TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of January 31, 2013
Engineer Application Review Committee Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II, Conference Room 102
Austin, TX 78701
8:00 a.m. until completion of business

1. Call to Order
Chair Chuck Anastos called the meeting of the Review Committee to order at
8:00 a.m.

2. Roll Call
The Chair called the roll. A quorum was present.
Present
Charles H. (Chuck) Anastos   Chair
Bert Mijares, Jr.   Member
Debra Dockery   Member

TBAE Staff Present
Cathy L. Hendricks   Executive Director
Scott Gibson   General Counsel
Jack Stamps   Managing Investigator
Katherine Crain   Legal Assistant

Attendees
Clifford Martin, P.E., Djuana Martin, James Perry, Vice-President/CEO of Texas
Society of Architects, David Lancaster, Advocate for Texas Society of Architects,
Jeri Morey, Architect (arrived at 8:30 a.m.)

3. Public Comment
None.

4. Minutes – Approval of minutes of the May 17, 2012 meeting of the HB 2284 TBAE
Review Committee
A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO APPROVE THE
MINUTES OF THE MAY 17, 2012, MEETING. Mr. Anastos requested to modify the
minutes on page 3 of the first paragraph to read “wall assembly” instead of “wall.” BY
UNANIMOUS CONSENT, THE COMMITTEE ADOPTED THE AMENDMENT TO THE
MINUTES AS DISCUSSED. THE MOTION AS AMENDED PASSED UNANIMOUSLY.

5. CONSIDER FOR APPROVAL OR REJECTION APPLICATIONS FOR PLACEMENT
ON THE EXEMPT ENGINEER LIST:
a. 116-12E – Clifford Martin, P.E.
On remand from the State Office of Administrative Hearings to consider
application as supplemented

Mr. Martin presented the Board with his professional background. He stated that
he had a degree in Architectural Engineering. He has applied for an architectural
license and is an associate member of AIA. He passed parts of the Architectural
Registration Examination but not the design portion of the exam which he has taken several times. He worked for the Army Corp of Engineers for 6 years in the architectural section under the supervision of an architect and worked in Saudi Arabia for 5 ½ years as a structural engineer. He stated he worked on a Board in Fort Worth reviewing architectural drawings at 30%, 60% and 90% completion and has experience working on design grants and construction grants in several states while working for the military. He believes he has met all the requirements of TBAE and expressed concern as to why he has not been approved to be put on the list of excepted engineers. He stated that he spoke with agency personnel who told him the experience he listed for his application for architectural registration will not suffice for placement on the exempt engineer list. Mr. Martin also cited disciplinary actions the Board has taken against registered architects for failing to fulfill continuing education requirements as evidence that the Board’s decision to deny his application is not fair. He argued he is receiving unequal treatment.

The Chair informed Mr. Martin that the process and the nature of experience necessary for architectural registration is very different from the application process for placement on the exempt engineer list. An applicant seeking architectural registration must establish experience working under the supervision and control of an architect. An engineer seeking placement on the list must establish experience working without the supervision and control of an architect.

The Chair moved on to the consideration of Mr. Martin’s application. The Chair recognized Ms. Dockery who stated she had reviewed the materials for the first three projects he had filed, as well as the documents for the design of the subsequent two projects.

i. Mt. Zion Baptist Church
Ms. Dockery noted that neither of the sets of plans filed for this project appear to be a complete set. The Chair noted that some plan sheets were not sealed and the project was not registered with the Texas Department of Licensing and Regulation for accessibility review and inspection. Mr. Mijares opined that the project was not extensive enough to demonstrate the ability to design all aspects of a building without an architect. He also noted there are accessibility issues with the project as designed. The door swing impedes exiting.

ii. Men’s Collection
Ms. Dockery noted the project was a roofing replacement on a retail commercial building of 14,000 square feet. The project does not qualify because it is exempt from the requirements that architectural plans and specifications are to be prepared by an architect and because it is only a roofing project which could have been designed by either an architect or an engineer.

iii. Tarrant County College South Campus Learning Resource Center
Ms. Dockery and Mr. Mijares both noted an architect had prepared and sealed the architectural plans and specifications for this project. Mr. Martin had been consulted to address an issue regarding the attachment of the columns to the foundation of the building because the anchor bolts had sunk or were set too low in the foundation to support the columns. Mr. Martin recommended an epoxy
attachment. Mr. Mijares noted that Mr. Martin’s involvement in the project regarding the connection between columns and the foundation is structural engineering. The Committee determined that this project did not qualify to support Mr. Martin’s application because the architectural plans and specifications were prepared by an architect, not Mr. Martin, and Mr. Martin’s involvement was limited to consultation on structural engineering, not architecture. This project does not demonstrate Mr. Martin’s ability to prepare architectural plans and specifications without an architect and, therefore, is not a qualifying project.

iv. Office/Warehouse

Mr. Martin stated that the owner of a warehouse with office space which had burned down approached him to determine if the building could be reconstructed using the pre-cast, tilt-wall concrete panels which remained after the fire. Mr. Martin had core samples taken from the concrete panels and had them tested to determine if they would support a load. Mr. Martin determined most of the panels could be re-used in a reconstructed building. He also recommended a post and beam structural system to support the roof in lieu of the roof resting on the walls for support. The Committee noted that the work Mr. Martin did on the project is structural engineering and not architecture. Testing construction materials is an engineering, not architectural, function. Therefore the project does not qualify.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO DENY THE APPLICATION OF CLIFFORD MARTIN FOR PLACEMENT ON THE EXEMPT ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

b. 131-12E -- Daniel O’Donnelly, P.E.

Ms. Dockery noted that the three projects Mr. O’Donnelly submitted were for NASA, a federal agency, and prepared by Mr. O’Donnelly as a federal employee on NASA’s staff. In order to qualify under the application process, the three projects must be subject to the Texas Architectural Practice Act. Ms. Dockery stated that since these are federal projects by a federal employee, and the U.S. Government is not obligated to hire a Texas architect or a Texas engineer, they should not be qualifying projects. Mr. Mijares agreed and noted that the projects, even if qualifying, are too limited to establish the ability to fully engage in the practice of architecture. He noted, taken together, the projects involved enclosing a covered addition to a storage facility, bathrooms, and moving walls and partitions. He also noted the bathroom on one project and the shower stalls on another project do not meet Texas Accessibility Standards. The Committee observed that the projects on federal lands are not required to comply with Building Codes or accessibility standards so it is not possible to determine qualifications based upon those design plans.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO DENY THE APPLICATION OF DANIEL O’DONNELLY FOR PLACEMENT ON THE EXEMPT ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

6. Adjournment

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO ADJOURN THE MEETING AT 8:55 A.M. THE MOTION PASSED UNANIMOUSLY.
Approved by the Committee:

[Signature]

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CHARLES “CHUCK” H. ANASTOS, AIA
Chair of the HB2284 TBAE Review Committee
TEXAS BOARD OF ARCHITECTURAL EXAMINERS