

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
92 Read's Way, Suite 208, New Castle, DE 19720**

PHONE: 302-323-4588 FAX: 302-323-4590
E-mail: office@dape.org

April 18, 2013

MINUTES – COUNCIL MEETING, April 10, 2013

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, April 10, 2013, at the Inn at Canal Square conference facility, Lewes, Delaware.

President McAllister convened the meeting at 3:15 p.m.

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

Council Members absent:	D. Barbato, P.E.	-	excused
	D. Clark, P.E.	-	not excused
	K. Kooker, P.E.	-	excused
	M. Lester, P.E.	-	excused
	M. Mallamo, P.E.	-	excused
	T. Thomson, P.E.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No members of public present.

Minutes of the March 13, 2013 Council Meeting

Council reviewed the Minutes of the March 13, 2013 Council meeting. Motion by Robertson, seconded by C. Balascio, Council approve the Minutes of the March 13, 2013 Council meeting as submitted. Approved unanimously.

D.A.G. Report

DAG Hickey conducted a presentation at the workshop on negligence/standard of care. She has also prepared a draft of proposed law revisions which will be discussed under Government Affairs/Bylaws Committee report.

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 the income/expense activity for 92% of the fiscal year stating income actuals at 103% of projections; expenses at 76% of projections. Report will be recommended for approval subject to audit.

The Finance Committee met on April 1, 2013 to discuss the proposed budget for fiscal year 2013/2014; selection of the auditor; and financial guidelines for policy manual. Financial guidelines draft will be circulated to Council for approval at its May meeting.

Motion by Medlarz, seconded by Hayden, Council approve the proposed budget for fiscal year 2013/2014 as presented. Approved unanimously.

Motion by Medlarz, seconded by Newton, Council approve Barbacane & Thornton for auditing services for fiscal year ending 2013. Approved unanimously.

Employee Benefits & Compensation

- Job descriptions still under review. Need to add ADA requirements.
- Evaluations of employees to be conducted before end of fiscal year.

Law Enforcement/Ethics Committee

Executive Director Abshagen reviewed the report of the committee's April 8, 2013 meeting. Committee is recommending closure of the 35 cases listed on Exhibits A1-A2. The committee also discussed the workshop held on March 22, 2013 for feedback and future planning.

Motion by Newton, seconded by C. Balascio, Council approve closure of the 35 cases listed on Exhibits A1-A2. Approved unanimously.

Examining Committee

Committee member C. Balascio presented the report of the Examining Committee's meeting of March 27, 2013. Thirty-one (31) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **28** applications for **comity**; **1** reapplication for an individual whose license had lapsed; and **2** applications for **examination**. The Committee also reviewed **21** applications for **Certificate of Authorization**; **7** applications for **reinstatement of Certificate Authorization**; **2** applications for **reinstatement of PE licenses**; and **1** application for **Temporary Permit**.

Motion by C. Balascio, seconded by Robertson, Council approve the Committee's recommendations for licensure as shown on Exhibits A1-A3 of the committee's report. Approved unanimously.

External Affairs Committee

Joint Advisory Committee (JAC) met 3/26/13 in Dover. Committee discussed briefly:

- Sussex County issue -- A. Wright to advise when this is placed on the County's agenda.
- Delaware State fire prevention regulations -- New regulations adopted NFPA 101A.
- Building code updates – Sussex County to consider 2012 building code for both residential and commercial projects.
- Mechanical contractor code – threshold of engineering (i.e., when is an engineer required on a project?)

DAPE response: if it involves the practice of engineering as defined in the law, a license is required – there is no threshold (size or dollar value), in order to protect the life, health and safety of the public.

- Incidental practice – BOA proposed NJ and TX models for DAPE and since these were unacceptable, perhaps DAPE would like to propose a model.
- Design/Build – concern of design/build firms that may not have such capabilities, but wait until a contract is awarded to procure those services.

DAPE response: The appropriate professional is required in order to offer such services.

Facilities Committee -- No report.

Public Information

Spring issue of the newsletter is scheduled for publication April/May. Will include Council seat vacancies, as well as revised CPC draft guidelines, and an article on our workshop.

Government Affairs/By-laws Committee

Chair Tracey reviewed proposed legislative revisions with Council. These address adding CPC requirements; eliminating grace period for renewal of licenses; addition of a retired status; add electronic voting; eliminating 16-hour written exams to comply with computer-based testing; and clarifying requirements for those with 4 failed attempts of the PE exam.

The question arose as to whether we should consider defining revocation. This requires some research and could not apply to someone who is already revoked. Revisions to §2818 were previously proposed to clarify experience and educational equivalence. These to be included in this draft.

Motion by C. Balascio, seconded by Robertson, to add §2818 to proposed law revisions. Approved unanimously.

Motion by Tracey, seconded by Hayden, the proposed legislative revisions as drafted and amended be forwarded to our lobbyist for further action. Approved unanimously.

Ad-Hoc/Policies & Procedures Manual

Finance guidelines have been drafted. Will forward to Council for approval at its next meeting. Examining & Law Enforcement Committees' guidelines are needed.

Ad-Hoc/CPC

Committee met 3/11/13 to review guidelines and address comments from membership. These to be included in the next newsletter to keep the DAPE membership current.

Ad-Hoc/Enforcement Seminar

Workshop was held on Friday, March 22, 2013 (7:30 a.m. – 6:00 p.m.) at the Dover Downs Hotel. Lots of positive feedback was provided.

NCEES

- Northeast Zone meeting registration is now open. Meeting to be held in Cape May, NJ (May 2-4, 2013) Council members Barbato, McAllister, C. Balascio and W. Balascio attending.
- Maryland board member Skip Harclerode is running for NCEES President, as is David Widmer of PA. Delaware board supports the nomination of Skip Harclerode.

Correspondence -- None

Old Business -- None

New Business -- None

Next meeting on **May 8, 2013** in the DAPE offices.

Meeting adjourned at 5:20 p.m.

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance	2-1: Financial Guidelines need overhaul	Draft to Council in May, 2013
Employee Benefits	4-2: Job descriptions pending	Finalizing
Law Enforcement	4-1: Guidelines needed	
Examining	4-2: Guidelines needed	
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	3-1: Law rev. prep (CBT, CPC, PE renewals)	Draft to go to lobbyist
Ad-Hoc/Policy Manual	1-2: Manual under review	6/13/12: Draft received
Ad-Hoc/CPC	3-2: CPC guidelines reviewed and tweaked	Rev. guidelines to be reviewed again by membership
Ad-Hoc/Enforcement Seminar	12-3: Date 3/22/13;	Successful workshop completed
DAG		