

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588 FAX: 302-323-4590
E-mail: office@dape.org

January 21, 2015

MINUTES – COUNCIL MEETING, January 14, 2015

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, January 14, 2015, in the meeting room of the Buttery Restaurant, Lewes, Delaware.

President Medlarz convened the meeting at 3:04 p.m.

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

Council Members absent:	W. Balascio, P.E.	-	excused
	D. Barbato, P.E.	-	excused
	J. Tracey, Esq.	-	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 December 10, 2014 Council Meeting

Council reviewed the Minutes of the December 10, 2014 Council meeting. Council member Lennon requested that under the D.A.G. report, the last sentence of the following paragraph be deleted as it is a conclusionary statement that Council has not reach its conclusion on:

- Use of a disclaimer – A pending investigative case is offering the use of a disclaimer to resolve the matter. This discussion is to determine whether Council is amenable to the use of a disclaimer. Council indicated they are not averse to considering the use of a disclaimer depending upon the language and where the disclaimer will be placed. Council would need to review the matter further in its full context to make an informed decision. ~~Individuals and entities using "Engineering" are not eligible for consideration of a disclaimer.~~

Motion by Wheatley, seconded by Lester, Council approves deleting the final sentence of this paragraph as indicated. Approved unanimously.

Motion by Lennon, seconded by Gharebaghi, Council approves the Minutes of the December 14, 2014 Council meeting as amended. Approved unanimously.

D.A.G. Report

- Scott Hearing Panel decision draft in progress.
- Matthew Szayna hearing – Scheduled hearing was postponed to permit both parties to submit a written stipulation of facts to the Hearing Panel. Hearing Panel will need to convene after 2/23/15.
- Kopenhagen hearing -- Applicant has withdrawn his application, as well as his request for a hearing.
- Use of a disclaimer – DAG Jamison has drafted disclaimer language to be incorporated into an MOU, which would also set up a regular meeting schedule for continued discussion. The MOU is to provide the mechanism for the pursuit of future cases. Council consensus is that the proposed language appears to be reasonable for consideration.

DAG Hickey also reported that the former State Solicitor Allison Reardon has now been appointed as the Division Head of the Office of Civil Rights and Public Trust, and Meredith Tweedie is the new State Solicitor.

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 67% of this fiscal year reflect income has reached 99% of projections; and expenses 45%.
- Committee will convene for budget planning in March.

Motion by Hayden, seconded by Lester, Council approve the Financial report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on 1/7/2015.

- Co-Chair Thomson is working on a draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs.
- Committee is recommending Council closure of nine (9) cases listed on Exhibit A of its report.

Motion by Kooker, seconded by Lennon, Council approve the closure of the nine (9) cases listed on Exhibit A of its report. Approved unanimously.

- Consent Order was issued in Case 13/001 (Matthew Mesko). Individual was required to complete an ethics course within six months. This condition of the Order was not complied with, therefore, Committee is recommending Council revoke license of Mesko pending completion of ethics course and reapplication.

Motion by Kooker, seconded by Lennon, approval of Final Order in Case 13/001. Approved unanimously.

- Letter of Concern is being recommended in Case 14/091, as the conclusion of this investigation indicates this complaint did not rise to the level of a disciplinary action.

Motion by Kooker, seconded by C. Balascio, Council approve the Letter of Concern in Case 14/091. (Thomson abstained) Motion carried.

Examining Committee

The Council reviewed the report of the Examining Committee's meeting of January 6, 2015. Ninety-three (93) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **26** applications for **comity**; **1** application for individual who is not licensed elsewhere but meets all the requirements for licensure; **50** applications for individuals who successfully passed the October 24, 2014 PE exam and now meet all requirements for licensure; and **16** applications for examination. The Committee also reviewed **6** applications for **Certificate of Authorization**.

Motion by C. Balascio, seconded by Hayden, Council approve the Committee's recommendations as noted on Exhibits A1-A4 of the committee's report dated January 7, 2015. Approved unanimously.

External Affairs Committee

- Joint Advisory Committee (JAC) rescheduled meeting for early 2015.

Facilities Committee

Chair Wheatley reported the DAPE facility is still warm and dry. No further report.

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

Public Information

- Chair Gharebaghi provided a status report on the "Laboratory for Learning" program. Captain Whalen of the DAFB spoke to participants on 1/18/15. Council member Lester has offered to provide a presentation on 1/29/15 to the 13-14 students.

Ad-Hoc/Law Revision Committee -- No report.

Correspondence

- Executive Director Abshagen shared email correspondence from Jack Nelson who had planned on attending today's meeting, but cancelled. Although he has not submitted an application to date, he's taking issue with the application process. DAG Hickey will draft a response advising Nelson of Council's next meeting date and time.

NCEES

- The Board President's Assembly will be held on February 6-7, 2015 in Atlanta. Council member Kooker will attend, along with Director Abshagen.
- Joint Zone Meeting is scheduled for April 30-May 2, 2015 in Hershey, PA. Registration is open.

Old Business -- None

New Business

- Council member Hayden reported he is participating on a Fire Marshal's Review Committee whose task is to review Chapter 43 of the 101 Life Safety Code for possible adoption by the State Fire Prevention Commission as an addition to the State Fire Prevention Rules and Regulations. Committee will reconvene on February 3, 2015.

Next meeting is scheduled on **Wednesday, February 11, 2015**, in the DAPE offices.

Meeting adjourned at 4:06 p.m.

/pa