

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588

E-mail: office@dape.org

May 22, 2019

MINUTES – MAY 8, 2019 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, May 8, 2019, at the DAPE office in New Castle, Delaware at 3:10 p.m.

The Roll call was taken and a quorum was declared.

Council Members present:	C. Balascio, P.E.	W. Balascio, P.E.
	D. Barbato, P.E.	M. Clendaniel, P.E.
	S. Gharebaghi, P.E.	R. Hayden, P.E.
	M. Lennon, P.E.	K. Maxson, P.E.
	C. McAllister, P.E.	R. Wheatley

Council Members absent:	J. Jakubowski, P.E.	R. Smith, Esq.
	J. Kalmbacher, P.E.	E. Retzlaff, P.E.
	J. Tracey, Esq.	

Staff present: K. Davis

DAG present: E. Kelly, Esq.

Open Forum

No members of the public were present.

Minutes of the April 10, 2019 Council Meeting

Council reviewed the Minutes of the April 10, 2019 Council meeting. An amendment was proposed as follows (change in bold): in the "New Business" section regarding the formation of an Ad Hoc Committee:

"C. Balascio reviewed a list of proposed legislative changes for 2019-2020 for discussion, and formed an Ad Hoc Committee (**committee members include C. McAllister (chair), W. Balascio, D. Barbato and M. Lennon**) to research proposed changes and make recommendations to the Council. DAG Kelly offered her help on this review."

Motion by C. Balascio, seconded by C. McCallister, to approve the minutes of the April 10, 2019 meeting as amended. Approved unanimously.

D.A.G. Report

Gas Utility Exemptions: Further research by DAG Kelly found that most states do have exemptions for utilities, but Delaware does not. The Public Service Commission (PSC) has inspection enforcement responsibility, so DAG Kelly reached out to their DAG for information. Engineering staff at PSC said that all engineering work has to be signed off by a PE. The PSC does not have a PE on staff currently. J. Wootten will share DAG Kelly's report on this topic in the Council documents section of the June meeting.

DAG Kelly reviewed all of the affidavits included with our applications and will meet with J. Wootten to discuss. C. Balascio suggested we also review our online Ethics Exam (included in the PE application).

Financial Reports

Finances for the twelve months (100%) of fiscal year ending April 30, 2019 reflect income has reached 111.5% of projections and expenses 74.2%.

Motion by C. Balascio, seconded by M. Clendaniel, Council accept the Finance Report subject to audit. 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.

Finance/Employee Compensation & Benefits Committee/Facilities Committee – No Report

Law Enforcement/Ethics Committee

The Committee met on May 1, 2019 and discussed the following:

- Two Certificates of Authorization Reinstatement applications forwarded to LEE by the Examining Committee were recommended for approval with a standard unlicensed practice warning letter.
- File 19-057: At the recommendation of the Committee, DAG Mulveny drafted a consent agreement to be reviewed by Council. The case involves unlicensed practice, which is punishable up to \$5000 by consent agreement. The Committee recommends that the candidate is fined \$100 for two missed renewal periods, along with a penalty of \$300 (\$400 total fine).
- The committee is recommending closure of 11 cases as listed in its report.
- Ethics Course and Interviewing Technique Training on May 16th. C. McCallister encouraged Council members and Law Enforcement Committee members to attend.

Motion by C. McCallister, seconded by S. Gharebaghi, Council approve the Consent Order dated May 8, 2019 (File 19-057) and authorized Council signatures on final order to be prepared by DAG Mulveny. Approved unanimously.

DAG Kelly to work with DAG Mulveny on next steps, including making sure that the companies that had work performed during the time the PE was not licensed will be notified and preparing a letter of reprimand.

Examining Committee

Chair W. Balascio reported that the Committee met on April 24, 2019 and reviewed **45** individual applications for licensure, consisting of **34 applications for comity, 10 applications for examination, and 1 application for licensure after successful passage of PP&E exam**. All recommendations are shown on **Exhibit A1** which is now ready for Council action.

Motion by W. Balascio, seconded by C. Balascio, Council approve the Committee's recommendations for applications for licensure as noted on Exhibit A1 of the committee's report. Approved unanimously.

The Committee reviewed **18** applications for **Certificate of Authorization** and 6 applications for **Certificate of Authorization Reinstatements**. Committee recommendations are noted on **Exhibit A2**.

Motion by W. Balascio, seconded by M. Lennon, Council approve the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report as amended. Approved unanimously.

External Affairs Committee – No Report

Public Information – No Report

Government Affairs/By-laws Committee – No Report

Nominating Committee

The Committee met on May 1, 2019 and reviewed petitions for the three Council seats open in 2019. The committee reports the following nominees for the 2019 Council Ballot (to be distributed to members June 15):

Private Consulting Seat (term 9/1/19-8/31/23)

Charles McAllister, PE #5789

Brendan R. Diener, PE #18882

Kent County Seat (term 9/1/19-8/31/23)

Nicholas Dean, P.E. #20419

Electrical Engineering Seat (term 9/1/19-8/31/23)

Michael P. Siwek, P.E. #10164

The Committee also discussed possible changes to the petition form to offer more guidance on the information that should be included in nominees' biographies, and strategies for recruiting Council and Committee members, including recruiting committee members at our upcoming Ethics Training.

Motion by K. Maxson, seconded by W. Balascio, to approve the Nominating Committee report. Approved unanimously.

Correspondence – None.

NCEES

Report on combined Northeast/Central Zone meeting in New Hampshire: The Engineering Forum included a discussion of Engineers Without Borders/ Community Engineering Corps, and the need for a Certificate of Authorization, but was inconclusive. We might handle with an MOU that stipulates that any projects undertaken would require a DE PE. DAG Kelly will discuss with J. Wootten to compile an opinion.

Funded delegates for the August 14-17 NCEES annual meeting in Washington, DC are C. Balascio, C. McAllister and S. Gharebaghi. The registration deadline for this conference is July 5. Email Jen Wootten if you would like to attend. Details at ncees.org/annual_meeting.

Old Business

Status on the proposed bill to amend Professional Engineers' Act (Decoupling). The bill passed the Senate, was released from committee in the House, and could be on the House Agenda any day now.

DAG Kelly will follow-up with J. Wootten to discuss communication of the change once approved.

New Business – Council election June 15-July 15 (see nominating committee report above).

Next Meeting -- Next meeting scheduled for Wednesday June 12, 2019 at a Roma's Italian Restaurant (3 President Dr, Dover, DE 19901).

Motion to adjourn by M. Clendaniel, seconded by C. Balascio. Approved unanimously. Meeting adjourned at 4:01p.m.