raised blisters were however identified and may be associated with previous water infiltration and/or salt activity (Figure 41).
- Multiple previous treatment interventions including possible over-cleaning and thinning of the overall paint layer, and areas of inpainting and repainting were observed (Figure 42).

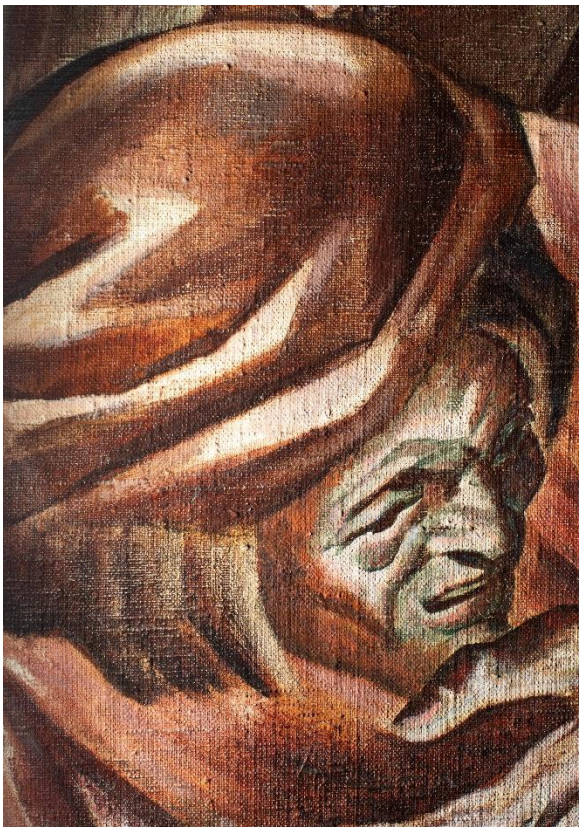


Figure 38. The coarse warp and weft of the canvas is evident in raking light. (Photo by EverGreene, January 2024)

Figure 39. Bubbling in the canvas and raised deformation was found to coincide with pockets of detachment in the upper third of the mural. (Photo by EverGreene, January 2024)

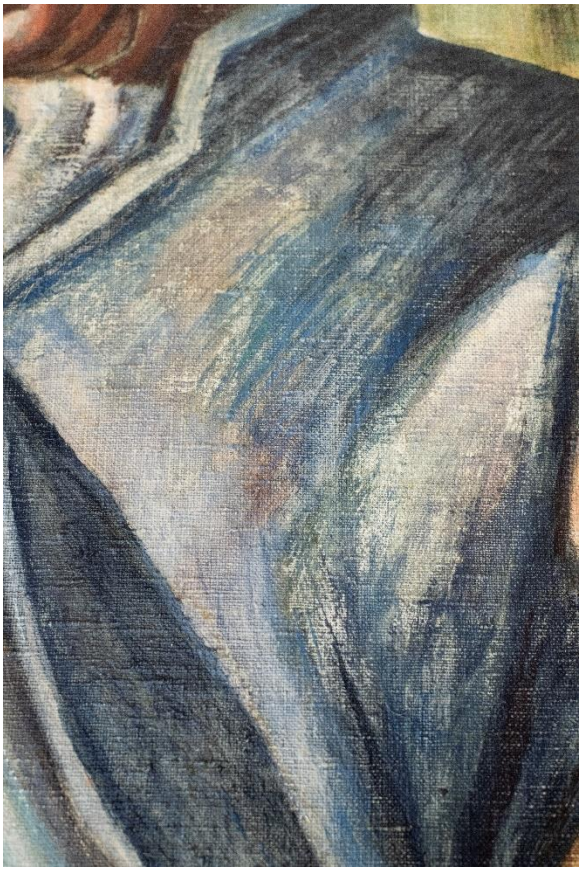


Figure40. The paint layer appears very thin in areas as though it has been abraded or aggressively thinned during a previous cleaning treatment. (Photo by EverGreene, January 2024)

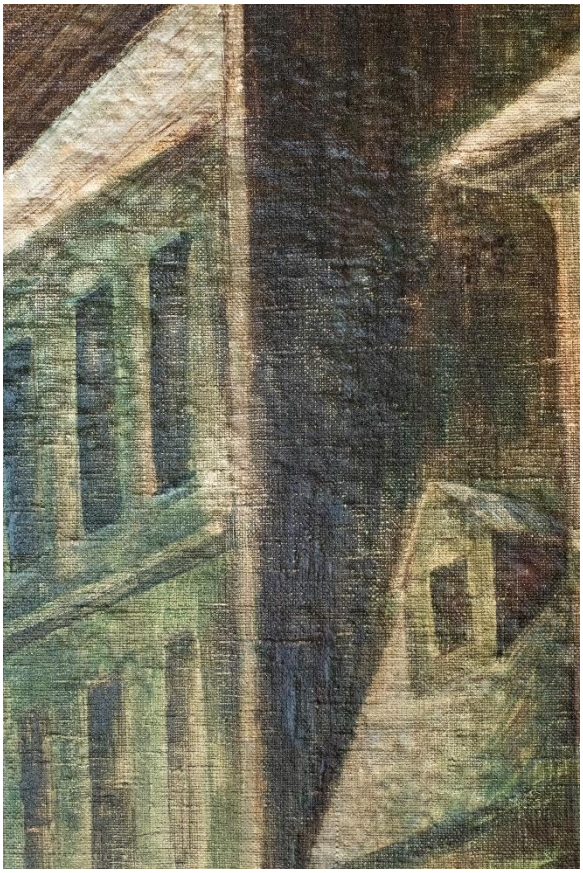


Figure 41. Bubbling in the canvas and raised deformation was found to coincide with pockets of detachment in the upper third of the mural. (Photo by EverGreene, January 2024)

Figure 42. Localized pockets of repainting or overpaint were identified. (Photo by EverGreene, January 2024)

Mural 7: Austin Mecklem, *Commander Peary and Matthew Henson at the North Pole*

The mural, *North Pole*, by Austin Mecklem, is a marouflage mural which appears to be painted with an oleaginous medium on light weight and tight weave canvas. One or more varnish layers have been applied over the painted surface. This mural is stable and generally in good condition. The following condition issues were identified:

- The mural exhibits a thin overall layer of surface soiling including dust and dirt.
- Two varnish layers were identified covering the surface of the painting. A modern resin varnish was observed to have been applied wholesale across the mural. It is highly reflective and appears to have darkened, causing the mural to appear somewhat murky and difficult to view under strong or direct light. A second varnish appears to be a wax that was inconsistently applied (Figure 43). Thick accumulations were found scattered across the surface.
- No active flaking or powdering of the paint layer was observed; however, numerous pinpoint losses were observed across the mural's surface and may have been caused by previous small-scale flaking (Figure 44).
- Small scratches in the paint layer were identified across the mural's surface. Most appear to have been addressed previously through inpainting (Figure 45).
- Very few pockets of canvas detachment were detected throughout the mural. Detachment was generally found to be planar. Detachment near the edge of the canvas was identified in two locations and coincides with lifting of the canvas in those areas.
- The plaster substrate does not appear to have been affected by previous water infiltration and is in good condition, free of cracking and blistering.
- Multiple previous treatment interventions including possible over-cleaning and thinning of the overall paint layer, and multiple small areas of inpainting were observed (Figure 46).

Figure 43. Thick accretions of wax fluoresce a bright blue color under UV light examination. (Photo by EverGreene, January 2024)

Figure 44. Pinpoint losses in the paint layer are visible across the surface of the mural. (Photo by EverGreene, January 2024)

Figure 45. Multiple small scratches in the paint layer were found to have been previously addressed with inpainting (Photo by EverGreene, January 2024)

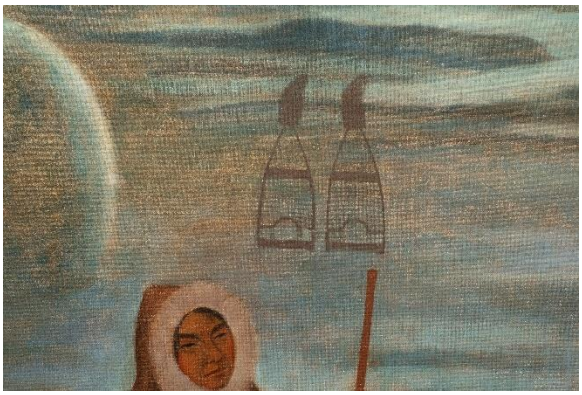


Figure 46. The paint layer appears very thin in areas as though it has been abraded or aggressively thinned during a previous cleaning treatment. (Photo by EverGreene, January 2024)

TREATMENT TESTING

TESTING OVERVIEW

Based on the conservation needs identified during the assessment, a series of tests were conducted to establish treatments means and methods for representative conditions identified on representative murals. Due to the limited scope of this project, testing was not performed to establish means and methods for the treatment of standard or straightforward conditions such as dry cleaning. Additionally, testing was prioritized based on the conservators' prior experience and knowledge of available conservation materials and their appropriateness for use on the original materials encountered. In circumstances where the conservators' prior knowledge and experience indicated that only one product was both available and appropriate for a particular treatment, testing was not performed.

Similarly, testing was not performed for treatments where known means and methods have a pre-established likelihood of success.

Treatment testing included the following trials:

- Lead testing
- Aqueous surface cleaning
- Varnish reduction
- Stabilization of flaking paint

TREATMENT TRIALS

Lead Testing

Testing was performed to establish the presence or absence of lead in the adhesive used to install the mural canvases on the walls of the building interior. Testing was performed on the reverse of mural #5, *Benjamin Banneker*, using instant Lead Test Swab indicators. Both the indicator swab and the wall surface reacted by turning a bright magenta color, which is a positive indication for the presence of lead.

Although only one mural was tested, it can be assumed that lead is present in the adhesive behind all 7 of the murals' canvases. There is no evidence that any of the murals were previously removed and reinstalled, which suggests that the existing adhesive behind each is original to the mural's installation. As the 7 murals were commissioned as a group and installed within the same year, it is likely that the same adhesive would have been selected for the installation of all the canvases. Furthermore, the use of a lead-based adhesive was common practice in the era in which the murals were installed as the lead assisted in decreasing the drying time of the adhesive.

Aqueous Surface Cleaning

Aqueous cleaning was performed to determine the best means and methods for the removal of the superficial dirt layer from the surface of the murals. Tests were carried out on 3 of the 7 murals and results were extrapolated to establish a general treatment approach for all the murals. Cleaning tests were performed on murals #1—*Colonel Shaw*, #4—*Battle of New Orleans*, and #5—*Benjamin Banneker*. While Colonel Shaw and Benjamin Banneker exhibit only a thin layer of surface soiling, the Battle of New Orleans exhibits a thick layer of dust and soiling that has built up over time.

Aqueous cleaning solutions were applied by swab to a small surface area. The swab was rolled back and forth for approximately 30 seconds and the results were visually assessed by examining both the swab and mural surface to determine the level of cleaning achieved. Following each test, a pure water swab was used to clear the mural's surface of any residues the aqueous solutions may have deposited. (Formulas for the pH adjusted waters used in these cleaning trials can be found in *Appendix B—Cleaning Solution Formulas*). Aqueous materials were selected to provide a range for testing; however, tests were in no way exhaustive. Additional solutions should be trialed as necessary.

Deionized water alone was determined to be a suitable solution for the removal of the light layer of surface soiling encountered on murals 1-3 and 5-7. A more specific solution comprising a pH adjusted water was required to fully remove the thick layer of soiling on mural #4—*Battle of New Orleans*.

Test No.	Aqueous Solution	Results		
--	--	#1, *Colonel Shaw*	#4, *Battle of New Orleans*	#5, *Benjamin Banneker*
1	Deionized water	Minimal soiling removed	Some removal of soiling	Good removal of soiling
2	Sodium hydroxide 10%, pH 8.5	Minimal soiling removed	Some removal of soiling	Some removal of soiling
3	Adjusted water, pH 6.5 / 6000 µM	Minimal soiling removed	Excellent removal of surface soiling. 3 passes required to remove majority of soiling.	Some removal of soiling
4	Adjusted water, pH 6.0 / 6000 µM	Minimal soiling removed	Some removal of soiling	Good removal of soiling
5	Adjusted water, pH 5.0 / 6000 µM	Minimal soiling removed	Good removal of soiling	Good removal of soiling
6	2% Pemulen TR2: TEA, pH 6.5	Minimal soiling removed	Good removal of soiling	No visible result
7	Aqueous gel B	Minimal soiling removed	Good removal of soiling	No visible result

Varnish Reduction

At least 1 varnish layer is present on the surface of each mural painting. 2 layers were identified on many of the murals. Because the removal of a varnish layer is complex and approaches must be targeted to the exact materials, layering system, and conditions extant, varnish removal trials were performed on each mural for which removal is a recommended treatment. Tests were conducted on 5

of the 7 murals including: #1—*Colonel Shaw*, #3— *Frederick Douglass*, #4—*Battle of New Orleans*, #5—*Benjamin Banneker*, and #7—*Noth Pole*.

Both pure solvents and solvent gels were tested for varnish reduction. Cleaning solutions were selected based on a number of criteria, including low health and safety risks, general efficacy for the expected varnish materials, and good availability.

Pure solvents were applied by swab to a small surface area. The swab was rolled back and forth for approximately 30 seconds to 1 minute. Solvent gels were applied by brush or swab and softly agitated on the mural surface for 30 seconds to 1 minute. The bulk of gel was then removed with clean, dry cotton and any remaining residue was cleared by swabbing with an appropriate pure solvent or a 1:1 mixture of isopropanol : odorless mineral spirits (OMS) as needed. Aqueous gels were cleared by swabbing with water. (Formulas for the solvent gels used in these cleaning trials can be found in *Appendix B—Cleaning Solution Formulas*).

Results were visually assessed by examining both the swab and mural surface under normal, raking, and ultraviolet light to determine the level of cleaning achieved. Although testing was performed in a methodical manner following a pre-established progression, when an acceptable cleaning solution was achieved, testing was discontinued. The selected cleaning approaches were found to be different for each of the murals tested and are highlighted in yellow in the tables below and the visual results can be seen for each mural following the tables, in Figures 47-54. Each image of the testing has been numerically demarcated to identify the result to the correlation test number in the tables.

Mural #1, *Colonel Shaw*

Test Type	Test No.	Solvent Solution	Results
Mural #1, *Colonel Shaw*			
Pure Solvents	1	Isopropanol	Removal of upper varnish layer; caused some blanching
	2	Denatured alcohol (DA)	Even removal of upper varnish layer; additional varnish layer residue visible beneath
	3	Acetone	Removal of upper varnish layer; caused some blanching
	4	Benzyl alcohol	No visible impact
	5	n-methyl-2-pyrrlidinone (NMP)	Even removal of upper varnish layer; additional varnish layer residue visible beneath
	6	Xylene	Even removal of upper varnish layer; additional varnish layer residue visible beneath
	7	Lacquer thinner	Partial removal of upper varnish layer; caused some blanching and mobilization of pigment
Solvent Gels	8	Aqueous gel B with 8% benzyl alcohol	Poor varnish reduction with some pigment mobilization
	9	Acetone / Carbopol gel	Poor varnish reduction with some pigment mobilization
	10	Xylene / Carbopol gel	Poor varnish reduction with some pigment mobilization
	11	Isopropanol / Carbopol gel	Poor varnish reduction with some pigment mobilization

	12	NMP / Carbopol gel	Fast reduction of varnish with poor control; pigment quickly mobilized
	13	Benzyl alcohol / Carbopol gel	Minimal impact
	14	D.A. / Carbopol gel	Varnish reduction achieved with control; minor pigment mobilization observed; best results achieved with 2 applications of gel (1 with surface agitation, 1 with no agitation).
	15	D.A. & 1.5% TAC / Carbopol gel	Uneven varnish reduction; caused mobilization of pigment
	16	D.A.: Xylene (80:20) / Carbopol gel	Fast reduction of varnish with poor control; caused mobilization of pigment

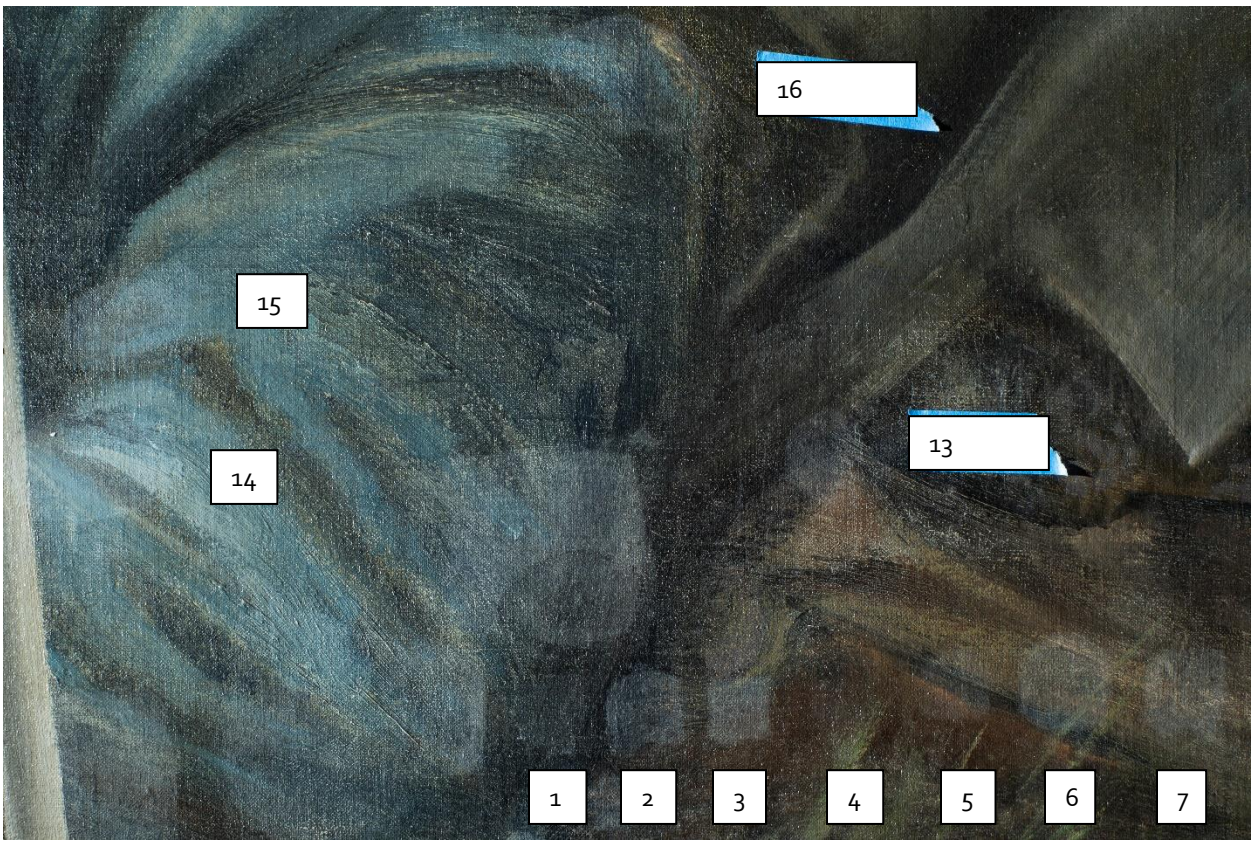


Figure 47. Varnish reduction tests conducted on mural #1, *Colonel Shaw*. (Photo by EverGreene, January 2024)

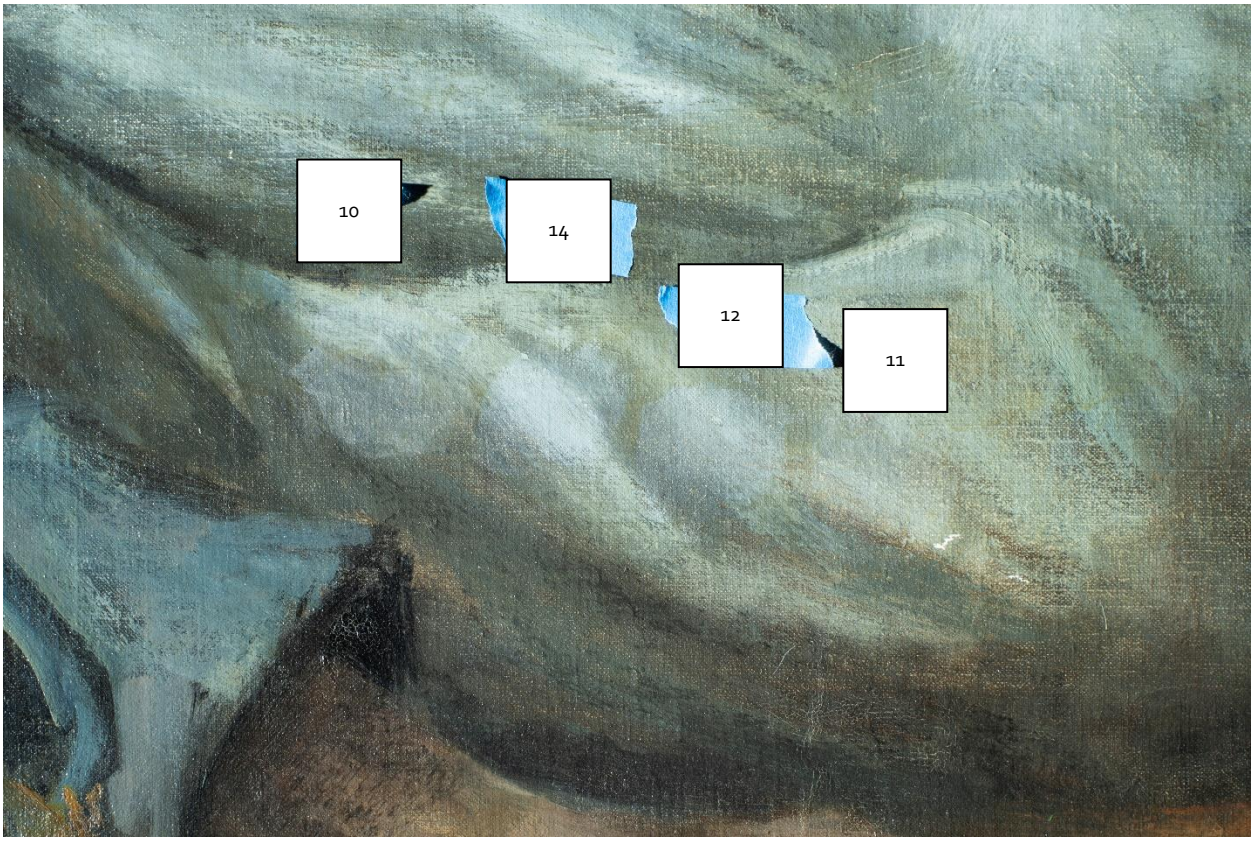


Figure 48. Varnish reduction tests conducted on mural #1, *Colonel Shaw*. (Photo by EverGreene, January 2024)

Mural #3, *Frederick Douglass*

Test Type	Test No.	Solvent Solution	Results
Mural #3, *Frederick Douglass*			
Pure Solvents	1	Isopropanol	Varnish reduced but not removed in full; caused blanching
	2	Denatured alcohol (DA)	Varnish reduced but multiple applications required to reduce sufficiently
	3	Acetone	Varnish reduced but not removed in full; caused blanching
	4	Benzyl alcohol	No visible impact
	5	n-methyl-2-pyrrlidinone (NMP)	Varnish reduced but not removed in full; caused blanching
	6	Xylene	Varnish reduced but not removed in full; caused blanching
	7	Lacquer thinner	Poor reduction of varnish; caused mobilization of pigment
Solvent Gels	8	Aqueous gel B with 8% benzyl alcohol	--
	9	Acetone / Carbopol gel	--
	10	Xylene / Carbopol gel	--
	11	Isopropanol / Carbopol gel	--
	12	NMP / Carbopol gel	--

	13	Benzyl alcohol / Carbopol gel	--
	14	D.A. / Carbopol gel	Even reduction of varnish; however, thin residual layer remains
	15	D.A. & 1.5% TAC / Carbopol gel	--
	16	D.A.: Xylene (80:20) / Carbopol gel	Even reduction of varnish with good results

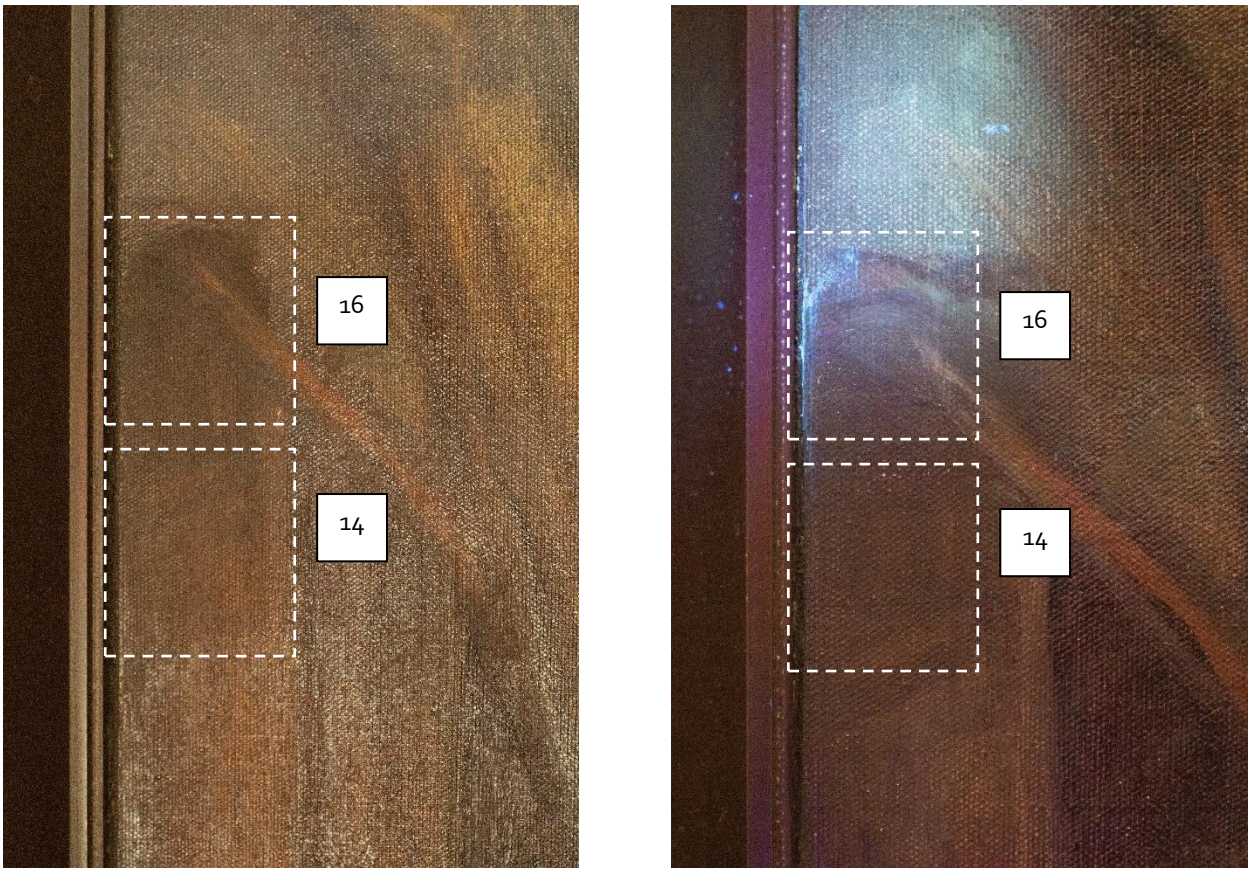


Figure 49. Varnish reduction tests conducted on mural #3, *Frederick Douglass,* shown in normal (left) and UV (right) light. (Photo by EverGreene, January 2024)

Mural #4, *Battle of New Orleans*

Test Type	Test No.	Solvent Solution	Results
Mural #4, *Battle of New Orleans*			
Pure Solvents	1	Isopropanol	Removal of upper varnish layer, but no mobilization of lower layer
	2	Denatured alcohol (DA)	Removal of upper varnish layer, but no mobilization of lower layer; caused some blanching
	3	Acetone	Fast and even removal of upper varnish layer, but no mobilization of lower layer; caused some blanching
	4	Benzyl alcohol	No visible impact
	5	n-methyl-2-pyrrlidinone (NMP)	Partial reduction of varnish
	6	Xylene	Even removal of upper varnish layer, but no mobilization of lower layer; caused some blanching
	7	Lacquer thinner	Even removal of upper varnish layer, but no mobilization of lower layer; caused some blanching
**Solvent gels were applied to the lower varnish layer following removal of upper layer with xylene swabs*			
Solvent Gels	8	Aqueous gel B with 8% benzyl alcohol	Minor reduction of varnish
	9	Acetone / Carbopol gel	Caused swelling of the varnish. Swollen, gummy layer was then carefully removed with xylene swabs under UV light
	10	Xylene / Carbopol gel	Minor impact
	11	Isopropanol / Carbopol gel	Minor impact
	12	NMP / Carbopol gel	Varnish reduced but not removed in full; caused blanching
	13	Benzyl alcohol / Carbopol gel	Varnish reduced but not removed in full; caused blanching and mobilization of pigment
	14	D.A. / Carbopol gel	Varnish reduced but not removed in full; caused blanching
	15	D.A. & 1.5% TAC / Carbopol gel	Varnish reduced but not removed in full; caused blanching
	16	D.A.: Xylene (80:20) / Carbopol gel	Varnish reduced but not removed in full; caused blanching

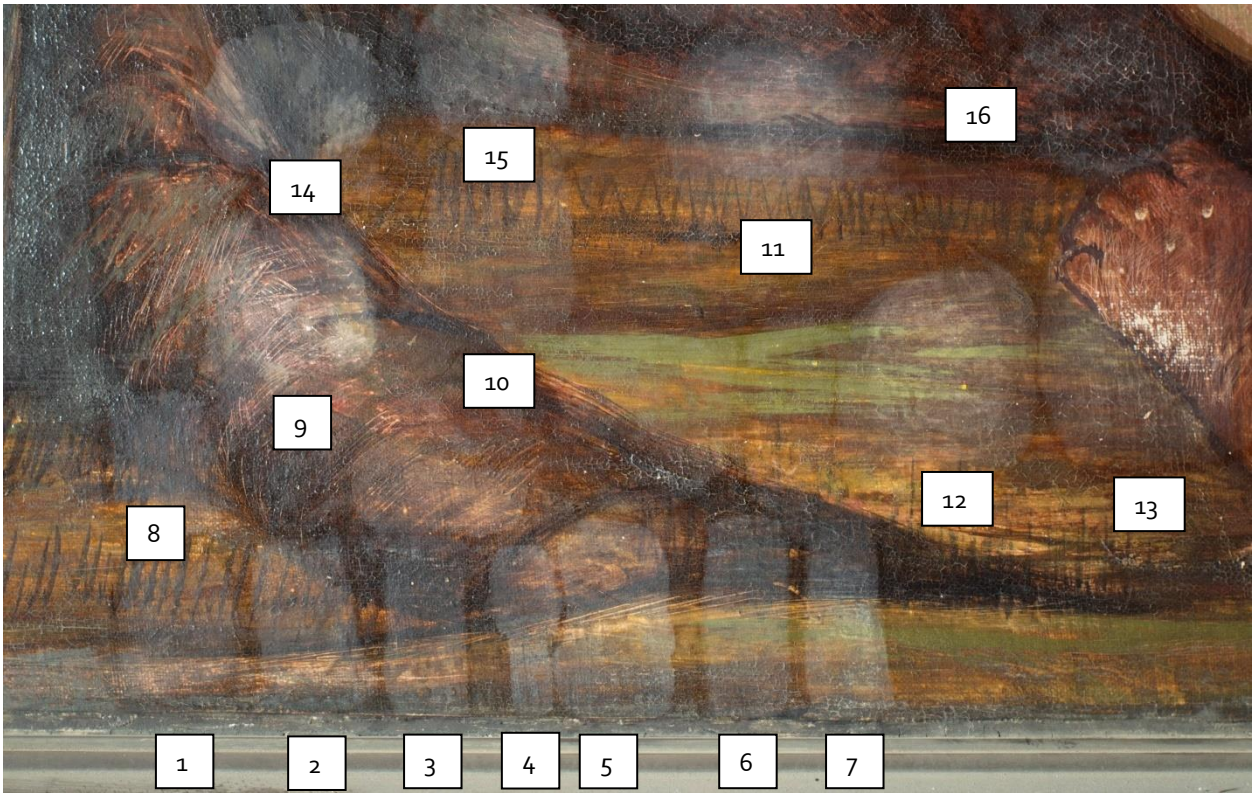


Figure 50. Varnish reduction tests conducted on mural #4, *The Battle of New Orleans*. (Photo by EverGreene, January 2024)

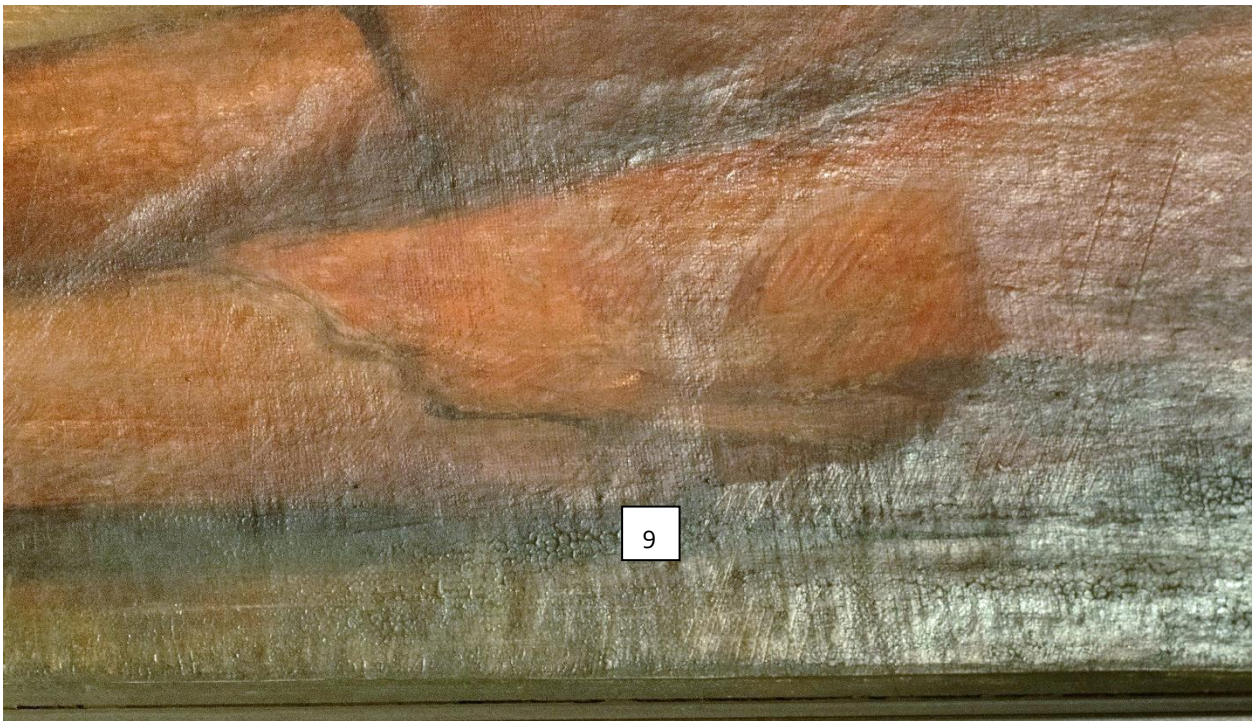


Figure 51. The selected cleaning approach, trial 9—Acetone/Carbopol gel removed with xylene, applied to a larger surface area. (Photo by EverGreene, January 2024)

Mural #5, *Benjamin Banneker*

Test Type	Test No.	Solvent Solution	Results
Mural #5, *Benjamin Banneker*			
Pure Solvents	1	Isopropanol	Varnish reduced but not removed in full; caused blanching
	2	Denatured alcohol (DA)	Varnish removed but multiple applications required to reduce sufficiently
	3	Acetone	Varnish reduced but not removed in full; caused blanching
	4	Benzyl alcohol	No visible impact
	5	n-methyl-2-pyrrlidinone (NMP)	Varnish reduced but not removed in full; caused blanching
	6	Xylene	Poor reduction of varnish
	7	Lacquer thinner	Poor reduction of varnish; caused mobilization of pigment
**Solvent gels were applied to the lower varnish layer following removal of upper layer with D.A. swabs*			
Solvent Gels	8	Aqueous gel B with 8% benzyl alcohol	No visible impact
	9	Acetone / Carbopol gel	Excellent removal of varnish following initial reduction with D.A. and clearance with D.A.
	10	Xylene / Carbopol gel	Varnish reduced but not removed in full; caused blanching
	11	Isopropanol / Carbopol gel	Varnish reduced but not removed in full; caused blanching
	12	NMP / Carbopol gel	--
	13	Benzyl alcohol / Carbopol gel	--
	14	D.A. / Carbopol gel	--
	15	D.A. & 1.5% TAC / Carbopol gel	--
	16	D.A.: Xylene (80:20) / Carbopol gel	--

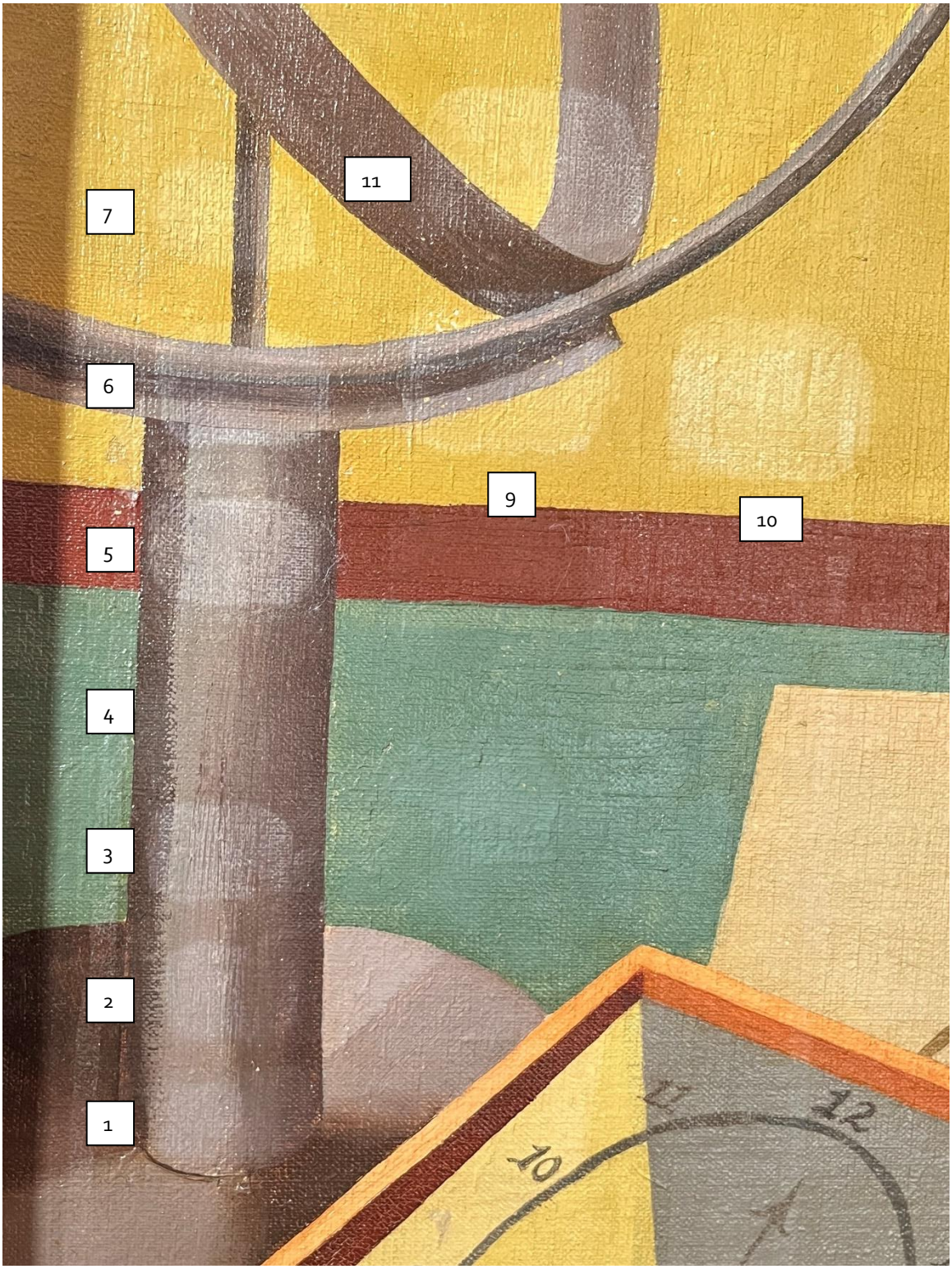


Figure 52. Varnish reduction tests conducted on mural #5, *Benjamin Banneker*. (Photo by EverGreene, January 2024)

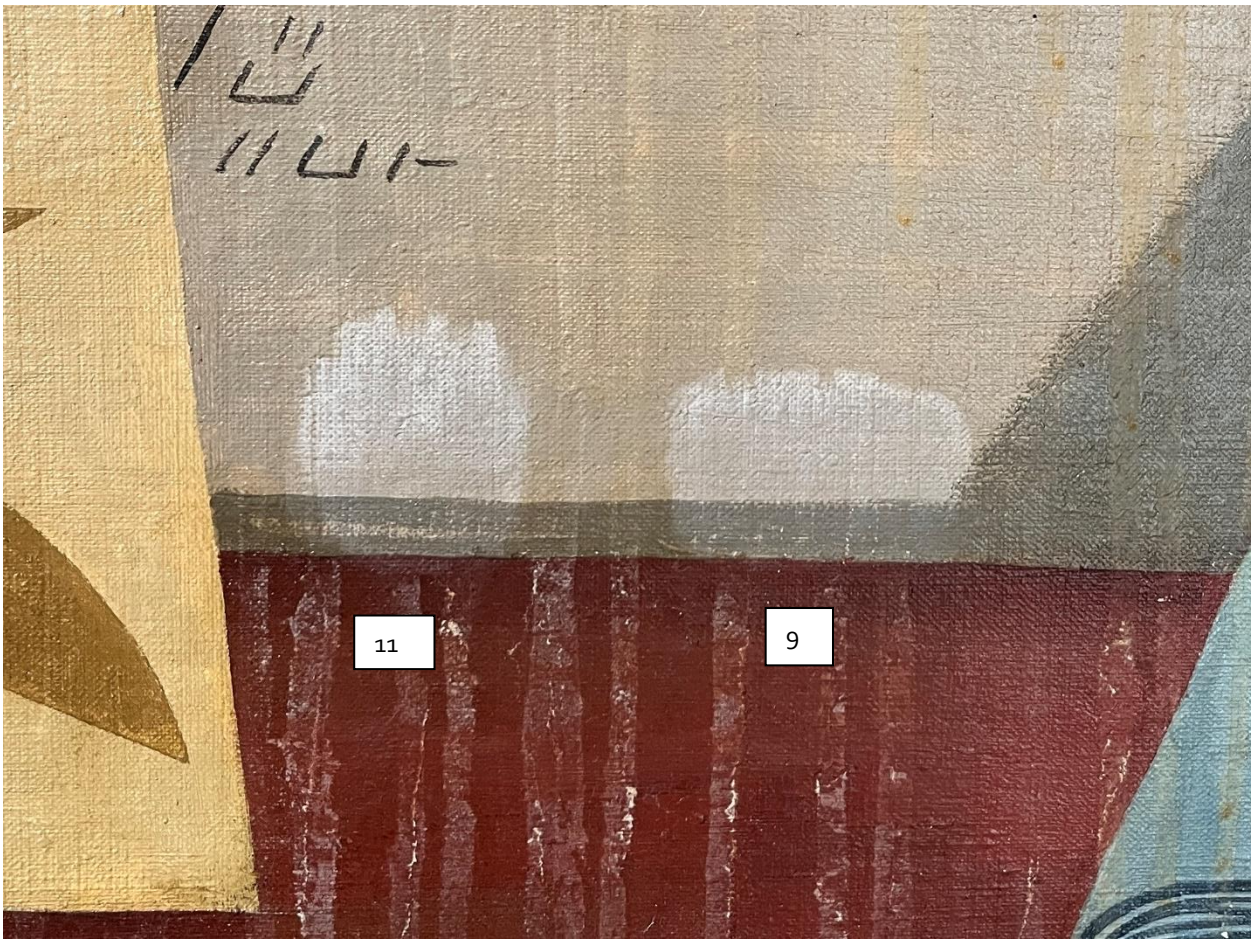


Figure 53. The selected cleaning approach, trial 9—Acetone/Carbopol gel removed with DA, applied to an area of thick varnish disrupted by previous water infiltration. (Photo by EverGreene, January 2024)

Mural #7, *North Pole*

Test Type	Test No.	Solvent Solution	Results
Mural #7, *North Pole*			
Pure Solvents	1	Isopropanol	Upper layer of varnish removed
	2	Denatured alcohol (DA)	Upper layer of varnish removed
	3	Acetone	Upper layer of varnish quickly and completely removed; no mobilization of pigment
	4	Benzyl alcohol	--
	5	n-methyl-2-pyrrlidinone (NMP)	--
	6	Xylene	Removed lower varnish layer quickly and completely; no mobilization of pigment
	7	Lacquer thinner	--

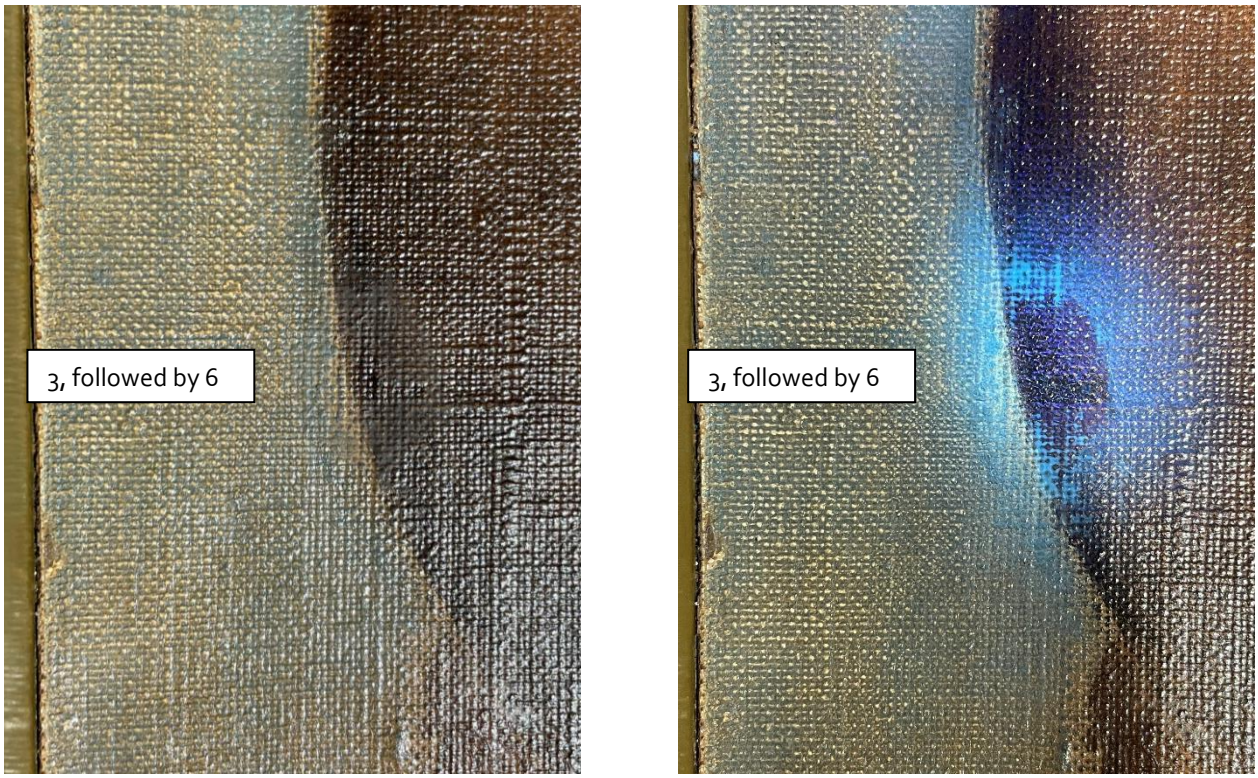


Figure 54. Varnish reduction tests conducted on mural #7, *North Pole,* shown in normal (left) and UV (right) light. (Photo by EverGreene, January 2024)

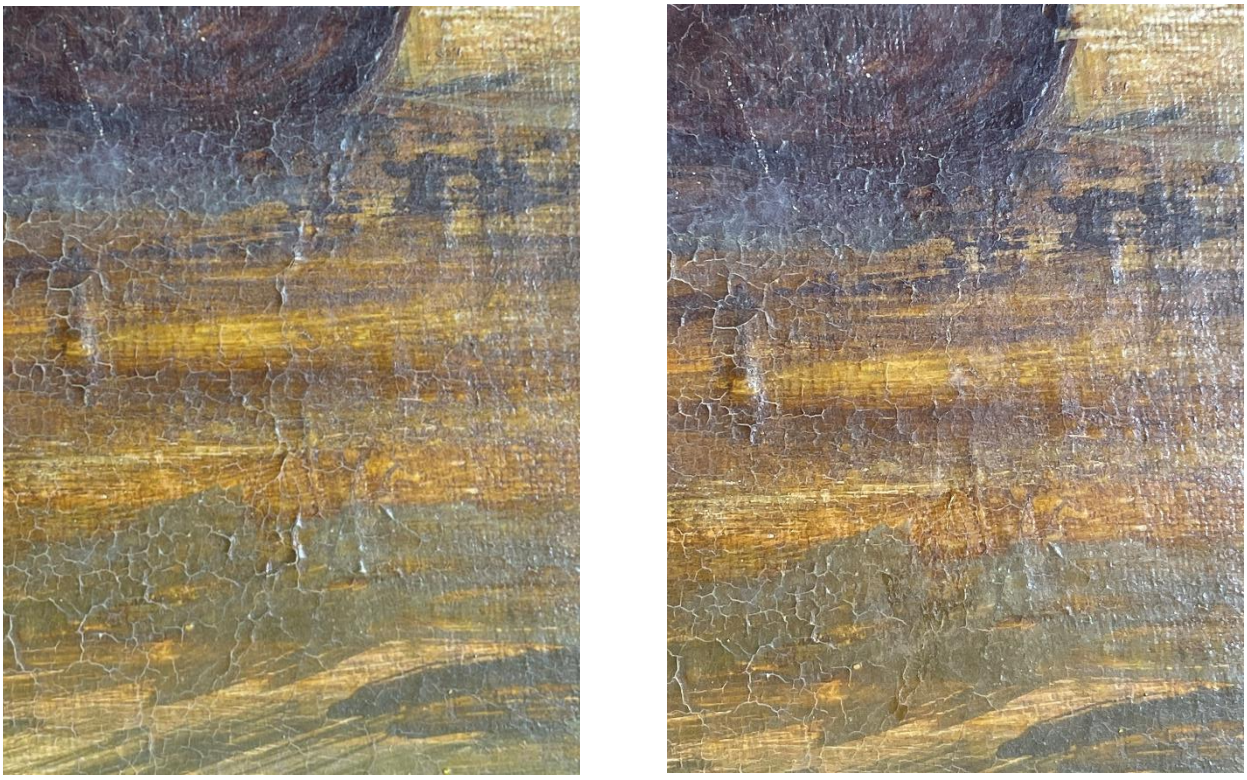
Figure 55. Varnish reduction tests conducted on mural #7, *North Pole*, showing the successful removal of a thick and significantly discolored wax layer. (Photo by EverGreene, January 2024)

Stabilization of Flaking Paint

Trails to stabilize flaking paint were conducted on mural #4, *Battle of New Orleans*. Adhesive materials were considered that would be appropriate for use on all 7 murals and hold up during varnish reduction should paint stabilization be required prior to cleaning treatments.

Lascaux 498 HV, a conservation-grade water-based acrylic polymer was selected for testing. To encourace the penetration of the adhesive beneath the lifted paint layer, the area of flaking was first pre-wet with a 1:1 solution of isopropanol and deionized water. The adhesive was then introduced to a targeted area using a fine tip paintbrush. Excess adhesive was carefully cleared from the surface of the mural using a damp swab. A tacking iron set at 300°Fahrenheit (150° Celsius) was then used over silicone release paper to gently press the paint flake back and re-adhere it in its original position.

The outcome of the test was found to be successful and therefore no additional re-adhesion trials were performed. However, other similar adhesives may perform equally as well and are not discouraged for use during treatment.



Figures 56 & 57. Paint re-adhesion tests conducted on mural #4, *Battle of New Orleans*, showing the flaking paint prior to stabilization (left) and after re-adhesion (right). (Photo by EverGreene, January 2024)

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The preservation and conservation care of the RoD murals is a high priority. Based on the historical context in which the murals were created, they should be considered as intrinsically valuable to the site as the building itself and cared for accordingly.

The results of the hands on survey of the murals showed that they may be treated in place, with two of the murals having alternate recommendations for removal, treatment, and reinstallation. The treatment testing showed that these murals would benefit from conservation treatment to not only preserve the murals, but also to reveal the artists' original design intent by improving their visual characteristics.

RECOMMENDATIONS

General Preservation Recommendations

Conservation treatment of the murals is recommended to occur following completion or near completion of building construction work. A murals conservator should be involved throughout the construction process to monitor the murals regularly through visual and other forms of analytical assessment/monitoring. The conservator should work closely with the Architect and General Contractor to review construction plans and ensure the murals remain in stable condition during building works. The existing covers over the murals should be removed and replaced or enhanced with rigid protection prior to the start of construction. All efforts should be made to ensure that dust and debris do not impact the murals.

Environmental fluctuations in addition to liquid moisture infiltration pose great risk to the preservation of the murals and are frequently the cause of severe damage and deterioration in works of art. To reduce risk, the best effort should be made to reduce environmental fluctuations in temperature (T) and relative humidity (RH) as far as possible during construction and indefinitely thereafter. Ideally the environment should be constrained to +/- 5% of the baseline RH, and +/- 5 degrees of the baseline T as sudden and large changes in RH and T cause the majority of damage in works of art and decorative finishes. Preferably, the RH would be maintained under 70% to mitigate the risk of microbiological growth. Maintaining the temperature between 60-70 degrees and RH near 50% is generally a good target. Furthermore, it is critically important to prevent surface condensation and other types of liquid moisture infiltration such as roof leaks or pipe bursts, etc.

Regardless of best intentions, it should be expected that new conditions may develop during construction and require additional treatments beyond what is listed in this report. It is recommended

that an additional condition assessment is conducted prior to the initiation of remedial conservation treatment at the completion of building construction.

The majority of the murals present more than one varnish layer that is discolored and/or contrary to the original aesthetic intent of the artwork. It is therefore recommended that varnish reduction is carried out as part of remedial conservation treatment for most of the murals. It should be noted that varnish removal will reverse any previous inpainting applied, which may prove to be more extensive than currently presumed and require more intensive restoration efforts than explicated. Each of the murals should be meticulously documented with high resolution photography prior to beginning any conservation treatment to ensure that no existing visual information is lost during treatment.

Mural Specific Conservation Treatment Recommendations

Conservation treatment of all the murals is recommended to improve aesthetics, enhance visibility, and stabilize them for long term preservation. Findings from the assessment and testing indicate that a unique treatment protocol is required for each mural due to the different conditions, original materials, and post-historic treatments encountered on each. Recommendations for conservation are therefore provided independently for each mural in the following sections. All materials utilized in treatment should be conservation-grade and reversible wherever possible.

Mural 1: Carlos Lopez, *Colonel Shaw*

The following materials and methods are recommended for the conservation treatment of mural 1: *Colonel Shaw*:

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Re-adhesion of flaking or lifted paint with a water-based acrylic polymer such as Lascaux 498 HV or similar. The adhesive should be carefully fed beneath the surface of the lifting paint using after pre-wetting with a 1:1 solution of isopropanol : deionized water. Excess adhesive should be cleared completely from the surface of the painting with a damp swab. A tacking iron set no higher than 300°Fahrenheit (150° Celsius) should be gently used over silicone release paper to tack the paint flake back into its original position.
- Removal of the existing varnish layers with 2 applications of denatured alcohol / Carbopol solvent gel, cleared with a 1:1 solution of isopropanol : odorless mineral spirits.
- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should

be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Mural 2: Martyl, The Battle of Lake Erie

The following materials and methods are recommended for the conservation treatment of mural 2: *The Battle of Lake Erie*:

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Re-adhesion of flaking or lifted paint with a water-based acrylic polymer such as Lascaux 498 HV or similar. The adhesive should be carefully fed beneath the surface of the lifting paint using after pre-wetting with a 1:1 solution of isopropanol : deionized water. Excess adhesive should be cleared completely from the surface of the painting with a damp swab. A tacking iron set no higher than 300°Fahrenheit (150° Celsius) should be gently used over silicone release paper to tack the paint flake back into its original position.
- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Note: removal of the existing varnish and overpaint is not recommended for *The Battle of Lake Erie* as all restorations were performed by the original artist and as such, should not be altered.

Mural 3: William Edouard Scott, *Frederick Douglass*

Two different treatment options are presented for mural 3: *Frederick Douglass*. A less-invasive option is presented first, followed by a more invasive but more comprehensive treatment option. Either option is an appropriate treatment approach currently; however, due to the plaster damage and deterioration

caused by previous water infiltration events, undertaking Option 2 may become a necessity in the relatively near future. If Option 1 is selected for implementation over Option 2, the mural should be closely monitored following treatment to determine if plaster deterioration and salt efflorescence continue to progress.

The following materials and methods are recommended for the conservation treatment of mural 3: *Frederick Douglass*:

Option 1 (Treat in place):

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Removal of the existing varnish layers with 2 applications of denatured alcohol : xylene (4:1) / Carbopol solvent gel, cleared with a 1:1 solution of isopropanol : odorless mineral spirits.
- Extraction of soluble salts from the canvas substrate with the application of a deionized water poultice applied in a rigid gel system such as 4-5% Agar or similar.
- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Option 2 (Mural removal to allow for repair of plaster substrate):

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Application of temporary facing to the surface of the mural using a flexible but durable Japanese or lens tissue paper, adhered to the mural's surface with a flexible, reversible adhesive such as 3-5% methylcellulose or similar.
- Construction of a lead containment surrounding the mural and proposed work area.
- Detachment of the mural from the wall substrate by mechanical separation at the adhesive layer (to occur inside lead containment).

- Roll detached mural in a face-out orientation onto 18" diameter sonotube.
- Crate rolled mural for transportation.
- Transportation of mural to designated conservation studio, equipped with separate lead containment area, for conservation treatment.
- Abatement of any residual lead adhesive from the reverse of the canvas (work to occur inside lead containment).
- Repair of any damages caused to the canvas substrate during removal.
- Removal of temporary facing with appropriate solvent.
- Removal of the existing varnish layers with 2 applications of denatured alcohol : xylene (4:1) / Carbopol solvent gel, cleared with a 1:1 solution of isopropanol : odorless mineral spirits.
- Extraction of soluble salts from the canvas substrate with the application of a deionized water poultice applied in a rigid gel system such as 4-5% Agar or similar.
- Repair and refinish plaster substrate at RoD building in preparation for reinstallation of mural. Wall surface should be finished to a level 5 finish that is clean and free of dust or debris. The finished wall should be primed with 2 coats of a high-quality acrylic primer, allowed to cure for a minimum of 30 days prior to re-installation of the mural on top.
- Roll detached mural in a face-out orientation onto 18" diameter sonotube.
- Crate rolled mural for transportation and return to site.
- Re-adhesion of detached mural onto new plaster substrate with an adhesion-promoting primer and reversible water-based adhesive such as a strippable clay adhesive. The mural should be pressed firmly onto the wall substrate using large wallpaper application brushes and or non-marring rubber or plastic rollers. Ensure no voids or bubbles are present between the wall and canvas substrates and that edges are firmly adhered. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab.
- Fill any canvas repairs with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

<u>Mural 4: Ethel Magafan, The Battle of New Orleans</u>

The following materials and methods are recommended for the conservation treatment of mural 4: *The Battle of New Orleans*:

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with adjusted water, pH 6.5 / 6000 µM.
- Removal of the existing varnish layers with an initial application of xylene applied by swab. After surface has dried apply acetone / Carbopol solvent gel, agitate slightly and allow to dwell

for 1.5 minutes, and clear with a 1:1 solution of isopropanol : odorless mineral spirits. Allow surface to rest for 30 seconds and carefully remove residual swollen varnish layer using xylene swabs under a UV inspection light. Perform a final surface clearance with a 1:1 solution of isopropanol : odorless mineral spirits.

- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, matte acrylic resin conservation paints such as Golden QoR Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Mural 5: Maxine Seelbinder, *Benjamin Banneker*

Two different treatment options are presented for mural 5: *Benjamin Banneker*. A less-invasive option is presented first, followed by a more invasive but comprehensive treatment option. Either option is an appropriate treatment approach currently; however, due to the plaster damage and deterioration caused by previous water infiltration events, undertaking Option 2 may become a necessity in the relatively near future. If Option 1 is selected for implementation over Option 2, the mural should be closely monitored following treatment to determine if plaster deterioration and salt efflorescence continue to progress.

The following materials and methods are recommended for the conservation treatment of mural 5: *Benjamin Banneker*:

Option 1 (Treat in place):

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Removal of the existing varnish layers by performing an initial reduction of varnish, targeting drips, with denatured alcohol swabs. Follow with an application of acetone / Carbopol solvent gel, cleared with denatured alcohol.
- Extraction of soluble salts from the canvas substrate with the application of a deionized water poultice applied in a rigid gel system such as 4-5% Agar or similar.

- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Option 2 (Mural removal to allow for repair of plaster substrate):

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Application of temporary facing to the surface of the mural using a flexible but durable Japanese or lens tissue paper, adhered to the mural's surface with a flexible, reversible adhesive such as 3-5% methylcellulose or similar.
- Construction of a lead containment surrounding the mural and proposed work area.
- Detachment of the mural from the wall substrate by mechanical separation at the adhesive layer (to occur inside lead containment).
- Roll detached mural in a face-out orientation onto 18" diameter sonotube.
- Crate rolled mural for transportation.
- Transportation of mural to designated conservation studio, equipped with separate lead containment area, for conservation treatment.
- Abatement of any residual lead adhesive from the reverse of the canvas (work to occur inside lead containment).
- Repair of any damages caused to the canvas substrate during removal.
- Removal of temporary facing with appropriate solvent.
- Removal of the existing varnish layers by performing an initial reduction of varnish, targeting drips, with denatured alcohol swabs. Follow with an application of acetone / Carbopol solvent gel, cleared with denatured alcohol.
- Extraction of soluble salts from the canvas substrate with the application of a deionized water poultice applied in a rigid gel system such as 4-5% Agar or similar.
- Repair and refinish plaster substrate at RoD building in preparation for reinstallation of mural. Wall surface should be finished to a level 5 finish that is clean and free of dust or debris. The

finished wall should be primed with 2 coats of a high-quality acrylic primer, allowed to cure for a minimum of 30 days prior to re-installation of the mural on top.
- Roll detached mural in a face-out orientation onto 18" diameter sonotube.
- Crate rolled mural for transportation and return to site.
- Re-adhesion of detached mural onto new plaster substrate with an adhesion-promoting primer and reversible water-based adhesive such as a strippable clay adhesive. The mural should be pressed firmly onto the wall substrate using large wallpaper application brushes and or non-marring rubber or plastic rollers. Ensure no voids or bubbles are present between the wall and canvas substrates and that edges are firmly adhered. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab.
- Fill any canvas repairs with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Mural 6: Herschel Levit, *Crispus Attucks*

The following materials and methods are recommended for the conservation treatment of mural 6: *Crispus Attucks*:

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses and fills with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

Note: removal of the existing varnish and overpaint is not recommended for *Crispus Attucks* as the painting appears to have been previously aggressively over-cleaned and the existing varnish is well applied.

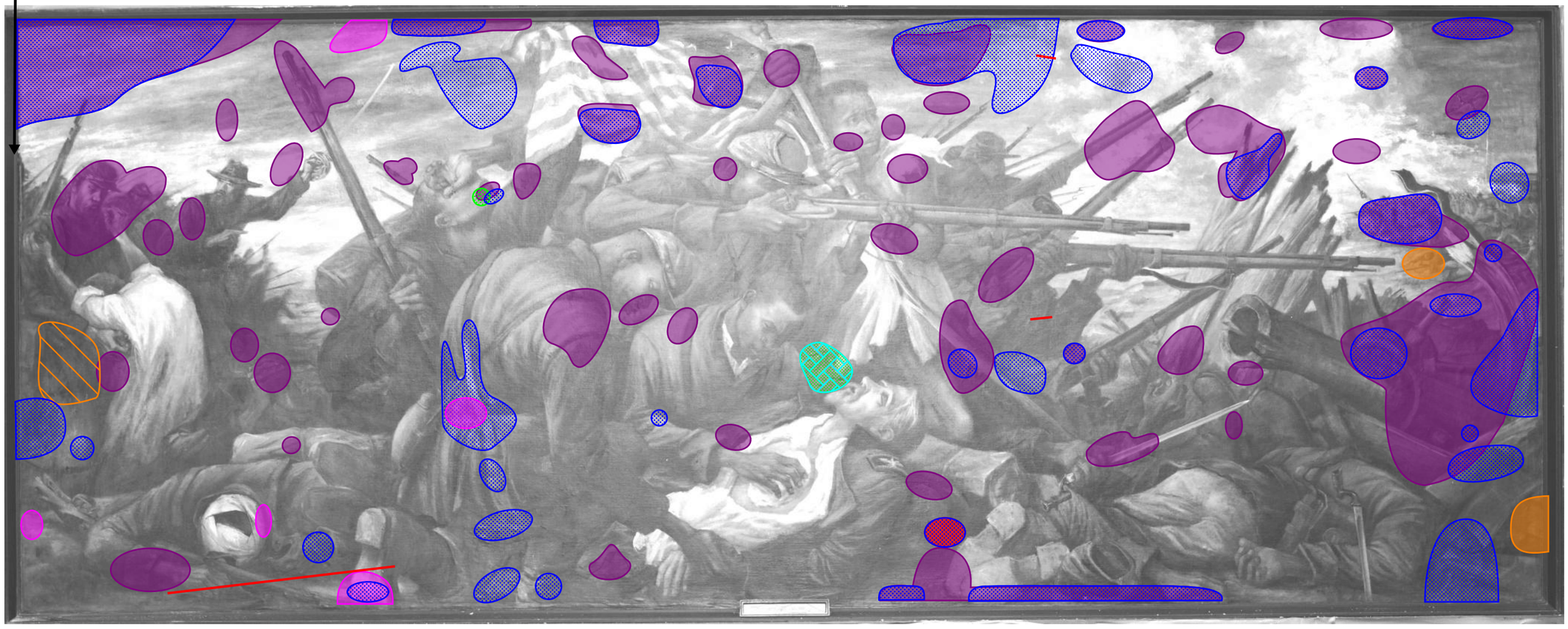
Mural 7: Austin Mecklem, Commander Peary and Matthew Henson at the North Pole

The following materials and methods are recommended for the conservation treatment of mural 7: *North Pole*:

- Removal of loose surface deposits by lightly dusting painted surface with a soft brush into a vacuum hose.
- Aqueous removal of surface soiling with deionized water.
- Removal of the existing upper layer of varnish by swabbing with acetone. Follow with removal of the existing lower layer of varnish by swabbing with xylene.
- Re-adhesion of lifted or detached canvas with injection of a reversible, water-based adhesive such as wheat paste or a strippable clay adhesive. The adhesive should be delivered behind the canvas surface using a syringe and small gauge needle. Voids should not be overfilled. Following injection, the canvas surface should be rolled flat against the substrate with a non-marring rubber roller to encourage adhesion. Any excess adhesive should be cleared completely from the surface of the painting using a damp swab. Port holes should be filled with a stable and reversible fill material such as Flugger Acrylic Filler or similar. Fill material should be applied flush with the surrounding surface and should not cover any part of the historic painted imagery.
- Inpainting of losses with stable, acrylic resin conservation paints such as Gamblin Conservation Colors or similar.
- Application of a colorless, UV stable matte varnish such Beva UVS Matte Finishing Varnish or similar.

APPENDIX A – CONDITIONS SURVEY DRAWINGS

EDGE OF CANVAS LIFTING



BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

EVERGREENE
Architectural Arts

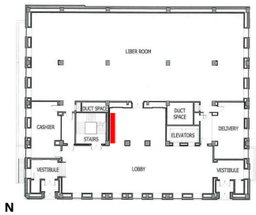
Project

DC RECORDER OF DEEDS
515 D ST NW, WASH. DC

MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



N

FIRST FLOOR PLAN

Legend

- Canvas detachment
- Salt efflorescence
- Scratch
- Previous re-adhesion
- Bubbling/blistering
- Pitting
- Paint flaking
- Paint loss
- Inpainting/Craqueleur

Sheet Title

"The Death of Colonel Shaw at Fort Wagner"
Carlos Lopez, 1943

Sheet No. 1

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS

SIGNIFICANT CRACKING THROUGHOUT.

PLANAR DETACHMENT WITH SIGNIFICANT HORIZONTAL CRACKING IN THIS AREA.

BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

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Architectural Arts

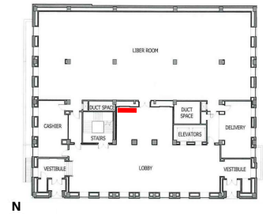
Project

DC RECORDER OF DEEDS
515 D ST NW, WASH. DC

MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



FIRST FLOOR PLAN

Legend

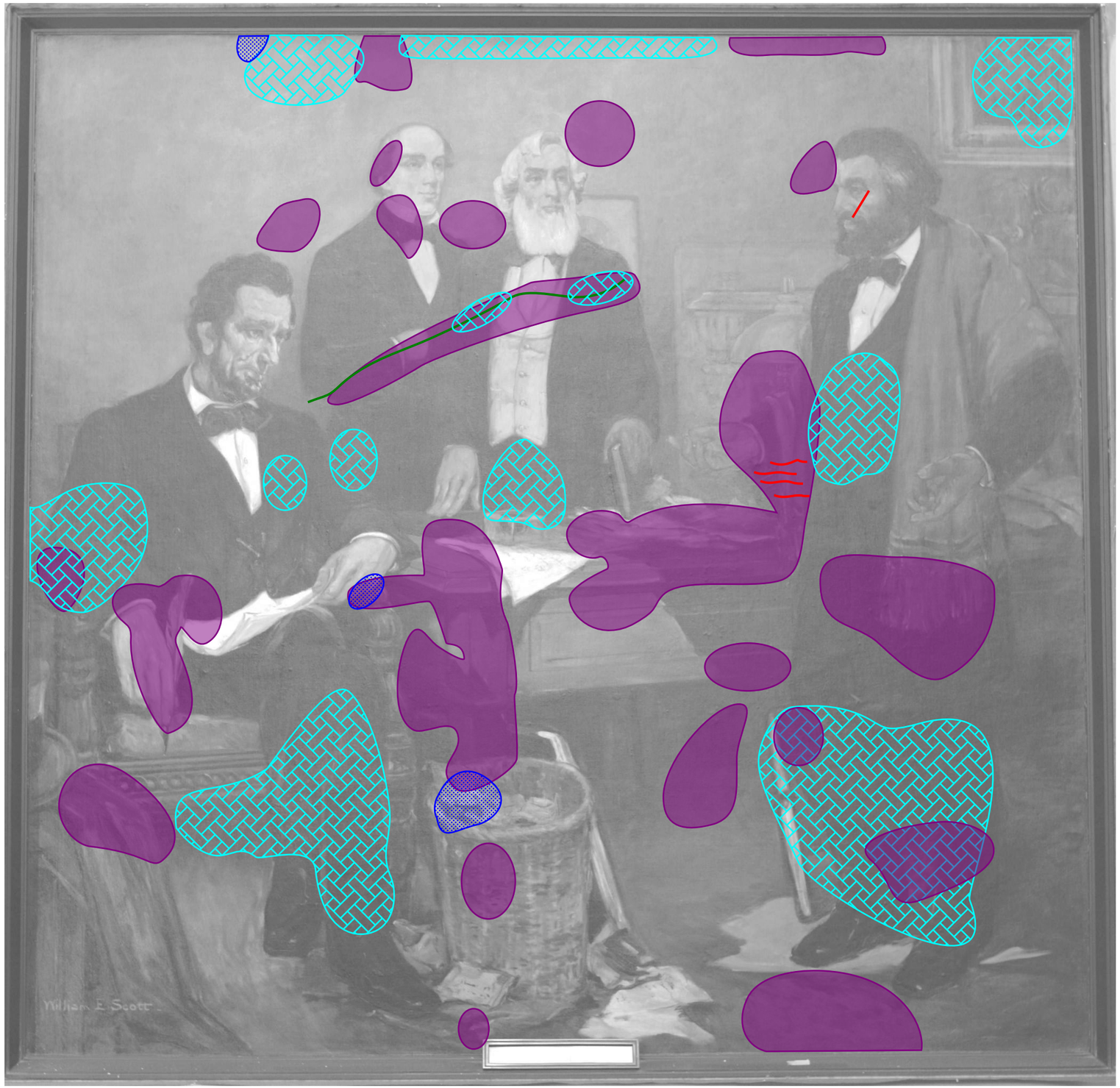
- Canvas detachment
- Salt efflorescence
- Crack in plaster
- Bubbling/blistering

Sheet Title

"Cyrus Tiffany in the Battle of Lake Erie"
Martyl Schweig, 1943

Sheet No. 2

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS



BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

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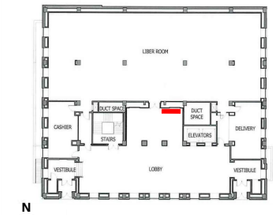
515 D ST NW, WASH. DC

MURAL CONDITIONS
DOCUMENTATION

JANUARY 25, 2024

Key Plan



FIRST FLOOR PLAN

Legend

- Canvas detachment
- Salt efflorescence
- Scratch
- Bubbling/blistering
- Crack in plaster

Sheet Title

"Frederick Douglass Appeals to President Lincoln"
William Edouard Scott, 1943

Sheet No. 3

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS

PLASTER CRACKING CAUSING DETACHMENT

EDGE OF CANVAS DETACHED ALONG LENGTH

BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

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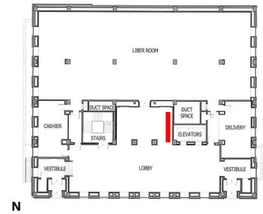
MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



N

FIRST FLOOR PLAN

Legend

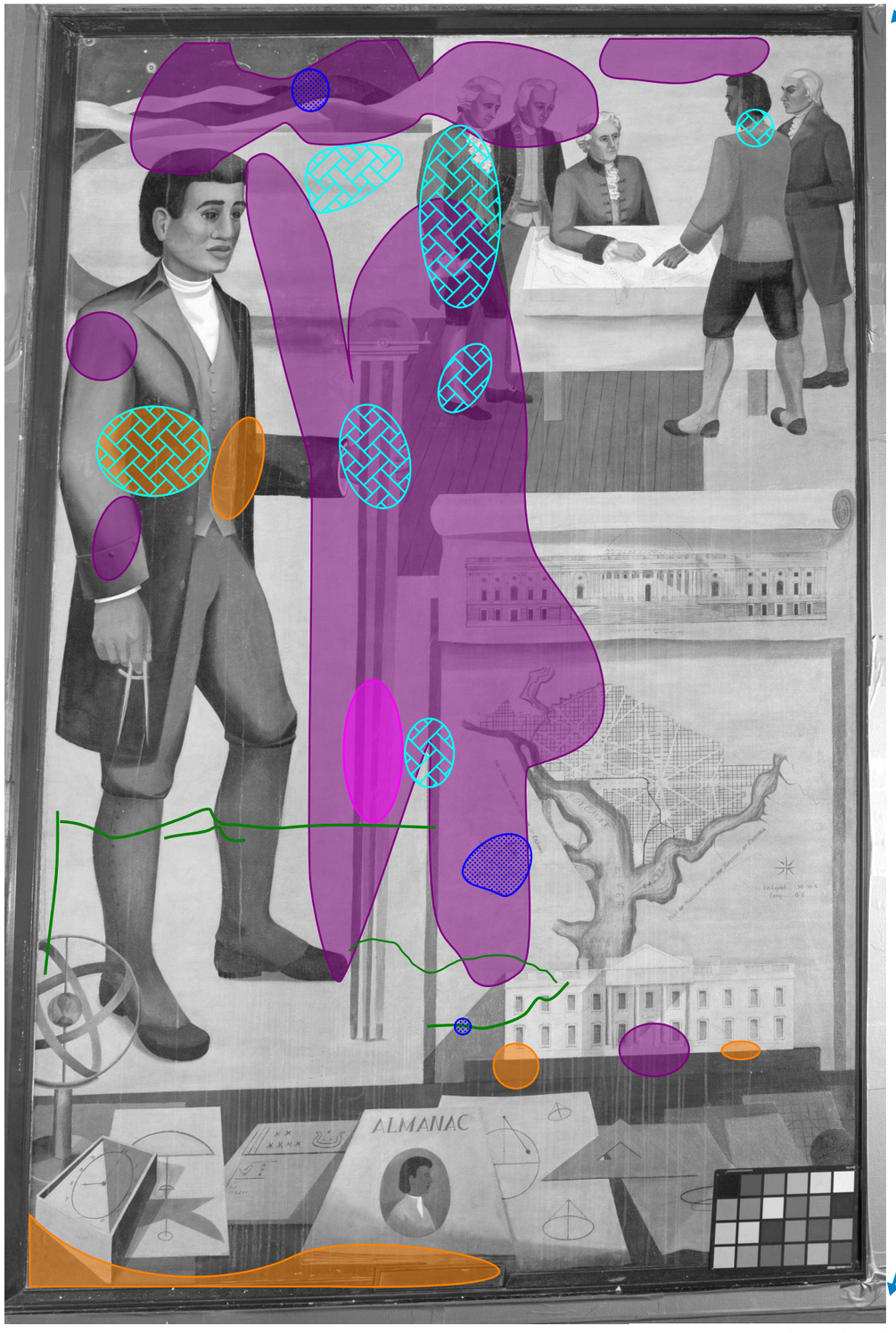
- Canvas detachment
- Salt efflorescence
- Crack in plaster
- Previous re-adhesion
- Bubbling/blistering
- Paint flaking
- Paint loss

Sheet Title

"The Battle of New Orleans
Ethel Magafan, 1943

Sheet No. 4

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS



SIGNIFICANT NUMBER OF DRIP MARKS; FOUND ACROSS ENTIRE CANVAS, LEFT TO RIGHT, WITH MOST EXTENDING FULL LENGTH TOP TO BOTTOM.

BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

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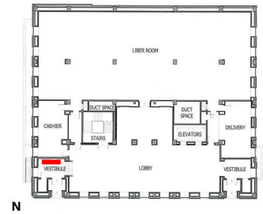
DC RECORDER OF DEEDS
515 D ST NW, WASH. DC

MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



FIRST FLOOR PLAN

Legend

- Canvas detachment
- Salt efflorescence
- Scratch
- Previous re-adhesion
- Bubbling/blistering
- Paint flaking
- Paint loss

Sheet Title

"Benjamin Banneker"
Maxine Seelbinder, 1943

Sheet No. 5

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS

BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

EVERGREENE
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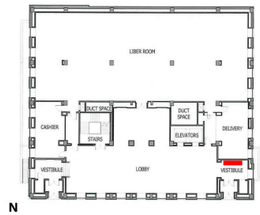
DC RECORDER OF DEEDS
515 D ST NW, WASH. DC

MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



FIRST FLOOR PLAN

Legend

- Canvas detachment
- Bubbling/blistering

Sheet Title

"Crispus Attucks"
Herschel Levit, 1943

Sheet No. 6

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS

EDGE OF CANVAS LIFTING

BASE PHOTOGRAPH BY: EVERGREENE, JANUARY 2024, NOT TO SCALE

EVERGREENE
Architectural Arts

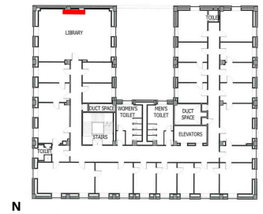
Project

DC RECORDER OF DEEDS
515 D ST NW, WASH. DC

MURAL CONDITIONS DOCUMENTATION

JANUARY 25, 2024

Key Plan



N

SECOND FLOOR PLAN

Legend

Canvas detachment

Sheet Title

"Matthew Henson Planting the American Flag at the North Pole" Austin Mecklem, 1943

Sheet No. 7

NOT INTENDED FOR USE AS CONSTRUCTION DOCUMENTS

APPENDIX B – CLEANING SOLUTION FORMULAS

AQUEOUS CLEANING SOLUTIONS

- Adjusted water, pH 6.5 / 6000 µM – Acetic acid : NaOH 10% : deionized water
- Adjusted water, pH 6.0 / 6000 µM – Acetic acid : NaOH 10% : deionized water
- Adjusted water, pH 5.0 / 6000 µM – Acetic acid : NaOH 10% : deionized water
- Aqueous Gel B (based on Richard Wolber's cleaning formula) – Citric acid : boric acid : TEA (neat), adjusted to pH 8 in Xanthan gum 2%

SOLVENT GEL FORMULAS

Solvent gels are based on Richard Wolber's cleaning formulas.

Aromatic and Aliphatic Solvents (Shelsolv T; Mineral Spirits; Xylene, etc.)

- 100 ml Solvent/Solvent blend
- 20 ml Ethomeen C12
- 2 g Carbopol 934
- 1.5 ml Deionized water

- Clearance with Isopropanol : Mineral Spirits, 1:1

Polar Solvents (Benzyl alcohol; Isopropanol; Ethanol; Acetone; NMP)

- 100 ml Solvent/Solvent blend
- 20 ml Ethomeen C25
- 2 g Carbopol 934
- 10-15 ml Deionized water

- Clearance with Isopropanol : Mineral Spirits, 1:1

APPENDIX C – BUDGETARY COST ESTIMATE

EVERGREENE
Architectural Arts

February 20th, 2024

Bob Sly
SmithGroup
1700 New York Avenue, NW, Suite 100
Washington, DC 20006
(202) 974-0809
bob.sly@smithgroup.com

RECORDER OF DEEDS WPA-ERA MURALS / CITY / STATE

Proposal Version 1

Dear Bob,

EverGreene Architectural Arts ("EverGreene") appreciates the opportunity to provide budgetary pricing for the treatment of murals within the DC Court Recorder of Deed building to SmithGroup ("Client"). Please understand that final pricing should be seen as a range of -5% to 10% of the quoted price, as is normal for budgetary estimates. We look forward to working with you as this project evolves and hope to be able to perform the work when you are ready.

Our pricing and scope of work is based on cleaning tests, investigations, and observations reflected in our attached assessment report. Assessment of the murals was completed by EverGreene's conservation team in January 2024.

Of the seven murals we assessed, we feel that all seven of them can be appropriately stabilized and treated onsite. However, for two of the murals, we are offering alternate pricing for a more in-depth treatment in our studio. The Frederick Douglass and Benjamin Banneker murals display a large accumulation of salts, and the plaster substrate is in poor condition. Treating these two in our studio will allow us to do more intensive intervention, improving their long-term stability and offering the opportunity for plaster substrate to be repaired. Studio treatment will require lead containment and additional transportation costs, which is broken out in our price chart.

Battle of New Orleans and *Crispus Attacks* require an allowance for stabilization injections, varnish application, and poultice application and removal, as it will not be determined how much intervention they require until work is initiated. For detailed descriptions of existing mural conditions, please refer to our assessment report.

QUALIFICATIONS

EverGreene has extensive experience in the stabilization and treatment of mural artworks. Please view the following projects on our website:

https://evergreene.com/projects/roosevelt-hall-murals/
https://evergreene.com/projects/mccormick-house-murals/

https://evergreene.com/projects/john-t-biggers-murals/

You can also use the ***Evergreene.com/search/*** function on our website to view other related projects.

SCOPE OF WORK

Lopez: 54th Massachusetts Col. Shaw
14'2" X 5'5"X 3.5" (depth is inset from edge of metal frame)

- Dry clean surface with microfiber cloth
- Aqueous clean with distilled water
- Paint re-adhesion
- Varnish reduction
- Canvas re-adhesion
- Inpainting of losses
- Application of non-yellowing varnish

Martyl: Cyrus Tiffany
5'7" X 5'5" X 3.5" (depth is inset from edge of metal frame)

- Dry clean surface with microfiber cloth
- Aqueous clean with distilled water
- Paint re-adhesion
- Injection and reattachment of canvas
- Inpainting of losses
- Application of non-yellowing varnish

Scott: Frederick Douglass
5'7" X 5'5" X 3.5" (depth is inset from edge of metal frame)
Option 1: Treat in place

- Dry clean surface with microfiber cloth
- Varnish reduction
- Salt reduction
- Stabilization of canvas through injections
- Aqueous clean with distilled water
- Inpainting of losses
- Application of non-yellowing varnish

Option 2: Studio treatment

- Remove painting from wall, roll and store on Sonotube
- Crate and transport
- Facing paper application
- Lead adhesive abatement
- Repair tears in canvas
- Reattach flaking paint
- Aqueous clean
- Reduce accretions
- Facing removal
- Varnish removal

- Salt reduction
- Reinstallation of mural
- Application of fills
- Inpainting of losses
- Application of non-yellowing varnish

Magafan: Battle of New Orleans (Labeled 4)
14’2” X 5’5” X 3.5” (depth is inset from edge of metal frame)

- Dry clean surface with microfiber cloth
- Reattach flaking paint
- Aqueous clean with distilled water
- Varnish reduction
- Allowance: Stabilization through injections
- Allowance: Additional varnish removal
- Inpainting of losses
- Application of non-yellowing varnish

Seelbinder: Benjamin Banneker (Labeled 5)
5’3.5” X 8’3” X 3.5” (depth is inset from edge of metal frame)
Option 1: treat in place

- Dry clean surface with microfiber cloth
- Varnish reduction
- Salt reduction
- Stabilization of canvas through injections
- Aqueous clean with distilled water
- Inpainting of losses
- Application of non-yellowing varnish

Option 2: Studio treatment

- Remove painting from wall, roll and store on Sonotube
- Crate and transport
- Facing paper application
- Lead adhesive abatement
- Repair tears in canvas
- Reattach flaking paint
- Aqueous clean
- Reduce accretions
- Facing removal
- Varnish removal
- Salt reduction
- Reinstallation of mural
- Application of fills
- Inpainting of losses
- Application of non-yellowing varnish

Levit: Crispus Attucks
5’3.5” X 7’7” X 3.5” (depth is inset from edge of metal frame)

- Dry clean with microfiber cloth
- Aqueous clean with distilled water
- Allowance: Stabilization through injections
- Allowance: Application of non-yellowing varnish

Mecklem: Matthew Henson
5’3.5” X 4’1.5” X 3.5” (depth is inset from edge of metal frame)

- Aqueous clean with distilled water
- Varnish reduction and selective removal
- Wax coating reduction
- Inpainting of losses
- Application of non-yellowing varnish

EXCLUSIONS TO SCOPE OF WORK

- Stabilization or repairs of plaster substrate, can be priced upon Client’s request
    - If Client selects studio treatment, plaster wall will need to be repaired by Others to a level 5 finish before treated murals can be reinstalled
- Installation of temporary protection

ASSUMPTIONS

- We assume use of the Client’s debris container for onsite disposal
- Access to onsite water, electricity, and restroom facilities
- Onsite storage and staging area will be provided
- Work to take place during normal business hours, 8:00 AM – 4:30 PM

Photography Usage Rights
Unless limited by the contract, EverGreene will be granted access to and unlimited usage rights for promotional purposes (marketing collateral - both print and web) of professional photography of our scope of work commissioned by the client. Images can be used an unlimited (unspecified) number of times. EverGreene does not allow a transfer of copyright, nor the ability to resell it or allow a third-party usage.

PRICING

ITEM	DESCRIPTION	PRICE
54th Massachusetts Col. Shaw	Onsite treatment	$33,700
Cyrus Tiffany	Onsite treatment	$12,800
Frederick Douglass	Option 1: Onsite Treatment	$18,200
	Option 2: Studio Treatment	$95,900
Battle of New Orleans	Onsite treatment	$45,900
	Allowance 1: Injections	$4,100
	Allowance 2: Agar salt poulticing	$4,100
	SUBTOTAL W/ ALLOWANCES	$54,100
Benjamin Banneker	Option 1: Onsite Treatment	$19,700
	Option 2: Studio Treatment	$95,900
Crispus Attacks	Onsite treatment	$1,400
	Allowance 4: Injections	$5,600
	Allowance: Varnish application	$1,400
	SUBTOTAL W/ ALLOWANCES	$8,400
Matthew Henson	Onsite treatment	$7,500
Report	Written report documenting treatment, supplemented by annotated photographs	$13,000
Lead Mitigation	Add. Alternate 1: Custom built studio containment box, onsite containment box, and hazardous waste disposal	$20,600
Transportation Costs	Add. Alternate 2: Transportation costs to and from MD studio, including protection	$7,400
TOTAL PRICE FOR ONSITE TREATMENT OF 7 MURALS		$167,400
TOTAL PRICE FOR ONSITE TREATMENT OF 5 MURALS + STUDIO TREATMENT OF 2 MURALS		$349,300

PAYMENT TERMS

Payment is due on invoice unless otherwise agreed to. Interest will accrue at 1 ½% per month for any invoice past 30 days.

Pricing is good for a period of 30 days after the date of the proposal unless otherwise noted. In the event of significant delay or price increase of material, equipment, labor, or energy occurring during the performance of the contract through no fault of EverGreene, the Contract Sum, time of completion or contract requirements shall be equitably adjusted by Change Order in accordance with the procedures of the Contract Documents. A change in price of an item of material, equipment, or labor, or energy will

be considered significant when the price of an item increases twenty percent (20%) between the date of this Contract and the date the Work commences.

10% of the project value is due upon contract with the remainder payable monthly.

We recommend carrying a contingency of 10% of project total in case of unforeseen conditions. This is not a fee charged by EverGreene but a cushion. Its use is not anticipated but planning for the possibility is advisable.

INCLUSIONS

- Labor
- Materials
- Insurance
- Standard Working Hours
- Travel

EXCLUSIONS

- Tax (if applicable)
- Additional Insurance beyond what is normally carried by EverGreene
- Access to areas of work
- Temporary protection
- Multiple mobilizations
- Any overtime or second shifts required to meet a compressed schedule due to factors beyond EverGreene's control
- Handling, removal disposal, remediation, or abatement of hazardous waste
- Water & power
- Sanitary facilities
- Laydown area and storage for equipment and supplies

HOURLY RATES

Personnel	Rate
Conservation Manager	$195.00
Senior Conservator	$185.00
Conservator	$165.00
Conservation Technician	$125.00

CHANGE ORDER LIMITS

Our goal is to reduce or eliminate change orders through clearly defined scopes of work and fair pricing. Nevertheless, unforeseen circumstances uncovered during the course of work requiring contract modifications will occur in restoration projects. Rates are provided to accommodate modest adjustments to scope due to field conditions only. Significant deviations from contract scope will require contract modifications based on revised proposals and pricing. We reserve the right to limit T&M change orders based on contractually defined rates and limits on OH & P to a maximum of 10% of the base contract value.

ACCESS

The cost of access is factored into our fee and will not need to be provided locally by others. Murals will be accessed using bakers scaffolds. EverGreene requires safe OSHA compliant access by hand to all areas of work. It is our understanding access will be provided in the form of lifts/built scaffold supplemented by rolling scaffolds, towers, etc. Please note that EverGreene is a ladder-free company.

SCHEDULE

Onsite and/or studio treatment of murals will be completed by a crew of three: (1) Senior Conservator, (1) Conservator, and (1) Conservation Tech. Onsite scope will take approximately 7-8 weeks. Studio conservation of 2 murals will take approximately 10 weeks. We are a highly collaborative team and will make every effort to avoid any additional expense to you, but we recommend allocating a portion of the contingency budget in the case of necessary overtime due to delays beyond EverGreene's control.

DISCLAIMER

EverGreene Architectural Arts, Inc. is not a licensed design professional firm. Accordingly, any reports, surveys, observations, recommendations, renderings, models, mock-ups, sketches, drawings, or other deliverables provided by EverGreene are not to be relied upon for construction or code compliance purposes unless and until they are signed and sealed by the design professional of record as part of the construction documents. If any EverGreene-produced material is provided to third-parties, Client shall include the foregoing disclaimer on all transmittals, correspondence, email, and the like.

HAND-APPLIED FINISHES

Due to the nature of hand-applied finishes, slight variations in color and/ or sheen will occur, owing partly to the nature of the materials, substrate, and to the hand-applied process by EverGreene artisans or craftspeople. These variations are normal and are considered part of the beauty of a hand-applied finish.

PLEASE NOTE

- If applicable to your project, a signed Capital Improvement Certificate or tax-exempt certificate must be submitted to EverGreene with signed proposal. If we do not receive a completed certificate indicating that this work falls under the capital improvement or tax-exempt programs, appropriate sales and/or use tax will be added to the price upon invoicing.
- Overtime, additional shifts, or additional workers to accommodate a compressed schedule are not included in our pricing.
- This proposal is subject to EverGreene Terms and Conditions, attached.

NEXT STEPS

If you would like to proceed with this proposal for $349,300 please send us:

- A Contract draft and a copy of the Prime Contract (if applicable)
- Scanned digital copy of the signed proposal, with initials on each page (including terms and conditions) to mgasior@evergreene.com
- Deposit of $34,930. The remaining balance will be billed monthly by percentage complete.

EverGreene preferably will accept payment by electronic bank transfers, details of which will be provided upon contract. Work shall occur on a mutually agreeable schedule to be determined between the Client and EverGreene after our receipt of a signed contract or proposal.

Best Regards,

Moira Gasior

Business Development Associate

Client Signature_____

Name_____

Date_____

STANDARD TERMS AND CONDITIONS

1. General

These Standard Terms and Conditions, together with the attached proposal, constitute the Agreement between EverGreene and Client to perform basic or additional services.

2. Indemnification

To the fullest extent permitted by law, the Client shall defend, indemnify and hold harmless EverGreene, its officers, directors, agents and employees from any claims, damages, losses, causes of action, legal or administrative proceedings, costs and reasonable attorneys' fees for injuries or damages (including economic losses) to the extent caused by the negligent acts, errors or omissions of Client, its officers, employees, agents, independent contractors or consultants, except that Client shall have no duty to indemnify EverGreene for EverGreene's own negligence or willful misconduct. This clause shall not have the effect of extending the time period within which a claim must otherwise commence under the applicable statutes of limitations or repose. This agreement to indemnify and defend shall survive the termination, expiration or completion of this Agreement.

3. Suspension of Work and Termination

If Client fails to make payment to EverGreene in accordance with this Agreement, such failure shall be considered substantial non-performance and cause for termination or, at EverGreene's option, cause for suspension of its work under this Agreement. If EverGreene elects suspension, EverGreene shall give seven (7) days' written notice to Client before suspending work. In the event of a suspension of work, EverGreene shall have no liability to Client for damages for delay, lost profits or loss of use. Before resuming work, EverGreene shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of its work. EverGreene's fees for the remaining services and the time schedules shall be equitably adjusted.

4. Limitation of Liability

To the fullest extent permitted by law, the Client agrees to limit the liability of EverGreene to the Client for any and all claims, causes of action, losses, costs, expenses (including attorneys' fees and expenses), damages of any nature whatsoever, and claims expenses from any and all causes, arising out of, resulting from or in any way related to breach of contract by, or negligent acts, errors or omissions of, EverGreene and its subcontractors, so that the total aggregate liability of EverGreene shall not exceed the fee earned by, or paid to, EverGreene (whichever is less). It is intended that this limitation applies to any and all liability or cause of action described herein, regardless of the legal theory alleged unless otherwise prohibited by law.

5. Waiver of Consequential Damages

Client and EverGreene waive claims as against the other for consequential, indirect or special damages arising out of or relating to this Agreement, including but not limited to loss of use, lost profit, lost opportunity costs, or claims for delay, impact or disruption damages made by Client or any third parties. This mutual waiver is applicable, without limitation, to all consequential damages due to the termination of this Agreement.

6. No Responsibility for Third Parties

EverGreene shall not be responsible for the acts or omissions of the Client, Owner, Contractor, Consultants, Subcontractors, agents or employees of any of them, or other persons performing any of the Work. EverGreene shall not be responsible for a Contractor's or Subcontractor's schedule or failure to carry out the Work in accordance with the Contract Documents.

7. Waiver of Damages Covered by Property Insurance

To the extent damages are covered by property insurance, Client and EverGreene waive all rights against each other and their respective officers, directors, agents and employees for damages, except such rights as they might have to the proceeds of such insurance.

8. Warranty

EverGreene warranties the work performed within the requirements of the contract documents for one year. All defects occurring within that period shall be corrected at no cost to Client. This warranty excludes damage caused by fire, smoke, extraordinary weather, water damage, excessive humidity/condensation, natural catastrophe, abuse, modification, improper or insufficient maintenance, improper operation, or normal wear and tear.

9. Existing Conditions

An initial site visit will be performed to assess existing conditions. This visual assessment will not include any destructive testing, opening of concealed areas, probes, soundings or other exploratory or investigative measures unless requested by Client as an additional service. If the observed existing conditions vary from those depicted in the bid documents ("Changed Conditions"), we will promptly notify you in writing of the Changed Conditions and the estimated impact on scope, schedule and price.

10. No Withholding of Payment

Payments to EverGreene shall not be withheld, postponed or made contingent on the construction, completion, acceptance or success of the project or upon Client's receipt of off-setting reimbursement or credit from other parties who may have caused delays, necessitated additional services, increased expenses or delayed completion of the Work or the Project. No withholdings, deductions or offsets shall be made from EverGreene's compensation for any reason unless EverGreene has been found to be legally liable for such amounts in a binding dispute resolution proceeding.

11. Entire Agreement

This Agreement, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. The parties hereby acknowledge and represent that they have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other party or any other person or entity whatsoever prior to the execution of this Agreement.

12. No Third-Party Rights

Nothing in this Agreement shall be construed to give any person other than Client and EverGreene any legal or equitable right, remedy or claim under this Agreement. This Agreement represents the entire and integrated agreement and supersedes all prior negotiations, representations or agreements, either written or oral.

13. Force Majeure

Neither party to this Agreement will be liable to the other party for delays in performing the work, or for direct or indirect costs resulting from such delays that may result from labor strikes or disharmony, riots, acts of war or terrorism, acts of governmental authorities, contagion or communicable disease, epidemic or pandemic, extraordinary weather conditions or other circumstances beyond the reasonable control or contemplation of either party.

14. Severability

If any of these Terms and Conditions are adjudicated in a court of competent jurisdiction and determined to be invalid or unenforceable in whole or in part, the remaining provisions shall remain in full force and effect and remain binding upon the parties.

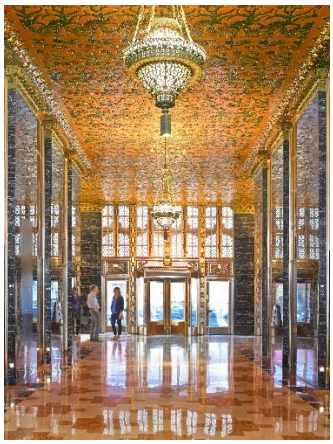
15. Survival

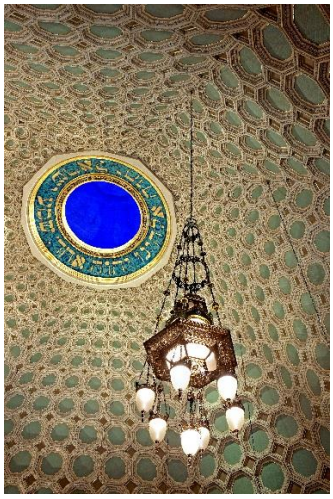
These Terms and Conditions shall survive the completion of EverGreene's work on this Project and the termination of this Agreement for any reason.

16. Governing Law

This Agreement shall be governed and construed in accordance with the laws of the state where the project is located, without giving effect to principles of conflicts of law.

EVERGREENE
Architectural Arts





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