

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588 FAX: 302-323-4590
E-mail: office@dape.org

February 9, 2017

MINUTES – COUNCIL MEETING, February 8, 2017

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, February 8, 2017, at the DAPE offices, New Castle, Delaware.

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

Council Members Present:	M. Clendaniel, P.E.	D. Barbato, P.E.
	S. Gharebaghi, P.E.	C. McAllister, P.E.
	E. Retzlaff, P.E.	C. Balascio, P.E.
	M. Lennon, P.E.	
	M. Lester, P.E.	

Council Members absent:	R. Hayden, P.E.	-	excused
	W. Balascio, P.E.	-	excused
	J. Jakubowski, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	R. Smith, Esq.	-	excused
	J. Tracey, Esq.	-	excused
	R. Wheatley	-	excused

Staff present: M. Savona

DAG present: Patricia Davis

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the January 11, 2017 Council Meeting

Council reviewed the Minutes of the January 11, 2017 Council meeting and recommends the Minutes be approved as submitted.

Motion by C. McAllister, seconded by S. Gharebaghi, Council approve the Minutes of the January 11, 2017, as submitted. (7 AYE; 1 Abstain – C. Balascio). Motion carried.

D.A.G. Report

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.

Rule to Show Cause Hearings – Sixteen RSC hearings took place on 11/15/16 and nine on 11/29/16. Council has approved the recommendations of the Hearing Panel on the 11/15/16 hearings and will consider the recommendations from the 11/29/16 hearings at its March meeting.

Council member Clendaniel inquired as to whether the licenses were suspended at the time of the vote. P. Davis said all suspended on Jan 11, 2017. She will send P. Abshagan suspension uplifted.

Motion by Clendaniel, seconded by Lennon, to accept the supplementary courses submitted by James Lawler in reference to his Final Order. 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.

Finance/Employee Benefits & Compensation

- Finances for 75% of fiscal year ending April 30, 2017 reflect income has reached 104% of projections; and expenses 48%.

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

Law Enforcement/Ethics Committee

Chair McAllister reported on the committee's meeting on 2/1/17.

Old Business:

- DNREC-Class B designs for lift stations -- MOU still under review by DNREC
- Code of Ethics – Proposed revisions have been tabled until the conclusion of the governor's Licensing Review Committee's final report.
- California board shared info on Google's Certified Professional Data Engineer program to determine other states' concern with this issue. Forwarded to DAG Jarosz for comment.

Committee is recommending closure of one case.

Motion by McAllister, seconded by Gharebaghi, Council approve the closure of the one case listed on Exhibit A of the committee's report. Approved unanimously.

Examining Committee

Chair Lester reported on the review of eight (8) applications for **examination**, as well as six (6) applications for **Certificates of Authorization**.

Motion by Lester, seconded by C. Balascio, Council approve the applications for licensure as follows: #14934, 18882, 21115, 21193 (4 applications placed on backlog). Approved unanimously.

Motion by Lester, seconded by C. Balascio, Council approve the applications for Certificates of Authorization as follows: #4070, 4184, 4205, 4231, 4233 and 4246. Approved unanimously.

External Affairs Committee -- Trying to schedule JAC.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

Proposed law revisions discussed at the January Council meeting will be drafted.

Public Information

- Winter issue of the newsletter has been published.

Correspondence

- Council member C. Balascio received DNREC email concerning a non-engineering issue.
- Council member Lester shared a communication from Steve Davies, P.E. regarding proposed revisions to surveyor's rules and regulations intending to eliminate references to the continuing education ethics requirement and revision of the list of crimes substantially related to the practice of surveying. Consensus is these regulations fall under the purview of the Division of Professional Regulation, and comments and concerns should be directed to that licensing body.

NCEES

- DAPE is co-hosting the 2017 NE/Southern joint zone meeting in the Virgin Islands. Registration ends March 8th.

Old Business -- None

New Business –

- LEE Complaint – Chair McAllister shared with Council a complaint against licensee Stephen Maslan. Motion by McAllister, seconded by Barbato, Council approve issuing this formal complaint and appoint

a Hearing panel consisting of Council members, Hayden (chair), Clendaniel and Lester. Approved unanimously.

- E week banquet – McAllister advised that he presented certificates to 12 new P.E.'s at the Engineers' week banquet.
- Distinguished Committee member – the LEE committee is nominating Keith Rudy for the 2017 Distinguished service award. Motion by McAllister, seconded by Clendaniel, Council approve Keith Rudy for the distinguished service award. Approved unanimously.

Next meeting is scheduled on **Wednesday, March 8, 2017 in Sussex County.**

Meeting adjourned at 4:30 p.m.

/ms