

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 31, 2011

MINUTES – COUNCIL MEETING, January 14, 2011

A meeting of the Council of the Delaware Association of Professional Engineers was held on Friday, January 14, 2011 at the offices of DAPE, New Castle, Delaware.

President Pawlowski convened the meeting at 3:00 p.m.

Council Members present:	D.P. Barbato, P.E.	C.L. McAllister, P.E.
	D. Clark, P.E.	H. Medlarz, P.E.
	W.Z. Crouch, P.E.	F.A. Newton
	G.G. Pawlowski, P.E.	V.G. Robertson, Esq.
	K.R. Kooker, P.E.	A.D. Shine, P.E.
	R. Leitsch, P.E.	M. Siwek, P.E.
		J. Tracey, Esq.

Council Members absent:	M. Lester, P.E. -- not excused
	G.F. Marcozzi, P.E. – not excused

Staff present:	P. Abshagen
----------------	-------------

DAG:	Catherine "Terry" Hickey, Esq.
	Andrew Kerber, Esq.

Roll call was taken and quorum declared.

Open Forum

No speaker has been scheduled for today's public forum. The Distinguished Service Award presentation will take place after the Council meeting in February.

Minutes of December 8, 2010 Council Meeting

The Council reviewed the Minutes of the December 8, 2010 Council meeting, and recommends approval of the Minutes as written.

Motion by Newton, seconded by Robertson, Council approve the Minutes of the December 8, 2010 Council meeting as written. Approved unanimously.

DAG Report

- Decision & Order from the most recent hearing has not been finalized. DAG Hickey working on this draft.
- Posting notifications of meetings – DAG Hickey will assist with DAPE being included on state's meeting calendar.

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

Income/expense activity -- The first eight months of the fiscal year reflects income at 90% (includes deferred income monies) and expenses at 59% of projections.

Council approved this finance report subject to audit.

Employee Compensation & Benefits Committee -- No report.

Law Enforcement/Ethics Committee *(Council member Robertson was excused from this portion of the meeting.)*

Council reviewed the report of the committee's meeting on January 13, 2011.

Sussex County -- DAG Kerber has drafted a letter to the Sussex County Council President that has the support of both the Board of Architects and DAPE LE/E Committee concerning Section 52-18C of the Sussex County Code that does not require an engineer or architect be involved in buildings/structures of less than 5,000 s.f. With Council's support, this draft letter will be finalized and forwarded to Sussex County.

(This will require approval of the AG's office before it can get sent out.)

Motion by McAllister, seconded by Newton, the draft letter prepared by DAG Kerber be forwarded to the Sussex County Council once reference to the LE/E Subcommittee is revised to DAPE (Board of Professional Engineers). Approved unanimously.

Case Closures -- The committee is recommending the closure of 13 cases as listed on Exhibit A of its report dated January 14, 2011.

Motion by McAllister, seconded by Kooker, Council approve the closure of the 13 cases listed on Exhibit A of the report dated January 14, 2011. Approved unanimously.

Cease & Desist Order/Hearing Panel -- Case 10/076 was issued a Cease & Desist Order at the previous Council meeting. Firm is now requesting a hearing before the Hearing Panel.

Council member Tracey requested to be recused from this case. President Pawlowski appointed Council members Newton (Chair), Barbato and Siwek to the Hearing Panel. Hearing to be scheduled.

Case 10/002 -- LE/E Committee recommends Council issue a letter of reprimand to this licensee who is practicing in a very broad spectrum of disciplines. Motion by McAllister, seconded by Newton, Council issue this letter of reprimand. Approved unanimously.

Case 10/004 -- Council advised this investigation determined there is a safety issue with a structure and the building official will be notified of our concerns.

Hearing Panel Report – Hearing in Case 09/094 has concluded and DAG Hickey is drafting the Hearing Panel report for the review of the Hearing Panel before submission to Council.

Examining Committee

Council reviewed the report of the Examining Committee's meeting of January 10, 2011. Sixty-seven (67) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **18** applications for **comity**; **13** applications for **examination**; and **36** applications for licensure with the successful passage of the October, 2010 examinations. The Committee also reviewed **7** applications for **Certificate of Authorization**; **8** requests for Reinstatement of PE licenses; and **1** application for Reinstatement of Certificate of Authorization.

Motion by Shine, seconded by Newton, Council approve the committee's recommendations for licensure as shown on Exhibits A1-A3 of the report dated January 11, 2011. Approved unanimously.

External Affairs Committee

Joint Advisory Committee (JAC) is scheduled to meet in the next several weeks. C. McAllister will attend with his replacement D. Barbato.

Facilities, Services & Equipment

Ipad has been purchased and Executive Director is getting familiar with the device. Acceptable user policies will be obtained from identified sources to develop a DAPE policy.

Public Information Committee

Chair Siwek requested the names of the new PE's and Engineer Interns for publication in local media. The committee is also working on the winter issue of the newsletter and will meet to discuss its other charges (outreach workshops, university licensure presentations, etc.) Siwek will also investigate the resources a public relations agency could provide to DAPE.

Government Affairs/Bylaws Committee

Chair Tracey reported the committee met on January 7, 2011 to discuss its charges and proposed bylaws and law revisions. A meeting will be scheduled with the lobbyist in February to discuss needs of DAPE and performance of lobbyist. Proposed legislation to address the issue of expert testimony will be separated from any other housekeeping legislation.

Proposed revisions to the bylaws will be drafted and provided to Council for review and approval.

Background info on the previous discussions with the Public Integrity Commission will be provided to Chair Tracey, who will discuss this further with DAG Hickey.

Motion by Tracey, seconded by Shine, Council appoint E.B. Snell, P.E. to the Government Affairs/Bylaws Committee. Approved unanimously.

Ad-Hoc/Policies & Procedures Manual

The Examining Committee still needs to provide representation.

Ad-Hoc/CPC

President Pawlowski has appointed G. Marcozzi Chair of this ad-hoc committee.

NCEES

- Board Presidents' Assembly -- February 10-12, 2011, Atlanta, GA
- NCEES standing committees -- President Pawlowski encouraged Council members to participate in NCEES committee work.
- NE Zone meeting, Annapolis, MD -- Will share zone meeting info with Council members Tracey, Siwek, Lester and DAG Hickey.

CORRESPONDENCE -- None

OLD BUSINESS -- None

NEW BUSINESS

- Engineer's Week Banquet -- DAPE will once again present certificates to the new P.E.'s at the Engineer's Week Banquet, scheduled for February 24, 2011. Council members interested in tickets need to advise P. Abshagen.

Meeting adjourned at 4:05 p.m.

Meeting reconvened at 4:10 p.m. (F. Newton was not in attendance)

Council member Siwek reviewed and presented to Council for approval PE application #17347 and an application for Certificate of Authorization for The Structures Group, Williamsburg, VA. (These applications were reviewed subsequent to the Examining Committee meeting.)

Motion by Shine, seconded by Tracey, Council approve for licensure PE applicant #17347 and CA application for The Structures Group. Approved unanimously.

The next Council meeting is scheduled for **Wednesday, February 9, 2011, at 3:00 p.m.**, in New Castle County. The Distinguished Service Award will be presented at a dinner/award ceremony following the meeting.

There being no further business to come before Council, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Hans M. Medlarz, P.E., Secretary

/pa

c/c: Minutes Book

Council Members

Catherine Hickey, D.A.G.