

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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February 17, 2012

MINUTES – COUNCIL MEETING, FEBRUARY 6, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Monday, February 6, 2012, in the DAPE offices, New Castle, Delaware.

President McAllister convened the meeting at 3:06 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.
	D. Clark, P.E.	F.A. Newton
	S. Gharebaghi, P.E.	G.G. Pawlowski, P.E.
	K.R. Kooker, P.E.	A.D. Shine, P.E.
	M. Lester, P.E.	J. Tracey, Esq.

Council Members absent:	W.Z. Crouch, P.E.	-	excused
	R. Leitsch, P.E.	-	excused
	V. Robertson, Esq.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No members of the public present.

Minutes of the January 12, 2012 Council Meeting

Council reviewed the Minutes of the January 12, 2012 Council meeting. Motion by Kooker, seconded by Tracey, Council approve the Minutes of the January 12, 2012 Council meeting as submitted. Approved unanimously.

D.A.G. Report

- University Consulting Engineers – Opening brief has been filed.
- Draft Hearing Procedure guidelines are a work-in-progress.

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

Income/expense activity -- The first nine months of the fiscal year reflects income at 69% and expenses at 72% of projections. Report will be recommended for approval subject to audit.

The Finance Committee will convene a meeting to discuss 2012/2013 preliminary budget, employees' status, employee benefits, etc. Committee will also discuss a payroll service, and a budget line item for expert witness testimony.

Additional unbudgeted expenses will need the approval of Council. The Engineering Practice Assessor's latest invoices will require an additional \$15,000 approved for payment. And, a new exam site will require an additional \$5,000. These are presented to Council for consideration and approval.

Motion by Medlarz, seconded by Newton, Council approve the financial report subject to audit. Approved unanimously.

Motion by Medlarz, seconded by Newton, Council approve additional monies not to exceed \$16,000 to fund payment of the additional invoices of the Engineering Practice Assessor if in conformance with terms of the contract. (ABSTAIN: Tracey, Medlarz, Clark; APPROVED: Balascio, Barbato, Gharebaghi, Kooker, Lester, McAllister, Newton, Pawlowski, and Shine) Motion carried.

Motion by Medlarz, seconded by Kooker, Council approve an additional \$6,000 for exam rental space for the unexpected change in exam site for April. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on February 1, 2012.

- EPA discussion – Committee discussed the EPA position and the need to avoid uncontrollable expenses on future cases, as well as DAPE's role in future investigations.
- Case closures -- 2 cases are recommended for closure.

Motion by Kooker, seconded by Shine, Council approve the closure of the two cases listed on Exhibit A. Approved unanimously.

Examining Committee

Chair Lester presented the report of the Examining Committee's meeting of January 25, 2012. Thirty-two (32) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **16** applications for **comity**; **1** application for an individual who meets all requirements but is

currently not licensed in another jurisdiction; and **15** applications for **examination**. The Committee also reviewed **4** applications for **Certificate of Authorization**; and **6** requests for **Reinstatement**.

Motion by Lester, seconded by Tracey, Council approve the Committee's recommendations as shown on Exhibits A1 – A2 of the committee's report. Approved unanimously.

Subsequent to the meeting, two applications to take the PE exam were reviewed – Applications #17760 and #17857 were reviewed. Motion by Lester, seconded by Tracey, Council approve Applications #17760 and #17857 to take the PE exam. Approved unanimously.

External Affairs Committee

Joint Advisory Committee (Architects/Engineers) met at noon on 1/24/12. Three architects, one engineer, one Sussex County building official and two Fire Marshals were in attendance. Discussions included design/build issues, where the contractor is putting together the design/build team with no architect or engineer specified. The architects have language in their law addressing construction administrative services. The question arose as to whether the engineers' statute should contain similar language. The difference between the roles of the architect and engineer is that the architect follows a project from the design through construction, unlike engineers. The engineering world is too complex (industrial projects). Some engineering issues are handled during the construction phase. Therefore, the consensus of Council is that DAPE should not address construction administrative services in its law.

Facilities Committee

Website work is progressing.

Public Information

Winter issue of newsletter to be released within the next couple of days.

Government Affairs/By-laws Committee

Computer-based testing (CBT) language is ready, but since there are other details yet to be worked out by NCEES and we have more than a year to get this accomplished, this will be put on hold for any additions needed.

Ad-Hoc/Policies & Procedures Manual

Work in progress.

Ad-Hoc/CPC

Administrative details necessary. (Council member Balascio expressed an interest in serving on this committee.)

Correspondence -- None

NCEES

- NE Zone meeting scheduled for May 3-5, 2012 at the Dover Downs Hotel. Registration online is available.

Old Business -- None

New Business

- DelTech Open House -- Council member Pawlowski reported this is now being planned as a one-day event for 10-12 graders. Financial info to be forthcoming.
- Committee member Recognition Dinner -- Daniel Koffler to be recognized at this evening's dinner for his contributions to the engineering profession and his longstanding service on both the Examining and Law Enforcement Committees.
- Engineers' Week Banquet Tickets are available for those Council members interested.
- DNREC Inquiry -- DNREC has requested guidance on the professional responsibility/liability of plans related to the distinction between changes to a plan that require formal review by a professional as opposed to changes to a plan as the result of a change in standards. DAG Hickey is waiting for additional information from her office. However, her advice is that an advisory opinion cannot be provided without the facts of a specific case. A response to DNREC will for forthcoming.

Next meeting on March 14, 2012 to be held in Sussex County.

Meeting adjourned at 4:30 p.m.

/pa

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance	1-1: Schedule committee meeting	
Employee Benefits	12-1: Employee Health Insurance Proposal	12/21/11: In touch with ins.brkr.
	1-2: Status of employees	
Law Enforcement		
Examining	1-4: Comm. To review guidelines for reapplication (after 4X PE Fails)	
External Affairs		
Facilities	12-3: Website Update	12/20/11: Ongoing
Public Information		
Gov't Affairs		
Ad-Hoc/Policy Manual	1-5: Newton/Medlarz to meet to discuss necessity of manual	
Ad-Hoc/CPC	1-6: Details of CPC program required – Pres. McAllister to discuss with Chair Leitsch	
DAG	12-6: DAG Hickey to draft hearing procedure guidelines	