

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS**  
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July 26, 2016

**MINUTES – COUNCIL MEETING, July 13, 2016**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, July 13, 2016, at the Association offices, New Castle, Delaware.

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

Council Members Present:	C. Balascio, P.E.	J. Ludman, P.E.
	W. Balascio, P.E.	C. McAllister, P.E.
	D. Barbato, P.E.	R. Smith, Esq.
	S. Gharebaghi, P.E.	T. Thomson, P.E.
	R. Hayden, P.E.	J. Tracey, Esq.
	M. Lennon, P.E.	R. Smith, Esq.
	M. Lester, P.E.	

Council Members absent:	H. Medlarz, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	R. Wheatley	-	not excused

Staff present: P. Abshagen

DAG present: Catherine Hickey

The Roll call was taken and a quorum was declared.

**Open Forum** -- No report.

**Minutes of the June 8, 2016 Council Meeting**

Council reviewed the Minutes of the June 8, 2016 Council meeting and recommends approval of the Minutes as submitted.

*Motion by W. Balascio, seconded by McAllister, Council approve the Minutes of the June 8, 2016 meeting as submitted. Approved unanimously.*

**D.A.G. Report**

DAG Hickey presented the William Risko Hearing Panel decision to Council for its review and comment.

- Risko was found guilty of criminal activity (child pornography), for which he served 1+ year in prison and was placed on probation for 10 years.
- PA has placed his license on probation for 10 years, with requirements for reporting his activities, etc.
- Risko violated DAPE code of ethics for non-reporting of felony at that time, but now an employment situation has arisen with work in Delaware.
- Hearing Panel concluded that his conditional licensing situation is necessary to protect the minor public. He is registered on the child protection registry; is required to advise of child facility work.
- Agreement to be drafted for Risko.

*Motion by W. Balascio, seconded by Tracey, Council approve the proposed Decision & Order of the Hearing Committee and prepare the agreement consistent with this decision setting forth the restrictions for Risko to sign. (Hayden, Ludman, Thomson & McAllister recused). Motion approved.*

Licensing Board Task Force – DAG Hickey shared with Council at its last meeting that the Governor has assigned a task force to review all boards under the Division of Professional Regulation to prevent barriers for licensing and increase opportunities for all Delawareans. This task force has included DAPE in this review. The completion of this analysis is due no later than October 14, 2016. The first progress hearing in this matter is scheduled for August 23, 2016. Council members Lester, C. Balascio, and Lennon will attend.

## **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 two months of fiscal year ending April 30, 2017 reflect income has reached 47% of projections; and expenses 13%.
- Committee to meet in Fall to discuss 2016 audit, new auditors, new financial advisor, job description, guidelines, etc.

*Motion by Thomson, seconded by Hayden, Council accept the Finance Report subject to audit. Approved unanimously.*

**Employee Benefits & Compensation** -- No report.

**Law Enforcement/Ethics Committee** -- No report.

### **Examining Committee**

Chair Lester reported on the committee's meeting of June 29, 2016. Forty-four (44) applications for licensure, including 20 for **comity**; 21 applications for **examination**; 1 **reapplication** after 4 failed exam attempts; and 2 applications for **initial** licensure were reviewed. Committee also reviewed 18 applications for

**Certificates of Authorization; 1 application for Temporary Permit; and 4 applications for Reinstatement.** Committee recommendations are listed on Exhibits A1 – A3 of the committee’s report.

*Motion by Lester, seconded by C. Balascio, Council approve the applications for licensure, Certificates of Authorization, Temporary Permit and Reinstatements as listed on Exhibits A1 – A3. Approved unanimously.*

### **External Affairs Committee**

- The previous meeting with JAC on May 12, 2016 discussed Master HVAC contractors performing design work. DAG to discuss with the HVAC DAG. Subsequently, licensee Wayne Ericksen has voiced his concern.

**Facilities Committee** -- No report.

### **Government Affairs/By-laws Committee**

- Lobbyist -- Council has approved former Council member Frank Newton to represent DAPE as a lobbyist. A proposal outlining services and scope of work will be sent. Vice President Thomson shared that ACEC obtains a summary of legislation that would be useful to DAPE.
- DNREC Tank Regulation Workshop -- Council member Ludman attended this workshop and reported to Council these proposed regulations are to add some additional requirements in the corrective action section (Part E). DNREC can now require a hydrogeological investigation to determine the amount of type of regulated substance released. The regulation requires the results of the hydrogeological investigation be signed by a professional geologist or professional engineer registered in Delaware. These regulations are open for comments now.

### **Public Information**

- Spring/Summer issue of the newsletter published.

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

**Correspondence** -- No report.

### **NCEES**

- Annual meeting will take place in Indianapolis, IN from 8/24/16 – 8/27/16. Council member McAllister and Director Abshagen will be attending. DAG Hickey interested in attending the law enforcement sessions.

### **Old Business**

- Petitions for all Council seat vacancies have been received. Election concludes 7/15/16.

### **New Business**

- President Barbato will contact successful examinees of the April 2016 exam to invite them to the certificate presentation ceremony in September at the crab feast.
- Vice President Thomas has tendered his resignation effective today. He expressed his appreciation to Council for the opportunity to serve. This seat has two years remaining and it was suggested Joseph Jakubowski be contacted to ascertain his interest in filling this seat for the remainder of the term.

Next meeting is scheduled on **Wednesday, August 10, 2016**, in Kent County.

Meeting adjourned at 4:15 p.m.

/pa