

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of October 21, 2011

Engineer Application Review Committee Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower II, Conference Room 350-L

Austin, TX 78701

9:00 a.m.

1. Call to Order

Chair Chuck Anastos called the meeting of the Review Committee to order at 9:00 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
Glenda Best	Executive Administrative Manager
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

Attendees

Lance Kinney, P.E. (Executive Director, TBPE); David Howell, P.E. (Director of Licensing, TBPE); James Winton (Winton Engineering, Inc.); Dennis Dyke, P.E. (Abacus Engineering); James Perry (Executive Vice President, Texas Society of Architects); David Lancaster, Hon. AIA (Senior Advocate, Texas Society of Architects); and Trish B. Smith (Executive Director, Texas Society of Professional Engineers).

3. Public Comment

None.

4. Excepted Engineer Permit Applications

The Chair thanked everyone for attending the committee meeting. He stated that the purpose of the committee was to review and act upon applications for Excepted Engineer status pursuant to House Bill 2284, 82nd Legislature.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF JAMES R. WINTON P.E. (001-12E):

The Chair recognized Committee member Debra Dockery. Ms. Dockery stated she had reviewed the application of James R. Winton, P.E. and the following projects on his application:

1. Harris Creek Baptist Church of Waco, Texas;
2. Auditorium for Lorena ISD of Lorena, Texas; and
3. Waco Regional Tennis and Fitness Center.

She stated that she had reviewed a list of the documents on all three projects and there were no deficiencies noted and the projects were adequately and safely designed. Committee member Bert Mijares concurred with her assessment of the materials provided.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO APPROVE THE ENGINEER APPLICATION OF JAMES R. WINTON, P.E. OF WINTON ENGINEERING TO BE ADDED TO THE LIST OF ENGINEERS EXCEPTED FROM THE ARCHITECTURAL PRACTICE ACT. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF H.L. "HERB" CROSS, P.E. (001-12E):

Ms. Dockery stated that she had reviewed the application of H.L. Herb Cross, P.E. and the following projects on his application:

1. Raleigh State Office Building of Austin, Waco, Texas;
2. Additions to First Baptist Woodway Church of Woodway, Texas; and
3. New Elementary Facility of Robinson, Texas.

Ms. Dockery reported she had reviewed the documents on the first project and noted that there were no floor plans submitted. Without reviewing floor plans, it is impossible to assess whether the project is safe and adequate. She recommended that agency staff contact the applicant to gain further information regarding the project. Ms. Dockery outlined her analysis of the plans submitted for the second project, "Addition to the First Baptist Woodway Church of Woodway, Texas". She noted that the project was designed in 1999 and completed in 2000. At that time the project might have been subject to review under the Texas Accessibility Standards. She recommended agency staff contact the applicant to inquire if the project was submitted for accessibility review. Ms. Dockery summarized her review of the submitted materials for the third project, the New Elementary Facility of Robinson, Texas, and noted that there were no deficiencies and the project was adequately designed. Committee member Bert Mijares concurred with her assessment of the materials provided.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO POSTPONE FURTHER REVIEW OF THE APPLICATION PENDING STAFF'S RECEIPT OF ADDITIONAL INFORMATION ON THE TWO REFERENCED PROJECTS OR THE APPLICANT'S SUBMISSION OF TWO DIFFERENT PROJECTS. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF DENNIS DYKE, P.E. (008-12E):

Ms. Dockery stated that she had reviewed the application of Dennis Dyke, P.E. of Abacus Engineering, Inc., and the following projects on his application:

1. Malone I.S.D. Additions, Malone, Texas;
2. Reisel I.S.D. Gym, Reisel, Texas; and
3. La Quinta Inn & Suites, Woodway, Texas.

She stated that she had reviewed a list of the documents on all three projects and there were no deficiencies noted and the projects were adequately and safely designed. Mr. Mijares concurred with her assessment of the materials provided. Mr. Mijares observed that the two school projects should have been specified as government-owned projects which would qualify them for some code exceptions. Mr. Anastos noted that the sprinkler system in the La Quinta project appears to have been a residential system and should have been a non-residential sprinkler system but an allowance may have been granted for that. However, he agreed there were no deficiencies and the design was adequate and safe.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO APPROVE THE APPLICATION OF DENNIS DYKE, P.E. OF ABACUS ENGINEERING TO BE ADDED TO THE LIST OF ENGINEERS EXCEPTED FROM THE ARCHITECTURAL PRACTICE ACT. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF HERBERT BYK, P.E. (010-12E):

Ms. Dockery stated that she had reviewed the application of Herbert Byk, P.E., and the following projects on his application:

1. Burlington Coat Factory, Edinburg, Texas;
2. Ross Stores, Edinburg, Texas; and
3. T. J. Maxx, Edinburg, Texas.

She stated that she had reviewed construction documents for all three projects and noted that they were interior finish-out only. All three appeared to be prototypical designs. There was no evidence submitted to establish that the applicant was the original drafter of the prototypes or if he made significant changes to the prototypes. The Burlington Coat Factory project included eleven sheets of plans, four sheets of which did not bear the applicant's seal. The unsealed sheets are critical to assessing the safety and adequacy of the design because they depict means of egress. The second project that was reviewed was the project identified as "Ross Stores". Ten sheets of plans were provided for this prototype and the first sheet was a duplicate. She stated that there was no clear author of the plans. Bert Mijares agreed with her assessment. The third project that was reviewed was a project titled "T.J. Maxx". Five sheets were submitted and two of those sheets were duplicates. Ms. Dockery stated that the materials submitted did not establish that the applicant met the standard for the safe and adequate design of three buildings. Mr. Mijares agreed.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO DENY THE APPLICATION OF HERBERT BYK, P.E., IN CASE NO. 010-12E) FOR PLACEMENT ON THE EXEMPT ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

In response to an inquiry from the Chair, the General Counsel stated that Mr. Byk will be notified that he may appeal the committee's decision to the Board. If Mr. Byk is not satisfied with the Board's decision, under the law, he may file a complaint at the State Office of Administrative Hearings.

The Chair requested that the audience voice their opinion on how the meeting was conducted. Lance Kinney, the Executive Director from the Texas Board of Professional Engineers commented that he was very pleased with the progress of the meeting and that the review done by the committee seems to be very reasonable. They were pleased with the fact that the committee was amenable to allowing applicants to supplement applications in order to make the process better.

The Committee noted it would be helpful if each set of plans were in a single PDF instead of a separate sheet per each PDF.

Mr. Winton stated that if there were issues that needed to be addressed at the committee meeting level, that the committee may want to point that out to the applicant prior to the meeting so they could attend and be prepared to address those issues.

The Executive Director stated that James Winton and Dennis Dyke would be listed on the TBAE website today pursuant to HB 2284.

5. Adjournment

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO ADJOURN THE MEETING AT 9:25 A.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:



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