

1.8 Million Settlement to Dallas Schools

-by Elizabeth Martin,
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"This is a case where the school board members firmly believed that the taxpayers of the Dallas School District had been financially harmed," stated Atty. Howard Levinson, of Rosenn Jenkins & Greenwald. "It took a lot of courage for the members of the school board to bring this claim. Courage, because this type of case was unprecedented in the law, and to pursue such a claim necessarily involved a substantial commitment of both time and taxpayer money."

\$1.8 Million Settlement

Speaking on behalf of the district, Levinson announced on Monday evening, November 6, that the Dallas School Board had reached a \$1.8 million settlement with the architects and engineers who designed and constructed the geothermal heating and cooling system during the renovation project at the Dallas Middle School in 2002.

Lead attorney Howard Levinson read the announcement during the Dallas School Board's November Work Session, following a unanimous vote by those school board directors in attendance. Three directors were absent from the meeting, including Russell Bigus, who was president of the board when the lawsuit was initiated in March of 2005.

Named in the civil action suit were R.J. Dooley & Associates, Inc., Summit Engineers, Inc., Bergmann Associates, Burkavage Design Associates, Foreman Architects Engineers, Paul Degillio, Albert H. Ziegler, and Robert J. Dooley. It was reported that R.J. Dooley & Associates was responsible for the actual design of the geothermal heating and cooling system, however the settlement was contingent on there being no admission of liability by any of those named in the suit.

Maintenance Savings

Chosen as an alternative to traditional gas or electric heating and air conditioning, the school board opted for the initial \$1,997,149 cost that promised an additional \$405,964.97 in maintenance costs over a twenty-year period. Comparatively, other methods would have cost nearly double for the same time frame.

Water Source Heating and Cooling

The system involves drilling holes into the ground, and tapping the heat in the ground to maintain a constant temperature in the circulation system. A water source heat pump system works in the same manner as an air-to-air heat pump, except water is the source for heating and cooling. A piped water loop run in the ceiling cavity is used to transfer energy instead of the outside air. It is desirable to use the water loop because greater heat pump efficiencies can be achieved with a constant ground temperature of fifty-two degrees. The efficiency of the system can be maintained even in sub-zero weather because the constant ground temperature maintains the water loop temperature. The geothermal heat pump can supply 100 percent of the heating needs, eliminating the need for costly electric supplemental heat.

Savings Not Realized

The district's lawsuit contended that the proposed cost savings were not realized, and although the original damages sought were reportedly tallied using a fifty-year multiplier, Monday's \$1.8 million settlement would account for what the savings would have been to date. It is popularly thought that the system was not large enough to maintain the building properly.

Final payment will come in the form of four individual checks: Foreman Architects Engineers, \$300,000; Burkavage Design Associates and Degillio, \$500,000; Bergmann Associates, \$500,000; and Summit Engineers and Ziegler, \$500,000.

With \$600,000 in legal costs and attorneys fees, \$1.2 million should come back to the district, and according to School Board President Maureen Matiska, the money will most likely revert back into the capital improve-

ments fund. It is anticipated that upgrades to the currently insufficient system will cost approximately \$100,000.