

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 23, 2015

MINUTES – COUNCIL MEETING, April 8, 2015

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, April 8, 2015, in the offices of the Association, New Castle, Delaware.

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

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

Council Members absent: J. Tracey, Esq. - excused

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

Guest: Ana Diaz, P.E.

The Roll call was taken and a quorum was declared.

Open Forum

Law Enforcement/Ethics Committee member, Ana Diaz, was requested to develop a presentation for Council and Committee members in their continuing education endeavor. Diaz presented an outline of an education seminar on the legal context and climate of the regulation of the engineering profession in the U.S., and more specifically, in Delaware. This to develop the awareness on the changing climate of professional regulation and how it may impact DAPE specifically. Discussions were also centered around overlapping practice issues with the architects.

It was suggested that these discussions take place with the LEE Committee and if a wider audience, then a joint presentation to include architect representatives.

Minutes of the March 11, 2015 Council Meeting

Council reviewed the Minutes of the March 11, 2015 Council meeting and recommends approval as submitted. Motion by Kooker, seconded by Lester, Council approve the Minutes of the March 11, 2015 as submitted. Approved unanimously.

D.A.G. Report

- Scott Hearing Panel decision draft distributed – awaiting comments.
- Matthew Szayna hearing – Written arguments received. Hearing Panel will convene on 5/4/15 to deliberate.
- Supreme Court Decision -- North Carolina Dental Board vs. the Federal Trade Commission. Brief discussion on this restraint of trade violation of antitrust laws. AG's office reviewing this decision.
- DAG Hickey was requested to research whether retired members are eligible to participate in the Council election and whether they are eligible to participate on committees. She has provided her opinion and will draft legislative revisions to clarify.

(3:50 p.m. Council member Barbato excused)

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 92% of this fiscal year reflect income has reached 113% of projections; and expenses 64%.

Motion by Lester, seconded by Thomson, Council approve the monthly financial report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on 4/1/2015.

- A draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs has been reviewed and will be shared with DNREC and Council in the near future.
- Changing, Altering Other's Plans (Sussex County) – Committee members Kooker and Thomson met with Mike Izzo and Vince Robertson to further discuss this issue. Consensus of the committee is that the new engineer must provide due diligence and certify any alterations do not have any impact on the existing plans. Chair Kooker drafted a position statement that was shared with Sussex County and finalized.

- Committee is recommending Council closure of thirty-one (31) cases listed on Exhibit A1-A2 of its report dated April 2, 2015.

Motion by Kooker, seconded by C. Balascio, Council approve the closure of the thirty-one (31) cases listed on Exhibit A1-A2 of its report. Approved unanimously.

Examining Committee

The Executive Committee reviewed the report of the Examining Committee's meeting of March 25, 2015. Twenty-five (25) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **22** applications for **comity**; **1** application for initial licensure; and **2** applications for examination. The Committee also reviewed **18** applications for **Certificate of Authorization**, and **1** application for Temporary Permit.

Additionally, the committee reviewed the NCEES Engineering Education Standard (effective 4/1/2015) to be used for those programs not accredited by the Engineering Accreditation Commission (EAC) of ABET (foreign and domestic). This standard is the counting credits approach.

Motion by C. Balascio, seconded by Lester, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated March 26, 2015. Approved unanimously.

External Affairs Committee -- No report.

Facilities Committee

Chair Wheatley reported all is good, except that a placard has been temporarily attached to the Men's room door. No further report.

(4:20 p.m. – Break; 4:25 p.m. – Re-adjourned)

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

After a review of the bylaws, several housekeeping and other revisions to align the bylaws with the law were discussed:

- Replacing "registered" with "licensed" throughout.
- Combining the Law Enforcement and Ethics, as well as the Finance and Employee Benefit & Compensation committees.
- Reducing the period of "Inactive" status from 10 years to 4 years (or 2 renewal cycles)
- Updating required application information to include email addresses, etc.

These changes will be drafted and discussed by Council at its next meeting.

Public Information

- Laboratory for Learning -- Chair Gharebaghi shared with Council that Council member C. Balascio provided an excellent presentation in the "Laboratory for Learning" program, which was featured in the "Delaware State News."
- The Division of Health & Social Services has just made public the "Drinking Water & Technology Info. Grant."
- With several responses from the membership, it is evident our newsletter is being read.

Ad-Hoc/Law Revision Committee

- DAG has provided an opinion on the eligibility of Retired members for voting and to participate on committees. This opinion confirms these DAPE members may vote and may serve on committees.

Motion by Retzlaff, seconded by Lester, Council approves granting the Council President the authority to review and approve proposed law changes as drafted by legal counsel to address the issue of eligibility of Retired members to vote and participate on committees. This proposed legislation should be forwarded to our lobbyist for sponsorship. Approved unanimously.

(5:00 p.m. Council member Wheatley excused)

- Decoupling PE experience from exam -- This discussion was tabled.
- Progressive engineering experience – Discussion to follow.

Correspondence

- ASCE has distributed a letter to all boards with that organization's position regarding the need for progressive engineering experience.
- DelTech sent an appreciation letter for DAPE's participation in its Second Annual National Engineers Week Career Fair, attended by more than 133 students.

NCEES

- Joint Zone Meeting is scheduled for April 30-May 2, 2015 in Hershey, PA. Council members Thomson and McAllister will be moderating the Engineer's forum.

Old Business -- None.

New Business

- University of Delaware Dean Shermeyer has arranged with several professors for a DAPE representative to have a few minutes during class time to speak to students about the Fundamentals of Engineering examination. Council members Lester and C. Balascio shared with students the need to

register for and take this exam while in school. Director Abshagen is scheduled on 4/10/15 to be on campus to assist students with this registration.

- CPC Guidelines were reviewed and two clarifications are proposed:
 - to distinguish between new licensees via exam vs. comity under exemptions
 - to reduce the number of pdh's to be carried forward from 15 to 12 to coincide with half of the required pdh's.

Motion by W. Balascio, seconded by C. Balascio, Council approve the proposed revisions to the Continued Professional Competency guidelines. Approved unanimously.

Next meeting is scheduled on **Wednesday, May 13, 2015**, in Kent County. Location to be determined.

Meeting adjourned at 5:25 p.m.

/pa