

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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December 21, 2011

MINUTES – COUNCIL MEETING, DECEMBER 14, 2011

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, December 14, 2011, in the Caucus Room of the Kent County Administrative building, Dover, Delaware.

President McAllister convened the meeting at 3:08 p.m.

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

Council Members absent:	D.G. Clark, P.E.	-	excused
	R. Leitsch, P.E.	-	excused
	G.G. Pawlowski, P.E.	-	excused
	A.D. Shine, P.E.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Vice President Medlarz took the Roll call and declared a quorum was present.

Open Forum

Mary Davis, Edward Davis and Patrick Allen of Ned Davis Associates, Inc. were present to speak to Council about the legislation process in the General Assembly.

Mary Davis advised their firm has 18 clients and has represented DAPE for many years. DAPE has always been proactive and when legislation is presented, it is assumed that it is important to the regulatory authority.

M. Davis explained that the Sunset Committee is assigned bills for Professional Regulation boards. Once out of committee, the bill must pass the Senate and the House, and then goes onto the Governor for signature. The General Assembly will be back in session the second Tuesday of January through June 30th.

Council asked if contacting legislators directly is advisable. Davis explained that's certainly not a problem, but first keep our lobbyist advised.

Minutes of the November 9, 2011 Council Meeting

Council reviewed the Minutes of the November 9, 2011 Council meeting. Motion by Newton, seconded by Robertson, Council approve the Minutes of the November 9, 2011 Council meeting as submitted. Approved unanimously.

D.A.G. Report

- DAG Hickey offered to draft Hearing Procedure guidelines if Council was in agreement. Council appreciates the offer and looks forward to reviewing these guidelines.
- LE/E Committee member Ana Diaz has offered to assist with an educational forum for Council and Committee members. Issues to include the disciplinary process; violations of the statute and Code of Ethics; unauthorized practice of engineering; and the actual hearing procedures.

Executive Session

Motion by Robertson, seconded by Kooker, at 4:00 p.m. to enter Executive Session to discuss pending/potential litigation. Approved unanimously.

Motion by Robertson, seconded by Newton, Council return to Open Session at 4:40 p.m. 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.

Financial Report

Audit Report -- Final Audit Report has been received and copies are available upon request.

Income/expense activity -- The first seven months of the fiscal year reflects income at 58% and expenses at 53% of projections.

Other:

- Bookkeeper was engaged to input journal entries, as provided by the auditor.
- The Engineering Practice Assessor (EPA) has invoiced \$80,000 for his services from 2/11 – 12/11 for Case 10/004. Payment of his most recent invoice will exceed the approved budget for these services. Executive Committee spoke not only of our legal, but our fiduciary obligation to pay for legitimate services. Recommends authorizing payment upon verification of the hours spent. It was also suggested the scope of work for the EPA be revisited.

Motion by Medlarz, seconded by Newton, Council authorize payment of the EPA invoice subject to verification of the claimed hours. Approved unanimously.

Motion by Newton, seconded by Kooker, to approve the Finance Report subject to audit. Approved unanimously.

Employee Benefits & Compensation --

Employee Health Insurance – Spoken with insurance broker. Information pending.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on December 7, 2011.

- Case closures -- 8 cases recommended for closure. Motion by Kooker, seconded by Robertson, Council approve the 8 cases recommended for closure on Exhibit A of the committee's report. Approved unanimously.
- Case 11/139 – Complaint was returned to DAG Kerber for corrections. Kerber sent complaint to licensee.
- DAG Kerber advised he has been re-assigned and the LEE Committee will be represented by a new DAG in January, 2012.

Motion by Medlarz, seconded by Robertson, Council authorize Executive Director to send correspondence to DAG Kerber requesting a status report on all pending enforcement matters, including a deadline for submission of same. DAG Kerber's supervisor should be copied on this correspondence. He should also be directed to not take any further action on behalf of the LE/E Committee without the authorization of the President and/or Executive Director. Approved unanimously.

(Council member Tracey was excused at 3:45 p.m.)

Examining Committee

Chair Lester presented the report of the Examining Committee's meeting of November 30, 2011. Thirty-nine (39) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of 28 applications for comity; 1 application for an individual who is not currently licensed in any other jurisdiction; and 10 applications for examination. The Committee also reviewed 13 applications for Certificate of Authorization; 1 application for Temporary Permit; and 6 requests for Reinstatement.

Motion by Lester, seconded by Robertson, Council approve the Committee's recommendations as listed on Exhibits A1-A3 of the committee's report. Approved unanimously.

Application #17746 was reviewed at the committee's 11/30/11 meeting, however, an oversight precluded this application from being included on the committee report's exhibits. Motion by Lester, seconded by Robertson, Council approve Applicant #17746 comity application for licensure. Approved unanimously.

External Affairs Committee -- No report. Working on finalizing date for next JAC meeting.

Facilities Committee -- New section of the website in progress. P. Abshagen met with IT representative to thoroughly review the Certificate of Authorization process from beginning to end, to assist in developing this section of the site.

Public Information -- Winter issue of the newsletter due in January.

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

Ad-Hoc/Policies & Procedures Manual -- No report.

Ad-Hoc/CPC -- No report.

Correspondence

- Stephen Davies, P.E. of Apex Engineering, Inc. has questioned whether his engineering firm is required to obtain a Certificate of Authorization with the Delaware Board of Surveyors in accordance with the new law requiring land surveying corporations to obtain such authorization. Apex has maintained a C/A with DAPE for 15+ years.

P. Abshagen questioned the Board of Surveyors and was advised this firm is not required to also obtain a C/A with that board, as long as their C/A with DAPE is current. DAG Hickey to research a little further and will provide a response.

NCEES -- No report.

Old Business -- None

New Business

- Copies of the Thirty-Ninth Annual Report to the Governor are available upon request.
- Committee Chairs will need to provide recommendations to the President for Committee member of the year recognition in January/February timeframe.

Next meeting on January 11, 2012 to be held in New Castle County.

Meeting adjourned at 4:55 p.m.

/pa

	<u>ACTION LIST:</u>	
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COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance	11-1: Approve \$10K for website update	11/9/11 - Council approved
	11-2: Procure bookkeeper	11/16/11 – Journal entries completed
Employee Benefits	12-1: Employee Health Insurance Proposal	12/21/11: In touch with ins.brkr.
Law Enforcement	11-3: Case 11/139 ret'd to DAG Kerber for correction	12/7/11: Kerber adv. Complaint sent to licensee
Examining	11-4: CBT leg; retake policy for FE; NCEES policy?	12/13/11: Awaiting NCEES policy
External Affairs	12-2: JAC Meeting date pending	12/20/11: JAC date confirmed
Facilities	12-3: Website Update	12/20/11: Ongoing
Public Information	12-4: Winter Newsletter-January	
Gov't Affairs		
DAG	12-5: Advise DAG Kerber of need for status report; cc his supervisor	12/20/11: Sent email to DAG and his supervisor
	12-6: DAG Hickey to draft hearing procedure guidelines 12-7: DAG Hickey to work with A. Diaz on Council/Comm. Education forum 12-8: DAG Hickey to assist w/response to Apex Eng re: C/A issue with L/S	