

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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April 23, 2012

MINUTES – COUNCIL MEETING, APRIL 11, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, April 11, 2012, in the conference room of W.L. Gore & Associates, Newark, Delaware.

President McAllister convened the meeting at 4:40 p.m.

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

Council Members absent:	D. Clark, P.E.	-	not excused
	W.Z. Crouch, P.E.	-	excused
	R. Leitsch, P.E.	-	excused
	M. Lester, P.E.	-	not excused
	A. Shine, P.E.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

W.L. Gore Presentation

President McAllister arranged a presentation by W.L. Gore on the history of Gore products, which was extremely well received by Council members.

Open Forum -- No members of the public present.

Minutes of the March 14, 2012 Council Meeting

Council reviewed the Minutes of the March 14, 2012 Council meeting. Motion by Newton, seconded by Tracey, Council approve the Minutes of the March 14, 2012 Council meeting as submitted. Approved unanimously.

D.A.G. Report (deferred until later in the agenda)

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

Chair Medlarz reported on the Finance Committee's meeting on 3/20/12. The Committee drafted the proposed budget for fiscal year 2012/2013, which includes a line item for both investigator and expert witness, as well as an increase in personnel.

Motion by Medlarz, seconded by Kooker, Council approve the proposed fiscal year 2012/2013 budget. Approved unanimously.

The Finance Committee also recommends increasing the PE application fee by \$25; and approval of the auditor for fiscal year 2011/2012 audit. Action will be required by Council at its May meeting.

Income/expense activity -- During the past eleven months of the fiscal year income is reflected at 78% and expenses at 92% of projections. Motion by Newton, seconded by Robertson, report be approved subject to audit. Approved unanimously.

Employee Benefits & Compensation

Committee met to discuss retention of the current temporary employees. The committee supports funding two full-time staff members that have been temporary employees over the last several months. Chair Medlarz recommends making employment offers pending the formalization of benefits and job descriptions within the next three months.

Motion by Medlarz, seconded by Newton, Council approve the full-time employment offers to the two temporary staff members. Approved unanimously.

Council briefly discussed waiving the probationary period for these two individuals because of the length of their temporary service with DAPE. Motion by Newton, seconded by Gharebaghi, the probationary period for these two new full-time staffers be waived based on their length of temporary work for DAPE. Approved unanimously.

The review of the Executive Director was completed, however, no compensation recommendations have been prepared pending consultation with Finance Committee member Clark.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on April 4, 2012.

- Assessor/Investigator/Liaison Position -- The committee discussed eliminating this position and having staff members fulfill the outreach and information gathering. Letter will be sent to F. Schmitt advising the EPA position has been eliminated. External Affairs Committee will need to resurrect the outreach workshops done in the past.

Motion by Kooker, seconded by Robertson, letter be sent to F. Schmitt advising the EPA position has been eliminated. Approved unanimously.

- Expert testimony will be engaged on an as-needed basis.
- 33 cases recommended for closure

Motion by Kooker, seconded by Tracey, Council approve the closure of the 33 cases listed on Exhibits A1-A2 of the committee's report. Approved unanimously.

- Originally two cases were to be assigned to a Hearing Panel, however, some additional administrative work is required.

Examining Committee

Co-Chair Balascio presented the report of the Examining Committee's meeting of March 28, 2012. Thirty-six (36) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **29** applications for **comity**; **1** application for an individual who meets all requirements but is currently not licensed in another jurisdiction; and **6** applications for **examination**. The Committee also reviewed **6** applications for **Certificate of Authorization**; **1** application for **Temporary Permit**; and **1** request for **Reinstatement of Certificate of Authorization**.

Motion by Balascio, seconded by Robertson, Council approve the Committee's recommendations as shown on Exhibits A1 – A2 of the committee's report. Approved unanimously.

Motion by Balascio, seconded by Newton, Council appoint Nicole Burkhardt Gallagher as a member of the Examining Committee. Approved unanimously.

External Affairs Committee

Information was received indicating DNREC had posted a position for an Engineer III to review plans, but the position does not require a PE license. Chair Barbato discussed this position with DNREC Human Resources, who indicated all positions are written the same. The Engineer IV position does require a PE license.

Facilities Committee

Website work is progressing.

Public Information

Chair Gharebaghi discussed his meeting with the Director of Development at the University of Delaware. UD is looking to identify mentors for its students. Gharebaghi will draft an article for the Spring issue of the newsletter.

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

Ad-Hoc/Policies & Procedures Manual

Work in progress. Looking to consolidate manuals. Upon completion, will add the manuals to the Councilnet section of the website for use by Council members.

Ad-Hoc/CPC

Administrative details necessary. Attempting to schedule a meeting.

Correspondence -- None

NCEES

- NE Zone meeting scheduled for May 3-5, 2012 at the Dover Downs Hotel. Looking for guest speaker.

Old Business -- None

New Business -- None

Council member Tracey excused at 5:35 p.m.

Executive Session

Motion by Robertson, seconded by Medlarz, at **5:35 p.m. to enter Executive Session** for the purpose of discussing pending litigation. Approved unanimously.

Motion by Newton, seconded by Robertson, to return to **Open Session at 6:05 p.m.** Approved unanimously.

Motion by Medlarz, seconded by Newton, that given the specific, unique circumstances of the situation which resulted in the expenditure by a Council member, \$1,999 be reimbursed to the former Council President as an unusual expense. Approved unanimously.

DAG Hickey shared with Council Senate Concurrent Resolution No. 33 designating April 26, 2012 as "Engineering and Technology Education Day" in the State of Delaware.

Next meeting on **May 9, 2012** to be held in Kent County.

Meeting adjourned at 6:10 p.m.

/pa

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance	4-1: Approve PE application fee increase; approve auditor for 2012 audit.	
Employee Benefits	4-2: Job descriptions and salary ranges for two staff positions	
Law Enforcement		
Examining	1-4: Comm. To review guidelines for reapplication (after 4X PE Fails)	
External Affairs	4-3: Plan for outreach workshops	
Facilities	12-3: Website Update	12/20/11: Ongoing
Public Information	3-1: Chair Gharebaghi to provide strategies for enhancing committee's work.	
Gov't Affairs		
Ad-Hoc/Policy Manual	3-2: Manual under review	
Ad-Hoc/CPC	1-6: Details of CPC program required – Chair Balascio appointed. Meeting to be scheduled	
DAG	12-6: DAG Hickey to draft hearing procedure guidelines 4-4: MacIntosh Hearing Decision to be drafted	

