

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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August 26, 2014

MINUTES – COUNCIL MEETING, August 13, 2014

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, August 13, 2014, at the Brick Hotel, Georgetown, Delaware.

President Medlarz convened the meeting at 3:02 p.m.

Council Members Present:	C. Balascio, P.E.	C. McAllister, P.E.	J. Tracey, Esq.
	W. Balascio, P.E.	H. Medlarz, P.E.	
	S. Gharebaghi, P.E.	F. Newton	
	R. Hayden, P.E.	E. Retzlaff, P.E.	
	K. Kooker, P.E.	T. Thomson, P.E.	

Council Members absent:	D. Barbato, P.E.	-	excused
	M. Lester, P.E.	-	excused
	M. Lennon, P.E.	-	excused
	R. Wheatley	-	excused

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- Nothing to report.

Minutes of the July 16, 2014 Council Meeting

Council reviewed the Minutes of the July 16, 2014 Council meeting. Motion by C. Balascio, seconded by T. Thomson, Council approves the Minutes of the July 16, 2014 Council meeting as submitted. Approved.

D.A.G. Report

- FOIA Policy – It is a work in progress.
- Scott Hearing – The State has concluded its case. A motion to re-open the case has been filed and needs to be addressed by the Hearing Panel.

- Legislation – S.B. 214 (education clarification) passed in the House on 7/1/14, and was signed by the Governor on 7/31/14.

Committee Reports

Executive Committee

The Executive Committee met just prior to the Council meeting, therefore, a written report is unavailable. Items discussed at Executive Committee meeting will be covered under the appropriate Committee reports.

Financial Report

Finances for 25% of this fiscal year reflect income has reached 76% of projections; and expenses 20%.

With the receipt of deferred income, our Financial Advisor will be requested to prepare a proposal for the investment of these monies.

The draft audit is expected next week.

Motion by McAllister, seconded by Hayden, Council approve the Finance Report pending audit. Approved unanimously.

Council member Tracey advised that he had been contacted by an associate at DeIDOT regarding an issue with the renewal of 10 DeIDOT engineers' license renewals. Payment was received after June 30th, which now requires a penalty of \$50/engineer/month.

Director Abshagen advised she has been in communication with DeIDOT to resolve this matter without success. The facts include:

- Check was cut on 6/20/14 and mailed to DAPE's previous mailing address (of 8 years ago)
- Check was returned to DeIDOT, who re-mailed original check which was ultimately received on 7/18/14
- Upon advising DeIDOT penalty fees had accrued, was met with resistance
- Director of Finance quoted the state's vendor policy indicating our penalty fees are excessive
- Abshagen offered to discuss at Council after conversation with Director of Finance

Motion by Hayden, seconded by W. Balascio, DeIDOT needs to pay the penalty fees in accordance with the law before month's end to prevent additional fees from accruing. (10-AYE; 1-ABSTENTION – Tracey) Motion carried.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

The Law Enforcement/Ethics Committee did not meet in August. Updates on several matters:

- T. Thomson reported a meeting has been scheduled with the University of Delaware.
- Matthew Mesko (File 13/001) signed a Consent Order agreeing to complete an ethics course within six months of the agreement. He was contacted to follow-up on this matter and advised he has had some personal and health issues and would call the office to discuss. He has not done so. This matter will be returned to the LEE Committee for a recommendation.

- Mattias Szayna (File #13/099) was issued a Cease & Desist Order. His attorney has now requested a hearing. A hearing panel will be appointed.

Motion by Kooker, seconded by Newton, Council appoint Council members W. Balascio, S. Gharebaghi, and C. Balascio to the Hearing Panel. Approved unanimously.

President Medlarz appointed C. Balascio as Chair of the Hearing Panel.

Examining Committee

The Council reviewed the report of the Examining Committee's meeting of July 30, 2014. Forty (40) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **23** applications for **comity**; **1** application for licensure for an individual not currently licensed elsewhere; and **16** applications for examination. The Committee also reviewed **14** applications for **Certificate of Authorization** and **1** request for **Reinstatement**.

Motion by W. Balascio, seconded by McAllister, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated August 4, 2014. Approved unanimously.

External Affairs Committee

- A JAC meeting will be scheduled. Architects would like to draft a reference document for building officials.
- T. Thomson is drafting the MOU with DNREC to address the Class "B" license issue.

Facilities Committee -- No report.

Government Affairs/By-laws Committee -- No report.

Public Information

- Summer Newsletter published and widely read as evidenced by the overwhelming response to the ethics course being offered. (As of this date, 149 members have indicated interest in attending.)
- Laboratory for Learning – Council member Gharebaghi advised six students thus far have enrolled. Program would like to have a minimum of 12 students. Meetings will take place 4th Thursday of each month from 9/14 – 9/16.

Correspondence

- A member of DAPE is requesting a permanent exemption from CPC because of a disability. Council requests individual provide documents to support this request for consideration.

NCEES

- Annual meeting in Seattle on August 20-23, 2014.
- Copies of the “friends of the court brief” in the matter of the NC Board of Dental Examiners v. the Federal Trade Commission were distributed to Council members for information.

Old Business

- Governor’s office has not responded yet to our recommendation to fill the Kent County appointed seat.

New Business

- The Executive Committee presents the following Slate of Officers to Council:
 - Hans Medlarz, P.E. - President
 - Daniel Barbato, P.E. - Vice President
 - Theodore Thomson, P.E. - Secretary
 - Keith Kooker, P.E. - Treasurer
 - Charles McAllister, P.E. - Immediate Past President

As C. McAllister’s Council term will expire on 8/31/14, Council approval will be necessary for him to continue in the position of Immediate Past President. This would be a non-voting position.

Motion by Gharebaghi, seconded by Thomson, Council approve Charles McAllister to continue service in the position of Immediate Past President. Approved unanimously.

DAG Hickey will research the bylaws to determine if there is a need for clarification.

Next meeting on September 10, 2014 in the offices of DAPE.

Meeting adjourned at 4:00 p.m.

/pa