

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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December 18, 2013

MINUTES – COUNCIL MEETING, December 11, 2013

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, December 11, 2013, in the conference room of the Brick Hotel, Georgetown, Delaware.

President Medlarz convened the meeting at 3:10 p.m.

Council Members Present:	S. Gharebaghi, P.E.	F. Newton
	R. Hayden, P.E.	E. Retzlaff, P.E.
	K. Kooker, P.E.	T. Thomson, P.E.
	C. McAllister, P.E.	J. Tracey, Esq.
	H. Medlarz, P.E.	R. Wheatley

Council Members absent:	C. Balascio, P.E.	M. Lennon, P.E.
	W. Balascio, P.E.	M. Lester, P.E.
	D. Barbato, P.E.	

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- Nothing to report.

Minutes of the November 13, 2013 Council Meeting

Council reviewed the Minutes of the November 13, 2013 Council meeting. Motion by McAllister, seconded by Hayden, Council approves the Minutes of the November 13, 2013 Council meeting as submitted. Approved.

D.A.G. Report

- Johns' Hearing -- DAG Hickey reported that the Johns' denial of licensure hearing has concluded and written closing arguments are being submitted. The Hearing Panel will reconvene on January 14, 2014 to deliberate the case.
- Sussex County -- Another internal meeting is being scheduled for the Deputy Attorney Generals to discuss the Sussex County matter.

- Scott Case -- Hearing is scheduled for February 7th. A pre-hearing conference will be arranged.

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 seven months (58%) of this fiscal year reflect income has reached 57% of projections; and expenses 57%. Motion by McAllister, seconded by Thomson, to accept the report subject to audit. Approved unanimously.

Exam Fee Increases -- NCEES has advised the PE exam fee will be increased to \$250 effective immediately. The Finance Committee is recommending passing on a similar increase to our applicants (from \$180 to \$290) after researching surrounding states' fees, etc.

Motion by Kooker, seconded by McAllister, Council approve the PE exam fee of \$290.

Motion by Wheatley, seconded by Thomson, a friendly amendment to increase the PE exam fee to \$300 effective immediately. Approved unanimously.

Employee Benefits & Compensation

Administrative Coordinator Dedra Poe gave her resignation via email on 12/5/13 effective immediately to take a position with Wilmington University. Executive Assistant Sue Shimomura has given her notice on 12/9/13 because of health-related issues. She will stay through the end of the year. A search has begun for replacements.

Law Enforcement/Ethics Committee

Chair Kooker reviewed the report of the Committee's December 4, 2013 meeting.

- Committee Addition -- Kooker reported the Committee is recommending the addition of Robert Leitsch, P.E. to the Committee. The committee is interested in expanding the disciplines represented on the committee to include a Mechanical engineer, and sought a DAPE member. Accordingly, motion by Kooker, seconded by Tracey, Council appoint Robert Leitsch to the Law Enforcement/Ethics Committee. Approved unanimously.
- The Distinguished Service Award was announced to recipient Jim Davidson.
- Minimal Technical Standards for Surveyors -- The Committee reviewed the minimum technical standards for surveyors and would not recommend the adoption of these; however, they appreciate the value of these as a tool in appropriate investigative cases. Concerns were expressed this would open the door for other professions to request engineers abide by their standards. If the surveyors are experiencing issues with engineers that practice surveying poorly, this should be reported to DAPE.
- Standard of Care -- The Committee recommends adding a definition for standard of care to the law. Motion by Kooker, seconded by Medlarz, Council approve including a standard of care definition in the

law. DAG Hickey added that this law revision would change the standard of gross to ordinary negligence. A friendly amendment was suggested that a definition of standard of care without lowering the threshold of disciplinary action be considered. (AYE: Newton, Retzlaff, Medlarz, Gharebaghi; OPPOSED: Hayden, Kooker, McAllister, Thomson, Tracey, Wheatley) Amendment failed.

Motion by Tracey, seconded by Gharebaghi, Council refer the question of standard of care to the Government Affairs Committee to research and report back to Council. Approved unanimously.

- Case Closures -- Motion by Kooker, seconded by Newton, Council approve the closure of the three (3) cases listed on Exhibit A of the committee's report. Approved unanimously.

Examining Committee

Executive Director Abshagen presented the report of the Examining Committee's meeting of November 20, 2013. Fifteen (15) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **14** applications for **comity**; and **1** application for **examination**. The Committee also reviewed **5** applications for **Certificate of Authorization**.

Motion by Tracey, seconded by McAllister, Council approve the Committee's recommendations as shown on Exhibits A1-A2 of the Committee's report dated November 21, 2013. Approved unanimously.

October, 2013 Exam Results – Exam results were released recently. 235 FE passes (69%); and 42 PE passes (52%).

External Affairs Committee

JAC to meet on 12/16/13. Immediate Past-President McAllister will serve as the alternate DAPE member and attend in Council member Barbato's absence.

Facilities Committee -- No report.

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

Public Information -- Newsletter due early January.

Ad-Hoc/CPC

Chair Balascio presented a CPC program at DelDOT on 11/22/13, which was both well attended and received.

Ad-Hoc/Policies & Procedures Manual -- In progress.

Ad-Hoc/Green Building -- Immediate Past-President McAllister reported that the committee has recently met to look at what's going on around the state in green technology. U/D and DelState have reported on its green technology. Committee discussed building code issues, including the fact there is a not a consistent

building code throughout the state. A report is due to the Governor in mid-January. Committee's next meeting is 12/18/13.

NCEES

- Past-President McAllister has been appointed to the Outreach Committee to promote licensure and recently participated in a conference call of the committee's meeting in Seattle.
- The Northeast Zone meeting will be held at the Greenbriar, in West Virginia in early May. Annual meeting is scheduled for Seattle, WA, in August.

Old Business -- None

New Business -- None

Next meeting on January 15, 2014 in New Castle County. Location to be determined.

Meeting adjourned at 4:40 p.m.