

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS**  
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December 17, 2014

**MINUTES – COUNCIL MEETING, December 10, 2014**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, December 10, 2014, in the meeting room of LaCasa Pasta, Newark, Delaware.

Vice-President Barbato convened the meeting at 3:13 p.m.

Council Members Present:	C. Balascio, P.E.	M. Lennon, P.E.
	W. Balascio, P.E.	T. Thomson, P.E.
	D. Barbato, P.E.	J. Tracey, Esq.
	S. Gharebaghi, P.E.	R. Wheatley
	K. Kooker, P.E.	
	M. Lester, P.E.	C. McAllister, P.E.

Council Members absent:	R. Hayden, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	H. Medlarz, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	R. Smith, Esq.	-	excused

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 12, 2014 Council Meeting**

Council reviewed the Minutes of the November 12, 2014 Council meeting. *Motion by C. Balascio, seconded by Tracey, Council approves the Minutes of the November 12, 2014 Council meeting as submitted.* Approved unanimously.

**D.A.G. Report**

- Scott Hearing Panel decision draft in progress.
- Matthew Szayna hearing – no progress in these negotiations. Will schedule hearing.

- Use of a disclaimer – A pending investigative case is offering the use of a disclaimer to resolve the matter. This discussion is to determine whether Council is amenable to the use of a disclaimer. Council indicated they are not adverse to considering the use of a disclaimer depending upon the language and where the disclaimer will be placed. Council would need to review the matter further in its full context to make an informed decision. Individuals and entities using “Engineering” are not eligible for consideration of a disclaimer.

## **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 58% of this fiscal year reflect income has reached 96% of projections; and expenses 41%.
- The committee also handled a routine reinvestment of funds.
- Replacement of Council Ipads – several individuals are encountering issues with their older Ipads. The Executive Committee recommends upgrading four Ipads in this budget year. Those to be upgraded are: D. Barbato, J. Tracey, P. Abshagen and DAG Hickey. Director Abshagen will get the specifics of Apple’s upgrade policy.

*Motion by Kooker, seconded by C. Balascio, Council approve the Financial report submit to audit. Approved unanimously.*

### **Employee Benefits & Compensation** -- No report.

### **Law Enforcement/Ethics Committee**

Chair Kooker presented the report of the committee’s meeting on 12/3/14.

- Co-Chair Thomson is working on a draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs.
- Committee is recommending Council closure of four (4) cases listed on Exhibit A of its report.

*Motion by Tracey, seconded by C. Balascio, Council approve the closure of the four cases listed on Exhibit A of its report. Approved unanimously.*

- Committee is recommending Council approval of a Cease & Desist Order in case 14/091 for unlicensed practice.

*Motion by Tracey, seconded by Lennon, Council approve the Cease & Desist Order in Case 14/091. (Thomson abstained) Motion carried.*

## **Examining Committee**

The Council reviewed the report of the Examining Committee's meeting of November 19, 2014. Thirty-three (33) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **24** applications for **comity**; **1** application for individual who is not licensed elsewhere but meets all the requirements for licensure; and **8** applications for examination. The Committee also reviewed **3** applications for **Certificate of Authorization**.

*Motion by C. Balascio, seconded by Tracey, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated November 20, 2014. Approved unanimously.*

## **External Affairs Committee**

- Joint Advisory Committee (JAC) rescheduled meeting for early 2015.
- City of Wilmington – Vice President Barbato reported on his participation with City of Wilmington officials regarding its permitting process. Representatives from the city, DCA and AIA participated in discussions regarding the vagueness and inconsistency of Wilmington's permit reviews. DAPE will continue to work with the city.

## **Facilities Committee**

Chair Wheatley reported the DAPE facility is warm and dry. No further report.

## **Government Affairs/By-laws Committee**

No report. Council is considering elaborating on "general public" as used in the definition of the practice of engineering.

## **Public Information**

- Fall newsletter published today.
- Chair Gharebaghi provided a status report on the "Laboratory for Learning" program. 16 students are consistently participating (3 of which are females). Have had presentations on traffic engineering, aerospace engineering (DAFB) and are looking forward to an ILC visit. Council member Lester offered to speak with group.

## **Ad-Hoc/Law Revision Committee**

Committee Chair Lennon has prepared a preliminary law revision draft to de-couple the experience requirement from the taking of the PE exam in §2817 (7) (f). This will be studied further. The issue of progressive experience was briefly discussed.

## **Correspondence** -- None

## **NCEES**

- The Board President's Assembly will be held in February, 2015 in Atlanta. Either President Medlarz or Vice President Barbato will plan to attend, along with Director Abshagen.
- October, 2014 PE results are still pending.

## **Old Business** -- None

## **New Business**

- No nominations for the Distinguished Service Award were received from Committees. The Council will not award this recognition this year.

Next meeting is scheduled on **Wednesday, January 14, 2015**, in Sussex County. Location to be determined.

Meeting adjourned at 4:45 p.m.

/pa