

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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February 24, 2014

MINUTES – COUNCIL MEETING, February 12, 2014

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, February 12, 2014, at the Trevi Ristorante, Smyrna, Delaware.

President Medlarz convened the meeting at 3:10 p.m.

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

Council Members absent:	W. Balascio, P.E.	-	excused
	D. Barbato, P.E.	-	excused
	R. Hayden, P.E.	-	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 January 15, 2014 Council Meeting

Council reviewed the Minutes of the January 15, 2014 Council meeting. Council member McAllister requested the Ad-Hoc/Green Building report be revised to reflect the reference to civil engineering to engineering. Motion by Newton, seconded by Tracey, Council approves the Minutes of the January 15, 2014 Council meeting as amended. Approved.

D.A.G. Report

- Johns' Hearing -- DAG Hickey reported that the Johns' denial of licensure hearing has concluded; written closing arguments submitted; and the Hearing Panel has deliberated the case. Decision to Council next month.

- Scott Hearing – First day of Hearing concluded on 2/7/14. Next hearing date of this multi-day hearing is 3/19/14.
- Sussex County – Sussex County Ordinance No. 2335 (eliminating 5,000 s.f. exemption) was adopted by Sussex County on 1/28/14, effective 5/1/14. This ordinance also permits the building officials to exercise common sense.

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 the first nine months (75%) of this fiscal year reflect income has reached 63% of projections; and expenses 74%. Motion by Thomson, seconded by Balascio, to accept the report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Council reviewed the report of the Committee's February 10, 2014 meeting. Chair Kooker reported:

- The committee's flow chart was revised and reviewed.

DAG Hickey recommended the flow chart include the scenario of a Consent Order that is not approved by Council, the matter will then be returned to the LEE Committee.

- Case 13/113 – Intent to deny reinstatement -- Sufficient cause to send letter.

Motion by McAllister, seconded by Wheatley, Council approve the recommendation to issue the intent to deny reinstatement in Case 13/113. Approved unanimously.

- Case 13/001 -- Consent Order (Matthew Mesko)

Motion by Kooker, seconded by Tracey, Council approve the proposed Consent Order in the matter of Matthew Mesko.

DAG Hickey reminded Council to base its decision on the Consent Order draft. There was a brief discussion on the guidelines for issuing the fine.

Vote on motion: 11-AYE; 1-OPPOSED – Lester. Motion carried.

Council member Tracey recommended in the future that aggravating and mitigating circumstances be included in the decision.

Examining Committee

Council reviewed the report of the Examining Committee's meeting of January 29, 2014. Thirty-nine (39) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **21** applications for **comity**; **2** applications for individuals that meet all requirements, but are not licensed; and **16** applications for examination. The Committee also reviewed **7** applications for **Certificate of Authorization** and **2** applications for **Reinstatement**.

Motion by C. Balascio, seconded by McAllister, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated January 30, 2014. Approved unanimously.

Subsequent to the meeting, two applications were discovered that should have been reviewed by the Committee and were reviewed by Chair Balascio. Motion by Balascio, seconded by Newton, Council approve applications #19012 and #19025 to take the PE exam. Approved unanimously.

External Affairs Committee

JAC to reconvene in March, 2014.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

In his solicitation of any law changes, Chair Tracey advised there is a recommended revision to address the double counting of experience in Section 2818.

Motion by Tracey, seconded by Newton, Council approve DAG Hickey to draft the proposed law change. Approved unanimously.

Public Information -- Newsletter ready to be published.

Ad-Hoc/Policies & Procedures Manual -- In progress.

Ad-Hoc/Green Building -- Council member McAllister presented a Statement/Summary of Engineering Submissions to the Green Bldg. Committee, based on comments received from some DAPE members. Group is next meeting in March.

NCEES

- The Northeast Zone meeting will be held at the Greenbriar, in West Virginia in early May. Registration is open. Annual meeting is scheduled for Seattle, WA, in August.
- Computer-Based Testing -- Executive Director Abshagen reported that more than 2,000 examinees have registered for the new CBT FE exam across the country. The April/May timeframe being the most popular. A significant number of examinees have registered for the exam, but not selected a location or date.

Old Business -- None

New Business

- Career Fair, DelTech to be held on Tuesday, 2/18/14. DAPE will be participating.
- Engineer's Week Banquet to be held on 2/20/14 (5:30 p.m.). Tickets are available for Council members.

Next meeting on March 12, 2014 in the offices of DAPE.

Meeting adjourned at 4:20 p.m.

/pa