

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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January 27, 2014

MINUTES – COUNCIL MEETING, January 15, 2014

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, January 15, 2014, at the Deerfield Conference Center, Newark, Delaware.

President Medlarz convened the meeting at 3:18 p.m.

Council Members Present:	C. Balascio, P.E.	M. Lennon, P.E.	T. Thomson, P.E.
	W. Balascio, P.E.	M. Lester, P.E.	R. Wheatley
	D. Barbato, P.E.	C. McAllister, P.E.	
	S. Gharebaghi, P.E.	H. Medlarz, P.E.	
	R. Hayden, P.E.	F. Newton	
	K. Kooker, P.E.	E. Retzlaff, P.E.	

Council Members absent: J. Tracey, Esq.

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 December 11, 2013 Council Meeting

Council reviewed the Minutes of the December 11, 2013 Council meeting. Motion by McAllister, seconded by C. Balascio, Council approves the Minutes of the December 11, 2013 Council meeting as submitted. Approved.

D.A.G. Report

- Johns' Hearing -- DAG Hickey reported that the Johns' denial of licensure hearing has concluded; written closing arguments submitted; and the Hearing Panel has deliberated the case. Decision to Council within the next month or so.
- Scott Hearing – Pre-hearing conference has been scheduled for 1/30/14. Hearing scheduled for 2/7/14.

- Sussex County -- Another internal meeting is being scheduled for the Deputy Attorney Generals to discuss the Sussex County matter.

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 eight months (67%) of this fiscal year reflect income has reached 60% of projections; and expenses 62%. Motion by Lester, seconded by Hayden, to accept the report subject to audit. Approved unanimously.

Employee Benefits & Compensation

Donna Svinis is serving in the Executive Assistant position in a temporary to permanent position. She came to us from CareersUSA, a service we used previously.

Law Enforcement/Ethics Committee

Council reviewed the report of the Committee's January 13, 2014 meeting. Chair Kooker reported new Committee member Leisch attended the meeting; the Committee is reviewing/updating its flow chart for inclusion in the Guidelines Manual; is recommending closure of two cases; and discussed future education opportunities for both Council and the Committee.

Motion by Kooker, seconded by Lester, Council approve the closure of the two cases listed on Exhibit A of the committee's report dated January 14, 2013. Approved unanimously.

Examining Committee

Council reviewed the report of the Examining Committee's meeting of January 2, 2014. Ninety-nine (99) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **32** applications for **comity**; **5** applications for individuals that meet all requirements, but are not licensed; **22** applications for examination; and **40** applications for licensure with the successful passage of the October, 2013 exam. The Committee also reviewed **2** applications for **Certificate of Authorization**.

Motion by C. Balascio, seconded by Lester, Council approve the Committee's recommendations as noted on Exhibits A1-A4 of the committee's report dated January 10, 2014. Approved unanimously.

Executive Director Abshagen also discussed with Council the Structural Exam. This is a 16-hour exam that is administered as a courtesy to those wishing to obtain an SE in another state. Now that computer-based testing has eliminated the need for testing on Saturday, it will mean we will still need to administer the Saturday SE exam for minimal candidates (usually 1-2). Is this something we want to continue to do?

After a brief discussion, Council decided we should continue to accommodate requests for the SE exam for the time being.

External Affairs Committee

JAC met on 12/16/13. Council member McAllister reported the Committee briefly discussed Sussex County; the ongoing issues with the Fire Marshal's office; Sussex County using the 2012 building code; and overlapping practice issues. Committee to reconvene in March, 2014.

Facilities Committee -- No report.

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

Public Information -- Newsletter due January.

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

Ad-Hoc/Green Building -- Council member McAllister reported that the committee met on 12/18/13 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. The committee has requested from McAllister a civil engineering narrative, and a draft has been prepared. Council had no objection to the draft, however, it should be clearly indicated this is not a Council position. It was also suggested ACEC might be a better fit for this policy-making group instead of DAPE.

Government Affairs Committee Chair Tracey should note the recommendation to replace DAPE with ACEC on this committee, as DAPE is a regulatory, not a policy-making organization.

NCEES

- Council member W. Balascio is a member of the Mobility Task Force which has discussed "enhancing" the NCEES record to audit CPC records and provide criminal background checks. Council briefly discussed the need or right to perform such background checks. The Examining Committee will discuss this further. Many states utilize Lexus Nexus which is a public records search.
- The Northeast Zone meeting will be held at the Greenbriar, in West Virginia in early May. Registration is open. Annual meeting is scheduled for Seattle, WA, in August.

Old Business

- Standard of Care – The Government Affairs Committee is to research and report back to Council on the issue of including standard of care in the law.

New Business -- None

Immediately following the Council meeting, the presentation of the Distinguished Service Award will be made to James Davidson, P.E.

Next meeting on February 12, 2014 in Kent County. Location to be determined.

Meeting adjourned at 5:00 p.m.