

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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MINUTES – COUNCIL MEETING, August 10, 2016

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, August 10, 2016, at the Trevi Restaurant, Smyrna, Delaware.

Treasurer McAllister convened the meeting at 3:04 p.m.

Council Members Present:	C. Balascio, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	H. Medlarz, P.E.
	S. Gharebaghi, P.E.	E. Retzlaff, P.E.
	R. Hayden, P.E.	R. Smith, Esq.
	M. Lennon, P.E.	
	M. Lester, P.E.	

Council Members absent:	D. Barbato, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	J. Tracey, Esq.	-	excused
	R. Wheatley	-	not excused

Staff present: P. Abshagen

DAG present: Catherine Hickey

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the July 13, 2016 Council Meeting

Council reviewed the Minutes of the July 13, 2016 Council meeting and noted a minor correction (Thomson was misspelled on the final page of the minutes). Additionally, it was unclear whether the motion regarding the restrictions on license in the matter of William P. Risko (#20280) was a motion to approve the Hearing Panel decision and/or the license restrictions agreement.

DAG Hickey clarified that Risko informally agreed to the restrictions.

Motion by C. Balascio, seconded by Hayden, the Council Minutes of the July 13, 2016 meeting reflect that Council member Lennon was opposed to the motion in the Risko matter. Approved unanimously.

D.A.G. Report

DAG Hickey discussed the Decision & Order, as well as the Restrictive Licensing Agreement in the matter of William Risko. The question arose as to how his felony conviction was substantially related to the practice of engineering. The discussion centered on the protection of the public more than technical safety, i.e., practicing engineering safely.

Motion by W. Balascio, seconded by C. Balascio, Council reaffirm the decision to approve and adopt the Hearing Panel recommendations, as well as adopt the restrictive licensing agreement reviewed today. Approved. (Recusals: McAllister, Hayden)

Motion by Smith, seconded by W. Balascio, Council have DAPE President sign the restrictive licensing agreement. Approved.

Licensing Board Task Force – DAG Hickey shared with Council at its last meeting that the Governor has assigned a task force to review all boards under the Division of Professional Regulation to prevent barriers for licensing and increase opportunities for all Delawareans. This task force has included DAPE in this review. The completion of this analysis is due no later than October 14, 2016. The first progress hearing in this matter is scheduled for August 23, 2016. Council members Lester, C. Balascio, and Lennon will attend.

HVACR Overlapping Practice – The HVACR statute permits design, which overlaps with the responsibility of the engineer. The question is what kind of design can an HVACR do – it doesn't appear to be limited to residential or light commercial, etc. DAG Hickey is following up with the DAG of the HVAC board.

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 the first three months (25%) of fiscal year ending April 30, 2017 reflect income has reached 71% of projections; and expenses 18%.
- Committee to meet in Fall to discuss 2016 audit, new auditors, new financial advisor, job description, guidelines, etc.

Motion by Gharebaghi, seconded by Hayden, Council accept the Finance Report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Co-Chair McAllister reported on the Committee's meeting on August 3, 2016:

- DNREC – Class B designs for lift station/gravity on-site wastewater systems – Committee still pursuing an MOU with DNREC.
- University of Delaware MOU – Committee to follow-up with UD next month on the one-year anniversary of the signing of this agreement.
- Code of Ethics – Proposed revisions have been tabled pending the conclusion of a pending case.
- Closure of Files -- Committee is recommending the closure of seven (7) cases as listed on Exhibit A1 of its report.

Motion by McAllister, seconded by C. Balascio, Council approve the closure of the seven (7) cases as listed on Exhibit A-1 of the report. Approved unanimously.

Examining Committee

Chair Lester reported on the committee's meeting of July 27, 2016. Thirty (30) applications for licensure, including 12 for **comity**; 2 applications for **initial** licensure; and 16 applications for **examination**. Committee also reviewed 15 applications for **Certificates of Authorization**; and 2 applications for **Reinstatement**. Committee recommendations are listed on Exhibits A1-A2 of the committee's report.

Committee spent a significant amount of time auditing the CPC of those licensees that renewed late.

Motion by Lester, seconded by C. Balascio, Council approve the applications for licensure, Certificates of Authorization, and Reinstatements as listed on Exhibits A1 – A2. Approved unanimously.

External Affairs Committee -- No report.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

- Lobbyist -- Former Council member Frank Newton has signed a contract for serving as our lobbyist upon his registering as such with the state.
- Governor's Task Force Reviewing All Regulatory Boards – Progress meeting scheduled for 8/23/16. Council members Lester and C. Balascio to attend.

Public Information -- No report.

Ad-Hoc/Law Revision Committee -- No report.

Correspondence -- None.

NCEES

- Annual meeting to be held 8/24 – 8/27/2016 in Indianapolis, IN. Council member McAllister and Director Abshagen to attend. DAG Hickey to attend LEE session.

- UP&LG Motion 12 which adds language for structural engineers parallel to that of professional engineers and surveyors seems to be gathering lots of discussion prior to the meeting.

Motion by Medlarz, seconded by C. Balascio, Council does not support this language. (AYE-9; Opposed – Lester) Motion carried.

- NCEES has extended an invitation to all boards to have a representative attend a DAPE board meeting. NCEES to be contacted to express our interest.

Old Business

- Council election results:

○ Education seat	-	C. Balascio	-	258 votes
○ Mechanical Eng. seat	-	R. Hayden	-	253 votes
○ Sussex Co. seat	-	E. Retzlaff	-	238 votes
○ Gov't Employment	-	M. Clendaniel	-	248 votes

Motion by C. Balascio, seconded by Lennon, Council ratify the results of the 2016 Council election. Approved unanimously.

- Civil engineering seat appointment -- J. Jakubowski was recommended as a replacement. He has been contacted and is excited to serve.

Motion by Medlarz, seconded by Lester, Council approve the appointment of Jakubowski to the Civil engineering seat. Approved unanimously.

New Business

- The Executive Committee is proposing the following slate of officers:

President	-	D. Barbato
Vice President	-	M. Lennon
Secretary	-	S. Gharebaghi
Treasurer	-	C. McAllister

This slate of officers will be presented to Council at its September meeting. Nominations will also be taken from the floor.

- ASCE/Crab Feast scheduled for September 13, 2016 – DAPE to present certificates to new licensees.
- Director Abshagen provided statistics for PE and C/A renewals thus far:

PE:	7200 approximately	CA:	1200 approx.
	6161 renewed thru 6/18		866 renewed
	125 Retired this renewal cycle		182 Inactive
	31 Inactive this renewal cycle		152 Delinquent
	883 Delinquent		
CPC Audits:			
	▪Late renewals automatically audited		
	▪Those claiming less than required 24 pdh's audited		
	✓ 109 - completed		
	✓ 68 - in progress		

- Departing Council member H. Medlarz was presented with a certificate for his distinguished service, as well as a gift from Council.

Next meeting is scheduled on **Wednesday, September 14, 2016**, in the DAPE offices.

Meeting adjourned at 4:40 p.m.

/pa