

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS**  
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June 1, 2011

**MINUTES – COUNCIL MEETING, MAY 11, 2011**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, May 11, 2011 in the conference room of the Kent County Public Works building, Dover, Delaware.

President Pawlowski convened the meeting at 3:10 p.m.

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

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|-------------------------|-------------------|
| Council Members absent: | D. Barbato, P.E.  |
|                         | R. Leitsch, P.E.  |
|                         | G. Marcozzi, P.E. |
|                         | J.E. Tracey, Esq. |

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| Staff present: | P. Abshagen |
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| DAG: | Danny Stevenson, Esq. |
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Roll call was taken and quorum declared.

**Open Forum**

No guests scheduled to speak at today's Council meeting.

**Minutes of April 13, 2011 Council Meeting**

Council reviewed the Minutes of the April 13, 2011 Council meeting. DAG Hickey requests a clarification to the minutes to indicate she will provide an outline of some cases/Dept. of Justice Opinions on the issue of email usage. Motion by McAllister, seconded by Newton, Council approve the minutes of the April 13, 2011 Council meeting as amended. Approved unanimously.

## **DAG Report**

- Sussex County letter, addressing County Code Section 52-18C, has been mailed to Sussex County and there has been no response within the thirty days provided. DAG Hickey reports a response is pending from the AG's office.
- Depositions/Grayson Case – President Pawlowski and Executive Director Abshagen were required to provide depositions in the Grayson case. These depositions have been read, signed and acknowledgement pages sent to the attorneys and court reporter.

## **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 end of the fiscal year reflects income at 105% (includes deferred income monies) and expenses at 91% of projections.

This report is accepted subject to audit.

Numerous requests have been received for W-9 forms. Executive Director will discuss the federal requirement for the completion of W-9 forms with the new auditor in the next few weeks.

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

### **Law Enforcement/Ethics Committee**

Council reviewed the report of the committee's meeting on May 4, 2011.

Chair McAllister reported that committee member Diaz is organizing an education forum for committee members, as well as Council members and is encouraging submission of agenda items for consideration.

Consent Agreement -- Committee has recommended DAG prepare a Consent Agreement in the matter of Case 10/087.

Subpoena – Committee is requesting Council approve issuing a subpoena in the matter of Case 11/139 to gather additional evidence for its investigation. Motion by McAllister, seconded by Newton, Council approve the issuance of a subpoena in the matter of Case 11/139. Approved unanimously.

Case Closures – There are no cases recommended for closure.

### **Examining Committee**

Council reviewed the report of the Examining Committee's meeting of April 27, 2011. Eighteen (18) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting

of **14** applications for **comity**; and **4** applications for **examination**. The Committee also reviewed **2** applications for **Certificate of Authorization**; and **2** requests for Reinstatement of licenses.

Motion by Lester, seconded by McAllister, Council approve the Committee recommendations for licensure as listed on Exhibits A1-A2 of the committee's report dated April 28, 2011. Approved unanimously.

Subsequent to the committee's meeting, additional applications for reinstatement of a Certificate of Authorization were received and reviewed:

- ❖ I3A, LLC , Dover, Delaware
- ❖ Mountain Consulting, Inc., Dover, Delaware

Motion by Lester, seconded by Crouch, Council approve the Certificate of Authorization for I3A, LLC. (AYE – 7; NAY – 3 (Clark, Lester, Siwek); ABSTAIN – 1 (Medlarz). Motion carried.

Motion by Lester, seconded by Kooker, Council approve the reinstatement of Certificate of Authorization for Mountain Consulting, Inc. (AYE – 6; NAY – 4 (Lester, Siwek, Clark, Crouch); ABSTAIN – 1 (Medlarz). Motion carried.

Council requests a list of firms with delinquent Certificates of Authorization be published to serve as a reminder of those firms that do not have the authority to practice engineering. Council member Clark has volunteered to draft an article for the newsletter addressing the issue.

**External Affairs Committee** -- No report.

### **Facilities, Services & Equipment**

Examining Committee Chairs Shine and Lester and Executive Director Abshagen met with University of Delaware representatives to review the DAPE website and discuss streamlining the process for FE application, minor edits to the application, etc. UD is appreciative of DAPE's presence on campus to register students for the exam and would like to expand this and obtain usage of computer labs with sessions for sign-ups.

DAPE is looking into establishment of a merchant account with Wells Fargo and to obtain a credit card scanner to assist in the efforts.

### **Public Information Committee**

Spring newsletter to be published late May/early June. Council member Clark to draft an article on lapsed licenses and unlicensed practice.

### **Government Affairs/Bylaws Committee**

Chair Tracey indicated a meeting has been scheduled with the Delaware State Bar Association to discuss proposed legislation.

**Ad-Hoc/Policies & Procedures Manual** -- No report

### **Ad-Hoc/CPC**

CPC proposal forwarded to Examining Committee for review and comments.

### **Nominating Committee**

Petitions have not been received for two Council seat vacancies: the Kent County and Electrical Engineering seats. President Pawlowski has appointed Council member Medlarz as Chair of the Nominating Committee to solicit candidates.

An email will be broadcast to the DAPE membership to identify potential candidates.

### **NCEES**

NCEES NE Zone Meeting -- Scheduled for 5/19 – 5/21 in Annapolis, Maryland. Council members Barbato, McAllister, Pawlowski and Shine, as well as Executive Director Abshagen and DAG Hickey will be attending. DAPE will provide a brief presentation for the 2012 NE Zone meeting to be held at Dover Downs.

**CORRESPONDENCE** -- None

### **OLD BUSINESS**

President Pawlowski demonstrated the CPC website ([www.rcep.net](http://www.rcep.net)), which serves as a repository for CPC credits and CPC opportunities. Various services are offered to engineers (some at no cost, others for subscription).

**NEW BUSINESS** -- None

There being no further business to come before Council, the meeting was adjourned at 4:45 p.m. Next meeting to be held in New Castle County.

Respectfully submitted,

Hans M. Medlarz, P.E., Secretary

/pa  
c/c: Minutes Book  
Council Members  
Catherine Hickey, D.A.G.