

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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January 23, 2012

MINUTES – COUNCIL MEETING, JANUARY 11, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, January 11, 2012, in the DAPE offices, New Castle, Delaware.

President McAllister convened the meeting at 3:05 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
	W.Z. Crouch, P.E.	G.G. Pawlowski, P.E.
	S. Gharebaghi, P.E.	A.D. Shine, P.E.
	K.R. Kooker, P.E.	

Council Members absent:	R. Leitsch, P.E.	-	excused
	M. Lester, P.E.	-	excused
	V. Robertson, Esq.	-	excused
	J. Tracey, Esq.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Executive Director Abshagen took the Roll call and declared a quorum was present.

Open Forum -- No members of the public present.

Minutes of the December 14, 2011 Council Meeting

Council reviewed the Minutes of the December 14, 2011 Council meeting. Council member Medlarz requested the Minutes reflect under the discussion of payment to the EPA, that upon receipt of the requested supporting documentation, payment should be made in accordance with the contract.

Motion by Newton, seconded by Kooker, Council approve the Minutes of the December 14, 2011 Council meeting as amended. Approved unanimously.

D.A.G. Report

- University Consulting Engineers – Attorneys have agreed to an extension to 1/18/12 for the filing of briefs.
- Draft Hearing Procedure guidelines are a work-in-progress.
- If the Educational forum for Council and Committee members is to include a de-briefing of Case 10/004, this forum will need to be scheduled sometime within the next six months to provide sufficient time to conclude the case. The LE/E Committee's new DAG, Peter Jamison should be invited to participate.
- APEX Letter regarding the need to obtain a Certificate of Authorization for the Board of Surveyors -- DAG Hickey has reviewed the surveyors' statute, along with the 1982 legal opinion on engineers providing surveying, and indicates in her draft response that the legal opinion is still valid and that after checking with the Surveyors' Board, it has been confirmed an engineering firm holding a Certificate of Authorization with DAPE is not required to obtain a Certificate of Authorization with the Board of Surveyors. This response will be provided to Apex Engineering.

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

Committee will convene a meeting in February to discuss a draft budget, employee status, financial impact of investigative services, etc.

Income/expense activity -- The first eight months of the fiscal year reflects income at 59% and expenses at 61% of projections.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on January 4, 2012.

- DAG Peter Jamison has replaced DAG Andrew Kerber on the LE/E Committee. Jamison's background includes litigation experience.
- Significant discussion concerned the invoicing of the EPA. The Committee agrees the contractual arrangement requires modification and a cap for future costs. Committee member Diaz will be contacted to determine the remaining work for Case 10/004 that directly requires F. Schmitt, to get additional monies approved.
- Case closures -- 46 cases recommended for closure. Motion by Kooker, seconded by Shine, Council approve the 46 cases recommended for closure on Exhibit A of the committee's report. Approved unanimously.
- Case 10/087 – Consent Agreement draft was provided and revisions recommended.

Examining Committee

Co-Chair Shine presented the report of the Examining Committee's meeting of January 5, 2012. One hundred nineteen (119) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **31** applications for **comity**; **19** applications for **examination**; and **69** applicants that now meet all requirements for licensure after successful passage of the October, 2011 exam, as shown on Exhibits A1-A4 of the committee's report dated 1/6/12.

Motion by Shine, seconded by Kooker, Council approve the Committee's recommendations as shown on Exhibits A1 – A4 of the committee's report. Approved unanimously.

The Committee also reviewed **6** applications for **Certificate of Authorization**; **4** applications for **Temporary Permit**; and **2** requests for **Reinstatement**.

Motion by Shine, seconded by Kooker, Council approve the Committee's recommendations as shown on Exhibit A5 of the committee's report. Approved unanimously.

The Committee is also reviewing its guidelines for those applicants that fail the PE exam four times and are required to reapply for future exams, in addition to providing additional education and/or experience to correct deficiencies, to insure uniformity for applicants.

External Affairs Committee

The Joint Advisory Committee (JAC) is meeting on January 24, 2012.

Facilities Committee -- No report.

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

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

Chair Newton and committee member Medlarz will meet to discuss the necessity of this manual since many of the policies/procedures are addressed elsewhere. Report to be provided next month.

Ad-Hoc/CPC

Chair Leitsch endorsed the proposal former Council member Marcozzi provided. The details for implementation are still needed.

Correspondence -- None

NCEES

- NE Zone meeting scheduled for May 3-5, 2012 at the Dover Downs Hotel. We are trying to get VP Joe Biden as our speaker with the help of our lobbyist. There has been no word to date. Other recommendations are: DAFB representative; UD Dean of Engineering; Dupont CEO.
- February Council Meeting – Executive Director Abshagen is scheduled to attend an NCEES meeting in Atlanta on 2/8/12, which will conflict with our next regularly scheduled Council meeting. After the February Council meeting, the annual committee member recognition dinner will be held. Daniel Koffler (long-time member of both the Examining and Law Enforcement Committees) has been selected for this award.

The February Council meeting/Committee Recognition dinner will be held on Monday, 2/6/12.

Old Business -- None

New Business

- DelTech Open House -- A two-day program (in 2013) at DelTech is being organized as an Engineering Open House. DelTech to host and is looking for contributions. Council member Pawlowski will put together a formal presentation for Council's next meeting.

Next meeting on February 6, 2012 to be held in New Castle County.

Meeting adjourned at 4:10 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	1-3: Ascertain remaining hrs. for EPA on Case 10/004	
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	12-4: Winter Newsletter-January	
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	