

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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MINUTES – COUNCIL MEETING, June 14, 2017

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, June 14, 2017, in the DAPE offices, New Castle, Delaware.

Vice-President Lennon convened the meeting at 3:06 p.m.

Council Members Present:	W. Balascio, P.E.	M. Lester, P.E.
	M. Clendaniel, P.E.	J. Ludman, P.E.
	R. Hayden, P.E.	C. McAllister, P.E.
	J. Jakubowski, P.E.	R. Wheatley
	M. Lennon, P.E.	

Council Members absent:	C. Balascio, P.E.	-	excused
	D. Barbato, P.E.	-	excused
	S. Gharebaghi, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	R. Smith	-	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 -- No members of the public present.

Minutes of the May 10, 2017 Council Meeting

Council reviewed the Minutes of the May 10, 2017 Council meeting and DAG Hickey requests a clarification to the DAG Report. The report should reflect that "*some boards are reassessing their practice regarding Cease & Desist Orders.*" The Minutes as corrected are recommended for approval.

Motion by Hayden, seconded by Clendaniel, Council approve the Minutes of the May 10, 2017 meeting, as amended. Approved unanimously.

D.A.G. Report

- Disciplinary Hearing -- Hearing was held on 4/4/17 for Stephen Maslan, P.E. The Hearing Panel's report is under review and recommendations will be presented to Council next month for consideration.

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.

Finance/Employee Benefits & Compensation

- Chair Lennon reported Finances for this first month (8%) of fiscal year ending April 30, 2018 reflect income has reached 16% of projections; and expenses 7%.
- Audit is scheduled to begin the week of June 19th; and the bookkeeper the following week.
- Guidelines Manual – to capture that employee salary adjustments to be approved in April for implementation in May (beginning of fiscal year).

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

The Committee met on 5/31/17 to discuss the recruitment effort for an Executive Director. The recommendation is to hire a recruiter, who will use her expertise to network, coordinate interviews, etc. A retired recruiter has been contacted and Council discussed the legal entity requirements to work with this individual. P. Abshagen will be meeting with this individual and will provide additional information to Council on the contractual obligations, the business entity, etc.

The Committee would like to request approval of \$10,000 to begin this recruitment process.

Motion by Lennon, seconded by McAllister, Council approve \$10,000 to begin the recruitment process to fill the position of Executive Director. Approved unanimously.

Salary Adjustment/Executive Director – Committee recommends a 3% salary adjustment for P. Abshagen effective May 1st.

Motion by Lester, seconded by McAllister, Council approve a 3% salary adjustment for P. Abshagen, effective May 1st. Approved unanimously.

Law Enforcement/Ethics Committee

Chair McAllister reported on the committee's meeting on 6/7/17.

Old Business:

- ✓ DNREC-Class B designs for lift stations -- MOU still under review by DNREC

- ✓ Code of Ethics – Proposed revisions have been tabled until the conclusion of the governor’s Licensing Review Committee’s final report.
 - ✓ California board shared info on Google’s Certified Professional Data Engineer program to determine other states’ concern with this issue. DAG Jarosz has advised that if an applicant presents themselves as an engineer based on this certification, then DAPE should consider taking some action.
 - Council discussed whether this may be a consumer fraud issue and whether it is similar to the Novell certification case from a number of years ago.
- Committee is recommending the closure of twenty-three (23) cases.

Motion by McAllister, seconded by W. Balascio, Council approve the closure of the twenty-three (23) cases listed on Exhibit A of the committee’s report. Approved unanimously.

Examining Committee

Chair Lester reported the Examining Committee met on May 31, 2017 and reviewed **eighty-seven (87)** applications for licensure including **26** for **comity**; **7** applications for **examination**; and **54** applications for licensure with the successful passage of the April 21, 2017 examination. The committee also reviewed **6** applications for **Certificates of Authorization**; **4** applications for **reinstatement of Certificates of Authorization**; and **1** application for **Temporary Permit**.

Motion by Lester, seconded by Clendaniel, Council approve the Committee’s recommendations for applications for licensure, Certificates of Authorization and Temporary Permit as noted on Exhibits A1-A4 of the committee’s report. Approved unanimously.

External Affairs Committee -- No report. JAC meeting needs to be scheduled.

Facilities Committee -- No report.

Public Information -- No report.

Government Affairs/By-laws Committee

HB 197 is out of the committee and needs to be included on the House agenda.

Correspondence

- Licensee David Petrucci is seeking assistance in getting a scholarship fund established for his engineering/musician friend who recently passed away. Council suggested the Delaware Community Foundation would be a good resource.
- Gupta Associates has filed a FOIA request to review the 1989 complaint file against this firm.

- The Wilmington News Journal recently ran on its Opinion page the article on the Oregon resident who was fined for the unlicensed practice of engineering for expressing his engineering opinion without a license.

NCEES

- NCEES Annual meeting will be held in Miami, August 23-26, 2017.

Old Business

- Council election – ballots going out electronically on June 15th for return by July 15th.

New Business

- Rule to Show Cause Hearings:
 - Christian Dietz #18076 – Was provided 90 days to comply with CPC requirements and has now done so.

Motion by W. Balascio, seconded by Clendaniel, to lift the suspension of license #18076. Approved unanimously.

- James Dietrich #17494 – Was provided 30 days to comply with CPC requirements and has not responded with any indication that he now meets requirements. In accordance with Council's final order, his license is to be revoked.

Motion by W. Balascio, seconded by Jakubowski, Council revoke the license of James Dietrich #17494 for not meeting the CPC requirements for the renewal of his license. Approved unanimously.

Next meeting is scheduled on **Wednesday, July 12, 2017 in Sussex County.**

Meeting adjourned at 4:00 p.m.

/pa