

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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November 18, 2014

MINUTES – COUNCIL MEETING, November 12, 2014

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, November 12, 2014, in the office of DAPE, New Castle, Delaware.

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

Council Members Present:	C. Balascio, P.E.	J. Ludman, P.E.	
	W. Balascio, P.E.	H. Medlarz, P.E.	
	D. Barbato, P.E.	E. Retzlaff, P.E.	C. McAllister, P.E.
	R. Hayden, P.E.	R. Smith, Esq.	
	K. Kooker, P.E.	T. Thomson, P.E.	
	M. Lester, P.E.	J. Tracey, Esq.	

Council Members absent:	S. Gharebaghi, P.E.	-	excused
	M. Lennon, 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 -- Nothing to report.

Minutes of the October 8, 2014 Council Meeting

Council reviewed the Minutes of the October 8, 2014 Council meeting. *Motion by C. Balascio, seconded by Hayden, Council approves the Minutes of the October 8, 2014 Council meeting as submitted.* Approved unanimously.

D.A.G. Report

- Hearing scheduled for 10/10/14 in response to a Cease & Desist has been continued to explore settlement options.
- Surveying AG Opinion -- There is an exemption under the surveyor's law for engineers to practice surveying.
- FOIA policy draft – still in progress

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 50% of this fiscal year reflect income has reached 95% of projections; and expenses 36%.

Motion by Kooker, seconded by C. Balascio, Council approve the Financial report submit to audit. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on 11/5/14.

- Co-Chair Thomson is working on a draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs.
- Sussex County engineer, Mike Izzo, has confirmed his vigilance on monitoring the changing, altering or amending previously signed plans to be in conformance with DAPE's position.
- Sussex County – Design of Commercial Buildings: A DAPE member is requesting an interpretation of the law in the design of commercial buildings, as he has been advised that Sussex County requires an Architect to seal these plans. Sussex County building official, Andy Wright has confirmed that if it is architecture (according to the lawful definition) then an architect's seal will be required. Just as, if it is engineering, an engineer's seal will be required.
- Committee membership: *Motion by Kooker, seconded by C. Balascio, Council approve the following membership appointments to the LEE Committee:*

Chair Kooker, Co-Chair Thomson, members J. Davidson, A. Diaz, T. Kiefer, D. Koffler, R. Leitsch, J. Mayan, R. MacIntosh, C. McAllister, K. Rudy, and A. Say. Approved unanimously.

- Committee also reviewed the committee's charges and wants to add or continue to:
 - Establish a pool of technical experts
 - Review the law in reference to the disciplinary process
 - Research the need for licensing expert witnesses
 - Provide Training
- *Motion by Tracey, seconded by Retzlaff, Council approve the closure of the two cases listed on Exhibit A of its report. Approved unanimously.*
- *Motion by Kooker, seconded by Thomson, Council approve the Administrative Order in Case 14/082. Approved unanimously.*

- *Motion by Kooker, seconded by C. Balascio, Council approve issuing a subpoena in Case 13/109. Approved unanimously.*
- Case 14/090 (denial of licensure) has requested a hearing. President Medlarz has appointed Chair Tracey, and Hearing Panel members Barbato and Hayden to hear the case.

Examining Committee

The Council reviewed the report of the Examining Committee's meeting of October 29, 2014. Twenty-eight (28) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **23** applications for **comity**; **1** application for individual who is not licensed elsewhere but meets all the requirements for licensure; and **4** applications for examination. The Committee also reviewed **9** applications for **Certificate of Authorization**, and **1** application for Temporary Permit.

Motion by C. Balascio, seconded by Hayden, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated November 3, 2014. Approved unanimously.

Traffic engineer, B.J. Song, provided a presentation on traffic engineering and guidelines to assist the committee in the review of applications.

Committee membership: *Motion by C. Balascio, seconded by Retzlaff, Council approve the following membership appointments to the Examining Committee:*

C. Balascio (Chair), W. Balascio (Co-Chair), R. Allen, N. Burkhardt, R. Chagnon, J. Davidson, D. Koffler, C. Kracunas, M. Lester, M. Siwek, B.J. Song, A. Weiser, and D. Zmijewski. Approved unanimously.

External Affairs Committee

Joint Advisory Committee (JAC) is scheduled to meet on 12/2/2014.

Facilities Committee

Executive Director advised that DAPE's two laptops were stolen from her vandalized car on October 23, 2014. After setting up the exam site, the laptops were in the car for safekeeping, but after leaving the vehicle for 10 minutes, returned to find them gone. Incident was reported to State police and insurance company. Insurance reimbursement was received two days later. A new laptop has been purchased and the second laptop will be purchased in the near future.

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

Public Information

- Fall newsletter due shortly.

Ad-Hoc/Law Revision Committee

Committee chair Lennon and member W. Balascio met again to discuss de-coupling the experience requirement from PE examination requirements and its impact on both CPC and an individual's area of practice. Balascio will write an article for the newsletter.

Correspondence

- Former Council member Frank Newton has sent a letter expressing his appreciation for the opportunity to serve on Council and the fact the Presidency was entrusted to him during his tenure. He also thanked Council for their gift to him.
- Chris Bauer of Bauer Ethics Seminars has communicated his availability to work together again in the future.
 - Council discussed topics for future seminars: project management, BIM, Fundamentals of Professional Practice, etc. (Council member Lester to provide contact info for presenter.)

NCEES

- The Board President's Assembly will be held in February, 2015 in Atlanta. Once agenda has been published, it will be shared with both President Medlarz and Vice President Barbato.

Old Business

- NCEES emeritus membership – letter to nominate C. McAllister. Motion by Lester, seconded by C. Balascio, C. McAllister be nominated for NCEES emeritus membership. Approved unanimously.

New Business

- Draft Charges will be finalized as President Medlarz has received no comments from committee chairs.
- Governor's Report has been finalized and is available to interested Council members.

Next meeting on December 10, 2014 in New Castle County to accommodate DAG Hickey's schedule. Location to be determined.

Meeting adjourned at 4:03 p.m.

/pa