

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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November 22, 2013

MINUTES – COUNCIL MEETING, November 13, 2013

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, November 13, 2013, in the offices of DAPE, New Castle, Delaware.

Vice-President Barbato convened the meeting at 3:10 p.m.

Council Members Present:	C. Balascio, P.E.	M. Lennon, P.E.	J. Tracey, Esq.
	W. Balascio, P.E.	M. Lester, P.E.	R. Wheatley
	D. Barbato, P.E.	C. McAllister, P.E.	
	S. Gharebaghi, P.E.	F. Newton	
	R. Hayden, P.E.	E. Retzlaff, P.E.	
	K. Kooker, P.E.	T. Thomson, P.E.	

Council Members absent: H. Medlarz, P.E.

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

Guest: James Bielecki, P.L.S., President of Board of Surveyors

The Roll call was taken and a quorum was declared.

Open Forum

James Bielecki, P.L.S. and President of the Delaware Board of Surveyors was invited to attend the Council meeting. He wanted to discuss with Council, engineers practicing surveying that are not required to meet the minimum technical standards governing the performance of surveys established for their licensees. The Board of Surveyors would like to have engineers held to these same standards for the surveying work they do, by including such a reference into the DAPE law so the public can be assured they are getting the same standard.

Council is requesting the LEE Committee review this issue and return to Council with its recommendation. The DAPE membership can certainly be reminded of these standards in the next issue of the newsletter.

(James Bielecki was excused.)

Minutes of the October 9, 2013 Council Meeting

Council reviewed the Minutes of the October 9, 2013 Council meeting. Motion by McAllister, seconded by Newton, Council approves the Minutes of the October 9, 2013 Council meeting as submitted. Approved.

D.A.G. Report

DAG Hickey reported that the Johns' denial of licensure hearing is scheduled for 11/15/13.

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 six months (50%) of this fiscal year reflect income has reached 55% of projections; and expenses 49%. Motion by Newton, seconded by McAllister, to accept the report subject to audit. Approved unanimously.

Audit report has been finalized and copies are available to Council members upon request.

Council briefly discussed the need to solicit interest in a pool of engineers to serve as expert witnesses on an as-needed basis. Monies have been budgeted for this expense, although the need has not arisen yet this fiscal year.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Co-Chair Thomson reviewed the report of the Committee's November 6, 2013 meeting.

- Guidelines Manual – Committee is reviewing its flow chart for incorporation into the Manual.
- Nine cases listed on Exhibit A of the committee's report are recommended for closure.
- Three cases are moving forward with complaints or orders:
 - Case 10/087 - Gregory Scott – A formal complaint has been drafted for Council's approval and appointment of a Hearing Committee.
 - Case 13/109 - Lawrence Fischer – An Administrative Order has been drafted for issuance.
 - Case 13/001 - Matthew Mesko – A Consent Agreement has been drafted. This draft will be finalized and returned to Council for issuance. The question arose as to whether the contractor had been looked into for unlicensed practice.

Motion by Thomson, seconded by Tracey, Council approve the closure of the nine cases listed on Exhibit A of the committee's report dated November 7, 2013. Approved unanimously.

Motion by Thomson, seconded by McAllister, Council approve issuing the complaint in Case 10/087 – Gregory Scott. (Tracey recused) Motion carried.

Motion by McAllister, seconded by Newton, Council approve the appointment of Council members Lester (Chair), Hayden and Retzlaff to serve on the Hearing Committee for Case 10/087. (Tracey recused) Motion carried.

Motion by Thomson, seconded by Hayden, Council approve issuing the Administrative Order in Case 13/109 - Lawrence Fischer. Approved unanimously.

Motion by Kooker, seconded by Newton, Council appoint the following members to the Law Enforcement/Ethics Committee: K. Kooker (Chair), T. Thomson (Co-Chair), Davidson, Diaz, Kiefer, Koffler, MacIntosh, Mayan, Say and Rudy. Approved unanimously.

Examining Committee

Chair C. Balascio presented the report of the Examining Committee's meeting of October 30, 2013. Thirty (30) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **28** applications for **comity**; **1** application for an individual who was previously licensed and required re-application; and **1** application for **examination**. The Committee also reviewed **8** applications for **Certificate of Authorization**; **1** application for **Temporary Permit**; and **2** applications for **Reinstatement of Certificates of Authorization**. Motion by C. Balascio, seconded by Tracey, that Council approve the Committee's recommendations as shown on Exhibits A1-A2 of the committee's report dated October 31, 2013. Approved unanimously.

Examining Committee is reviewing a draft outline for the Guidelines Manual.

Motion by C. Balascio, seconded by Newton, Council appoint the following members to the Examining Committee: C. Balascio (Chair), W. Balascio (Co-Chair), N. Burkhardt, R. Chagnon, J. Davidson, D. Koffler, C. Kraucunas, M. Lester, R. McClure, and M. Siwek. Approved unanimously.

External Affairs Committee

- JAC is scheduled to meet on 12/16/13.

Motion by Barbato, seconded by Tracey, Council appoint the following members to the External Affairs Committee: R. Hayden (Chair) and S. Gharebaghi. Approved unanimously.

Council member Barbato will continue to serve on the JAC, and C. McAllister will serve as the alternate representative of the JAC.

Facilities Committee

Chair Wheatley reported he visited the office to acquaint himself with the DAPE facility.

Government Affairs/By-laws Committee -- No report.

Public Information -- Newsletter due November-December.

Ad-Hoc/CPC

Presentation at DelDOT scheduled for 11/22/13. Council member Barbato preparing a CPC summary for use at this meeting.

Ad-Hoc/Policies & Procedures Manual -- In progress.

Ad-Hoc/Green Building -- Immediate Past-President McAllister reported that the committee has recently met to look at what's going on around the state in green technology. U/D and DelState have reported on its green technology. A report is due to the Governor in mid-January. Committee's next meeting is 12/18/13.

NCEES

Executive Director Abshagen reported that NCEES is amending the Member Board Agreement (for use of NCEES exams) with DAPE to reflect that all FE exam monies will be paid directly to NCEES beginning in 2014 with computer-based testing. Motion by Newton, seconded by Barbato, Council approve this amendment to the NCEES Member Board Agreement. Approved unanimously.

Old Business -- None

New Business

- Governor's Report has been signed today and will be forwarded to the Governor as required by law. Copies are available upon request.
- EZ Vote – Estimate to facilitate electronic voting in Council/bylaws election was received from our IT consultant. Cost is approximately \$6900. EZ Vote is a system of secure, online voting that can be initiated for less than \$1,000. Council discussed this and agreed that as long as the EZ Vote system can accommodate those that still wish to have a paper ballot or those needing ADA accommodations, we should move forward with this system.

Motion by Gharebaghi, seconded by Tracey, Council approve the EZ Vote system. Approved unanimously.

- Distinguished Committee Member of the Year – Council recommended that Jim Davidson, a longtime member of both the Examining and LEE Committees, be nominated.

Motion by McAllister, seconded by C. Balascio, Council approve the nomination of Jim Davidson as the Distinguished Committee Member of the Year. Approved unanimously.

- Committee Charges to be distributed shortly by President Medlarz.

Next meeting on **December 11, 2013** in Sussex County. Location to be determined.

Meeting adjourned at 4:45 p.m.