

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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January 20, 2016

MINUTES – COUNCIL MEETING, January 13, 2016

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, January 13, 2016, in the Deerfield Conference Center, Newark, Delaware.

President Barbato convened the meeting at 3:15 p.m.

Council Members Present:	C. Balascio, P.E.	J. Ludman, P.E.
	W. Balascio, P.E.	C. McAllister, P.E.
	D. Barbato, P.E.	R. Smith, Esq.
	S. Gharebaghi, P.E.	T. Thomson, P.E.
	R. Hayden, P.E.	R. Wheatley
	M. Lester, P.E.	

Council Members absent:	M. Lennon, P.E.	-	excused
	H. Medlarz, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	J. Tracey, Esq.	-	excused

Staff present: P. Abshagen

DAG present: Catherine "Terry" Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the December 9, 2015 Council Meeting

Council reviewed the Minutes of the December 9, 2015 Council meeting and recommends approval of the Minutes as submitted.

Motion by C. Balascio, seconded by Hayden, Council approve the Minutes of the December 9, 2015 as submitted. Approved unanimously.

D.A.G. Report

- William Risko Intent to Deny – requesting a hearing for Council to reconsider. Hearing Panel appointed; date scheduled for 2/24/16.

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 62% of projections; and expenses 56%.

President Barbato pointed out that category 901 (Membership Services) includes half of the expense for the recent workshop for the membership, which has exceeded our original projections for this category. However, category 653 (Council Education) is under budget. Also, category 435 (Penalties) has far exceeded our projections.

The Finance Committee will convene a meeting in March to discuss a proposed budget for fiscal year 2016/2017.

Motion by Barbato, seconded by Lester, Council accept the Finance Report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- Annual employee evaluations are due.

Law Enforcement/Ethics Committee

Co-Chair McAllister reported on the committee's meeting on January 6, 2016:

- DNREC – Class B design for lift station/gravity on-site wastewater systems MOU under review by DNREC. Committee also discussed DNREC's requirement that Class C soil scientists be required to do infiltration tests. Council member Lester to work jointly with Council member Thomson in discussions with DNREC.
- Supplemental Legal Counsel – Inquiries were made of two separate attorneys on our use of supplemental legal counsel. One attorney believes we may not need a legal opinion as Title 29 states that an instrumentality of state government may not employ legal counsel without special permission from the AG and the Governor. The second attorney indicated he would update our previous opinion for a not-to-exceed figure. Committee has determined we will postpone obtaining an updated opinion until after further discussion with the AG's office.
- Crimes Substantially Related to Engineering -- Committee discussed revisions to the Code of Ethics and the lists of crimes substantially related to engineering and has presented proposed revisions to DAG Jarosz for comment. Specifically, language that references those crimes that reflect negatively on the practice of engineering.

- Committee member Diaz discussed an education session on the implementation of the Administrative Procedures Act, with the assistance of the DAG's.
- Committee is recommending the closure of 17 cases.

Motion by McAllister, seconded by C. Balascio, Council approve the closure of the seventeen (17) cases listed on Exhibits A1-A2 of the committee's report. Approved unanimously.

Examining Committee

Co-Chair W. Balascio reported on the committee's meeting of January 7, 2016. Ninety-eight (98) applications for licensure were reviewed, including 34 for comity; 2 for initial licensure; 42 applications for those who successfully passed the October, 2015 exam; and 20 applications for examination. Committee also reviewed 1 request for Reinstatement and 9 applications for Certificates of Authorization.

Motion by W. Balascio, seconded by Lester, Council approve the committee's recommendations for application for licensure, examination, reinstatement and Certificates of Authorization as noted on Exhibits A1-A4. Approved unanimously.

External Affairs Committee

President Barbato reported that he and Council member Thomson have scheduled a meeting with Jim Bielicki, President of the Surveyors Board.

Facilities Committee -- No report.

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

Public Information

- Chair Gharebaghi reported that Jim Vescovi, P.E., of DSWA will be the guest lecturer at the next "Laboratory for Learning" session.
- Winter newsletter has been published.

Ad-Hoc/Law Revision Committee

- Decoupling PE experience from exam -- to be studied and reviewed.

Correspondence -- None

NCEES

- NCEES has just opened up registration for the 2016 Northeast Zone meeting in Burlington, VT on 4/21/16 – 4/23/16.

Old Business -- (None)

New Business

- Engineers' Week banquet is scheduled for 2/25/16 at Cavalier's Country Club. New PE's will be invited to attend with a guest to receive their PE certificates.
- The Executive Director has communicated her desire to retire at the end of the year. Council discussed the steps to take toward this goal. Peggy will be asked to list out her activities and responsibilities with a general timeline and schedule for when they occur, in addition to an estimate of how much time is required for major tasks such as committee meetings, exam prep, etc. This will be the first step in describing the ED's job responsibilities. At the same time, the Employee Compensation/Finance committee will prepare a listing of their perceived responsibilities and expectations for the position. These two documents will be used to develop a job description for the position.

Next meeting is scheduled on **Wednesday, February 10, 2016**, in New Castle County.

Meeting adjourned at 4:20 p.m.

/pa