

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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April 19, 2017

MINUTES – COUNCIL MEETING, April 12, 2017

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, April 12, 2017, at the Deerfield Conference Center, Newark, Delaware.

President Barbato convened the meeting at 3:12 p.m.

Council Members Present:	D. Barbato, P.E.	M. Lennon, P.E.
	C. Balascio, P.E.	M. Lester, P.E.
	W. Balascio, P.E.	C. McAllister, P.E.
	M. Clendaniel, P.E.	R. Smith, Esq.
	S. Gharebaghi, P.E.	J. Tracey, Esq.
	J. Jakubowski, P.E.	R. Wheatley

Council Members absent:	R. Hayden, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused

Staff present: P. Abshagen

DAG present: Catherine "Terry" Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the March 8, 2017 Council Meeting

Council reviewed the Minutes of the March 8, 2017 Council meeting and recommends approval of the Minutes as submitted.

Motion by C. Balascio, seconded by McAllister, Council approve the Minutes of the March 8, 2017, as submitted. Approved unanimously.

D.A.G. Report

- HVACR -- Recognizing that there are many overlaps in practice among the various professions, it is suggested that the issue of properly practicing within the professions is the issue for concern.

- Disciplinary Hearing -- Hearing was held on 4/4/17 for Stephen Maslan, P.E. Hearing Panel's recommendations will be presented to Council next month for consideration.
- Rule to Show Cause Hearings -- President Barbato to issue several reprimands today for these hearings from November, 2016.
 - Two licensees had 60 days to comply with Council's Final Order and that deadline has since passed. As a result, revocation of licenses #3071 (W. Gariano) and #10143 (S. Baldo) are presented to Council.

Motion by W. Balascio, seconded by Tracey, Council approve the revocation of licenses #3071 and #10143, as they have not meet the CPC requirements for the renewal of their licenses. 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 Benefits & Compensation

- Committee met on 3/24/17 to review investments, the proposed budget and revisions to the guidelines, which will be presented to Council for consideration at its meeting today.
- No employee benefits and compensation matters.

Motion by Tracey, seconded by Clendaniel, Council approve the Committee's report of its meeting. Approved unanimously.

- Council reviewed the proposed income forecast for fiscal year ending 4/30/18.

Motion by Tracey, seconded by Lester, Council approve the Income forecast for fiscal year ending 4/30/18. Approved unanimously.

- Council reviewed the proposed expense forecast for fiscal year ending 4/30/18. The committee noted it had increased projections for several expense categories: #901 (membership services), #912 (information technology) and #653 (committee education).

Motion by Tracey, seconded by Lester, Council approve the Expense forecast for fiscal year ending 4/30/18. Approved unanimously.

- Finances for 92% of fiscal year ending April 30, 2017 reflect income has reached 115% of projections; and expenses 57%. Category 435 (Penalties) has far exceeded the original projection with the late fees of licensees and C/A holders.

Motion by McAllister, seconded by Lester, Council accept the Finance Report subject to audit. Approved unanimously.

Law Enforcement/Ethics Committee

Chair McAllister reported on the committee's meeting on 4/5/17.

Old Business:

- ✓ DNREC-Class B designs for lift stations -- MOU still under review by DNREC
- ✓ Code of Ethics – Proposed revisions have been tabled until the conclusion of the governor's Licensing Review Committee's final report.
- ✓ California board shared info on Google's Certified Professional Data Engineer program to determine other states' concern with this issue. Forwarded to DAG Jarosz for comment.

- Committee discussed education sessions and Committee member Diaz will organize these for the near future.
- Digital sealing was discussed as New Castle County is now requiring digital sealing of documents.
- Committee is recommending the closure of sixty-five (65) cases.

At the conclusion of its meeting, the committee thanked longstanding member, Daniel Koffler, P.E., for his 20+ years of committee service.

Motion by Tracey, seconded by Clendaniel, Council approve the closure of the sixty-five (65) cases listed on Exhibit A of the committee's report. Approved unanimously.

Examining Committee

Chair Lester reported the Examining Committee met on March 29, 2017 and reviewed **thirty-eight (38)** applications for licensure including 35 for **comity** and 3 applications for **examination**. The committee also reviewed 13 applications for **Certificates of Authorization**; and 35 applications for **reinstatement of Certificates of Authorization**.

At the conclusion of its meeting, the committee also thanked longstanding member, Daniel Koffler, P.E., for his 20+ years of committee service.

Motion by Lester, seconded by Gharebaghi, Council approve the Committee's recommendations for applications for licensure as noted on Exhibits A1-A2 of the committee's report. Approved unanimously.

Motion by Lester, seconded by Tracey, Council approve the Committee's recommendations for applications/reinstatements of Certificates of Authorization as noted on Exhibits A3-A4 of the committee's report. Approved unanimously.

External Affairs Committee -- No report. President Barbato expressed a desire to meet with the surveyors and geologists to discuss the overlapping practice issues among the professions.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

Chair Smith has prepared proposed law revisions which have been distributed to Council for review. Several housekeeping changes, plus revision to §2820 (Qualifications for permit) and digital signatures. Since drafting the revisions, we received some temporary permit language from the ME board which may assist in conveying

the intent of the proposed revisions. The digital signature language was modelled after the KY board's language. It appears there are various degrees of encryption with details to be worked out.

Lobbyist Frank Newton advised there has been no legislation introduced that will affect DAPE.

Public Information

- Chair Gharebaghi advised the Spring issue of the newsletter is targeted for publication in May. It will include recognition of the service of D. Koffler, as well as the distinguished service of K. Rudy. Will include any revisions to the CPC guidelines as well.

Correspondence

- It has come to our attention that the City of Newark is posting a "Public Works Engineer I" position that describes engineering tasks, however, desiring vs. requiring an engineering degree. Also, the use of the title engineer is problematic. P. Abshagen will contact the City of Newark.

NCEES

- DAPE is co-hosting the 2017 NE/Southern joint zone meeting in the Virgin Islands on April 27-29, 2017.

Old Business -- None

New Business

The Distinguished Service Award will be presented to Keith Rudy, P.E., at a ceremony following today's Council meeting.

Next meeting is scheduled on **Wednesday, May 10, 2017 in Kent County.**

Meeting adjourned at 4:50 p.m.

/pa