

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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October 20, 2011

MINUTES – COUNCIL MEETING, OCTOBER 12, 2011

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, October 12, 2011, at the offices of the Association, New Castle, Delaware.

President McAllister convened the meeting at 3:05 p.m.

Council Members present:	W.D. Balascio, P.E.	C.L. McAllister, P.E.
	D.P. Barbato, P.E.	H.M. Medlarz, P.E.
	D.G. Clark, P.E.	G.G. Pawlowski, P.E.
	S. Gharebaghi, P.E.	F.A. Newton
	K.R. Kooker, P.E.	V.G. Robertson, Esq.
	R. Leitsch, P.E.	A.D. Shine, P.E.
	M. Lester, P.E.	J.E. Tracey, Esq.

Council Members absent: W.Z. Crouch, P.E. - excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Secretary Medlarz took the Roll call and declared a quorum was present.

Open Forum

No guests or members of the public present.

Minutes of the September 14, 2011 Council Meeting

Council reviewed the Minutes of the September 14, 2011 Council meeting. Motion by Newton, seconded by Tracey, Council approve the Minutes of the September 14, 2011 Council meeting as submitted. Approved unanimously.

D.A.G. Report

- Computer-based testing law revisions – DAG Hickey has drafted legislation to address computer-based testing. Council should also consider the retake policy for FE candidates. Any NCEES guidelines that result from this change in testing format should be reviewed.

Executive Session

Motion by Newton, seconded by Robertson, at 3:20 p.m. to enter Executive Session to discuss pending/potential litigation. (Council member Tracey was excused). Approved unanimously.

Motion by Robertson, seconded by Newton, Council return to Open Session at 3:50 p.m. Approved unanimously.

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 first five months of the fiscal year reflects income at 51% and expenses at 36% of projections. Report to be approved subject to audit.

The reporting of deferred income will be discussed further with our auditor.

Motion by Tracey, seconded by Kooker, to approve the Finance Report subject to audit. Approved unanimously.

Chair Medlarz presented the Finance Committee membership to Council for appointment. Motion by Medlarz, seconded by Kooker, Council appoint in addition to Council members Medlarz and Kooker, P. Canzano, A. Diaz and D. Clark as members of the Finance Committee. Approved unanimously.

Employee Benefits & Compensation -- No report.

Committee membership is dictated by bylaws. Committee members: Medlarz, Barbato, Newton.

Law Enforcement/Ethics Committee

Chair McAllister presented the report of the committee's meeting on October 5, 2011.

- Case closures -- 10 cases recommended for closure. Motion by McAllister, seconded by Kooker, Council approve the closure of the 10 cases listed on Exhibit A of the report dated October 6, 2011. Approved unanimously.
- Case 11/146 – Motion by McAllister, seconded by Newton, Council issue the formal complaint and appoint a Hearing Panel. After review by Council, several errors in the complaint were noted. Council members are concerned with problematic presentations and suggest no action be taken on this complaint until they are provided with a corrected complaint. (Motion withdrawn)

Motion by Robertson, seconded by Lester, Council take no action on Complaint 11/146, and upon correction this complaint be returned to Council at its November meeting for consideration. Council requests the re-drafted complaint be provided prior to the November meeting to permit the appropriate

time for review. (AYE: Balascio, Barbato, Clark, Gharebaghi, Kooker, Leitsch, Lester, McAllister, Pawlowski, Newton, Robertson, Shine / OPPOSED: Tracey / ABSTAIN: Medlarz – Motion carried.)

- University Consulting Engineers/Subpoena (Case 11/139) – UCE was issued a subpoena on 9/10/11. Firm has not responded. DAG Kerber is requesting Council consider filing a motion in Superior Court to compel compliance.

Motion by McAllister, seconded by Robertson, Council approve the filing of the requested Motion to Compel and to authorize the LE/E DAG to prepare, file and pursue the motion in Superior Court in accordance with 24 Del. C. § 2810(a). (AYE – 13 / ABSTAIN – 1 (Shine) Motion carried.

Chair Kooker presented the membership of the Law Enforcement/Ethics Committee for appointment by Council. Motion by Kooker, seconded by Robertson, Council appoint in addition to Chair Kooker and Co-Chair Crouch, A. Diaz, J. Davidson, T. Kiefer, J. Mayan, K. Rudy, M. Ziegler, A. Say, P. Jones, G. Marcozzi and D. Koffler. Approved unanimously.

Examining Committee

Council reviewed the report of the Examining Committee's meeting of September 28, 2011. Twenty-eight (28) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **22** applications for **comity**; and **6** applications for **examination**. The Committee also reviewed **16** applications for **Certificates of Authorization**; **1** request for **Temporary Permit**; and **6** requests for Reinstatement of licenses.

Motion by Lester, seconded by Robertson, Council approve the recommendations of the Examining Committee as shown on Exhibits A1-A2 of the report dated September 29, 2011. Approved unanimously.

Chair Lester presented the membership of the Examining Committee for appointment by Council. Motion by Lester, seconded by Kooker, Council appoint in addition to Chair Lester and Co-Chair Balascio, A. Shine, R. Allen, C. Kraucunas, D. Reinhold, C. Balascio, H. Fekry, R. Chagnon, J. Davidson, D. Koffler, and M. Siwek. Approved unanimously.

External Affairs Committee

Chair Barbato reported that he has discussed with Mark DeVore, P.E., of the Division of Facilities Management the issue of engineers sealing incomplete plans. DeVore indicated a law revision would be required to state that a 90% completed plan would not require a seal. He also indicated incomplete plans with blatant errors would be reported to DAPE.

It was suggested the respective DAG's discuss this further.

Chair Barbato presented the membership of the External Affairs Committee for appointment by Council. Motion by Robertson, seconded by Tracey, Council appoint in addition to Chair Barbato, S. Gharebaghi. Approved unanimously.

Facilities Committee

A representative from Apple will be present at today's meeting to answer any questions we may have on the use of the Ipad.

Discussions with IT firm indicate revamping of the website should be considered, as making changes in current format is becoming more and more difficult. An estimate for the initial work is to be provided.

Chair Robertson presented the membership of the Facilities Committee for appointment by Council. Motion by Robertson, seconded by Tracey, Council appoint in addition to Chair Robertson, Co-Chair Kooker. Approved unanimously.

Public Information

Fall issue of the newsletter to be published this week.

President McAllister has appointed Council member Gharebaghi to chair the Public Information Committee.

Government Affairs/By-laws Committee

Chair Tracey discussed having our lobbyist come in to meet with Council members in the near future, as the legislative session will begin in a couple of months.

Chair Tracey presented the membership of the Government Affairs/Bylaws Committee for appointment by Council. Motion by Tracey, seconded by Lester, Council appoint in addition to Chair Tracey, F. Newton and V. Robertson. Approved unanimously.

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

President McAllister has appointed Council member Newton to chair this committee, along with C. McAllister and H. Medlarz.

Ad-Hoc/CPC -- No report.

Chair Leitsch presented the membership of the Ad-Hoc/CPC Committee for appointment by Council. Motion by Robertson, seconded by Tracey, Council appoint in addition to Chair Leitsch, G. Marcozzi, A. Diaz and A. Shine. Approved unanimously.

Correspondence -- None

NCEES

- Exams scheduled for Oct. 28-29, 2011
- Proctor training session scheduled for October 18, 2011, as numerous new proctors have volunteered to proctor this exam administration.

Old Business -- None

New Business -- None

Next meeting on November 9, 2011 to be held in Sussex County.

Meeting adjourned at 5:00 p.m.

/pa