

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

March 21, 2017

MINUTES – COUNCIL MEETING, March 8, 2017

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, March 8, 2017, in the meeting room of the Georgia House, Milford, Delaware.

Vice President Lennon convened the meeting at 3:15 p.m.

Council Members Present:	C. Balascio, P.E.	M. Lennon, P.E.
	W. Balascio, P.E.	C. McAllister, P.E.
	M. Clendaniel, P.E.	R. Smith, Esq.
	S. Gharebaghi, P.E.	J. Tracey, Esq.
	J. Jakubowski, P.E.	

Council Members absent:	D. Barbato, P.E.	-	excused
	R. Hayden, P.E.	-	excused
	M. Lester, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	R. Wheatley	-	excused

Staff present: P. Abshagen

DAG present: Catherine "Terry" Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the February 8, 2017 Council Meeting

Council reviewed the Minutes of the February 8, 2017 Council meeting and recommends correcting on page 4: " E-week banquet: McAllister advised certificates will be presented to 12 new PE's ...".

Motion by Gharebaghi, seconded by Clendaniel, Council approve the Minutes of the February 8, 2017, as amended. Approved unanimously.

Executive Session at 3:15 p.m.: Motion by Tracey, seconded by Gharebaghi, to enter Executive Session for the purpose of discussing potential litigation. Approved unanimously.

Open Session at 3:45 p.m.: Motion by Tracey, seconded by McAllister, to return to Open Session. Approved unanimously.

D.A.G. Report

Rule to Show Cause Hearings – DAG Hickey reminded Council that as a result of no response to our CPC audits, on November 29, 2016 nine hearings took place, attended by 5 individuals to offer testimony on their behalf. Others submitted electronic documents which were considered. In these proceedings, the burden of proof is on the licensee. The Hearing Panel consisted of Council members C. Balascio, Clendaniel and Jakubowski. The Hearing Panel's recommendations are:

#11258 – Basak, Amitabha

- Testified he serves as a job consultant in Saudi Arabia and renewed license without any CPC.
- Attended the hearing with documentation to support 28 pdh's obtained 11/4/16-11/24/16.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand; may not use these 24 pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Tracey, seconded by W. Balascio, Council approve the Final Order in the matter of licensee #11258. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski)

#17494 – Dietrich, James

- Testified he has divorced, moved several times and did not update address. Also that he renewed indicating he met CPC requirements, although he has not.
- Attended the hearing with no documentation.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (30 days), otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Tracey, seconded by Smith, Council approve the Final Order in the matter of licensee #17494. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski)

#18076 – Dietz, Christian

- Advised on active duty in Saudi Arabia. Not tracking deadline. (Did not request exemption.)
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (90 days), otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by W. Balascio, seconded by Tracey, Council approve the Final Order in the matter of licensee #18076. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski)

#18206 -- Giordano, Alfred

- Advised did not receive notification as he was involuntarily separated from the Coast Guard and his military email was shut off.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (60 days), otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Smith, seconded by McAllister, Council approve the Final Order in the matter of licensee #18206. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski)

Subsequently, Giordano provided sufficient documentation to support his claimed pdh activities.

Motion by Tracey, seconded by Gharebaghi, Council lift the suspension of licensee #18206, as he has satisfactorily demonstrated compliance with the CPC requirements for the renewal of his license. Approved unanimously.

#17563 -- Gloyd, Meghan

- Testified that she has 12 pdh's vs. the 24 required. She didn't keep good records and took no ethics courses.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (60 days), otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by McAllister, seconded by Smith, Council approve the Final Order in the matter of licensee #17563. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski)

#16415 -- Sands, Nicholas

- Advised he was out of state and communication does not seem to be staff's strength. He was required to mail house key to friend to retrieve/scan his documents.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (60 days) including an additional 3 pdh's in ethics, otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Tracey, seconded by Smith, Council approve the Final Order in the matter of licensee #16415. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski. Additional recusals: W. Balascio, Lennon)

Subsequently, Sands provided sufficient documentation to support his claimed pdh activities.

Motion by Tracey, seconded by Gharebaghi, Council lift the suspension of licensee #16415, as he has satisfactorily demonstrated compliance with the CPC requirements for the renewal of his license. Approved. (Recusals: W. Balascio, Lennon)

#13084 -- Slivka, Jennifer

- Testified she had been separated from her previous employer and neglected to change her email address. Has relocated back from Colorado and needs a few days to unpack her stored records.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (30 days), otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Tracey, seconded by McAllister, Council approve the Final Order in the matter of licensee #13084. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski. Additional recusal: W. Balascio)

#14442 -- Stamper, William

- Testified he thought he was exempt from DE so didn't respond. He does have necessary pdh's.
- Failed to respond to audit.
- Recommendation to issue letter of reprimand; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Tracey, seconded by W. Balascio, Council approve the Final Order in the matter of licensee #14442. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski.)

15397 -- Visnic, Lawrence

- Provided PDH log indicating 17.5 vs. 24 pdh's required. No ethics pdh's.
- Failed to respond to audit and comply with and satisfy CPC guidelines as of 6/30/16.
- Provided written comments, acknowledging the lack of pdh's in ethics. Comments reviewed.
- Recommendation to issue letter of reprimand suspending license until CPC requirements met (60 days), including a total of 6 pdh's in ethics, otherwise revocation of license. May not use these pdh's in future renewal; automatically audited next renewal cycle; reportable to the NCEES Enforcement Exchange.

Motion by Smith, seconded by Tracey, Council approve the Final Order in the matter of licensee #15397. Approved. (Served on Hearing Committee/Recused: C. Balascio, Clendaniel, Jakubowski.)

Reprimand Letters

Motion by Tracey, seconded by McAllister, the President of Council be authorized to issue the letters of reprimand as approved in these RSC hearing matters. Approved unanimously.

5:30 p.m. – Council member Smith excused.

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

- Finances for 83% of fiscal year ending April 30, 2017 reflect income has reached 104% of projections; and expenses 53%. Category 435 (Penalties) has far exceeded the original projection with the late fees of licensees and C/A holders.

Motion by Lennon, seconded by Tracey, Council accept the Finance Report subject to audit. Approved unanimously.

- Committee Meeting -- Committee to convene a meeting on 3/23/17 to discuss the draft budget, etc.

Law Enforcement/Ethics Committee

Chair McAllister reported on the committee's meeting on 3/1/17.

Old Business:

- DNREC-Class B designs for lift stations -- MOU still under review by DNREC
 - DNREC is revising its stormwater regulations once again and Council member Jakubowski advised this concerns testing and the oversight of geotechnical engineers. Discussions to continue.
- 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. Forwarded to DAG Jarosz for comment.

Committee is recommending the closure of eleven (11) cases.

Motion by Gharebaghi, seconded by Tracey, Council approve the closure of the eleven cases listed on Exhibit A of the committee's report. Approved unanimously.

Examining Committee

Co-Chair W.Balascio reported on the Examining Committee meeting on February 22, 2017, where **fifty-one** (51) applications for licensure including 46 for **comity** and 5 applications for **examination** were reviewed. The committee also reviewed 8 applications for **Certificates of Authorization**; and 5 applications for **reinstatements of Certificates of Authorization**.

Motion by Tracey, seconded by Clendaniel, Council approve the Committee's recommendations as noted on Exhibits A1-A3. Approved unanimously.

External Affairs Committee -- No report.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

Proposed law revisions are to be drafted.

Public Information

- Chair Gharebaghi advised he and Council member McAllister attended and presented certificates to 12 new P.E.'s at the Engineer's week banquet. And that 6 female scholarship recipients attended the ceremony.

Correspondence

- Licensee Jim Farr has requested DAPE's assistance with the Delaware Home Inspector Board (DHIB). Farr performs home inspections, as well as engineering services and the DHIB has denied his application for licensure as he has not taken their examination. Farr is to be advised he is under the purview of the Home Inspector's Board in the matter of obtaining a license for this practice.

NCEES

- DAPE is co-hosting the 2017 NE/Southern joint zone meeting in the Virgin Islands. Registration ended March 8th.

Old Business -- None

New Business –

- Licensee Aaron Silver #6686 has now satisfactorily met the requirements of CPC for the reinstatement of his license.

Motion by W. Balascio, seconded by Tracey, Council lift the suspension of license #6686, now that Mr. Silver has satisfactorily met the CPC requirements for the reinstatement of his license. Approved unanimously.

Next meeting is scheduled on **Wednesday, April 12, 2017 in New Castle County. This will be our Committee recognition dinner which is to be held at the Deerfield.**

Meeting adjourned at 6:00 p.m.

/pa