

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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July 23, 2013

MINUTES – COUNCIL MEETING, July 10, 2013

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, July 10, 2013, in the offices of DAPE, New Castle, Delaware.

President McAllister convened the meeting at 3:30 p.m.

Council Members present:	C. Balascio, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	H. Medlarz, P.E.
	R. Hayden, P.E.	F. Newton
	K. Kooker, P.E.	T. Thomson, P.E.

Council Members absent:	D. Barbato, P.E.	
	D. Clark, P.E.	- not excused
	S. Gharebaghi, P.E.	
	M. Lester, P.E.	
	V. Robertson, Esq.	
	J. Tracey, Esq.	

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Guest: Ana E. Diaz, P.E. – Member, Law Enforcement/Ethics Committee

The Roll call was taken and a quorum was declared.

Open Forum

Ana Diaz organized the recent workshop for Council and LEE Committee members. She attended today's meeting to share with Council a summary of the workshop output, to collect ideas and solicit input for future presentations.

LEE Committee Co-Chair Thomson shared with Council the consensus of the Committee is that more education on these topics would be beneficial. The Committee discussed a search of the law on standard of care/negligence cases, with a suggestion of perhaps retaining a paralegal, conducting future presentations with speakers on specific topics, etc. as some avenues to pursue.

It was suggested that a good starting point would be with the issues of standard of care, negligence and gross negligence. This should be researched first and then presented to Council. DAG Hickey reminded Council that civil liability and gross negligence in administrative cases are different and cautioned the correct standard be used.

Motion by Medlarz, seconded by Hayden, the LEE Committee move ahead with the research necessary to further discuss the issues of standard of care, negligence and gross negligence. Approved unanimously.

4:05 p.m. A. Diaz excused

Minutes of the June 10, 2013 Council Meeting

Council reviewed the Minutes of the June 10, 2013 Council meeting. Motion by C. Balascio, seconded by Hayden, Council approve the Minutes of the June 10, 2013 Council meeting as submitted. Approved unanimously.

D.A.G. Report

DAG Hickey had nothing specific to report on that wouldn't be covered under other committee reports.

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

Chair Medlarz reported on finances for the first month of this fiscal year. Income has reached 24% of projections; and expenses 19%. Motion by Newton, seconded by Kooker, approval of Finance Report pending audit. Approved.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee -- No report.

Examining Committee

Co-Chair W. Balascio presented the report of the Examining Committee's meeting of June 26, 2013. Forty-six (46) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **30** applications for **comity**; **1** applicant who meets all requirements for licensure but is not licensed in any other jurisdiction; and **15** applications for **examination**. The Committee also reviewed **5** applications for **Certificate of Authorization**; **1** application for **Temporary Permit**; and **3** applications for **Reinstatement**.

Motion by W. Balascio, seconded by Newton, Council approve the Committee's recommendations for licensure as shown on Exhibits A1-A2 of the committee's report. Approved unanimously.

Motion by W. Balascio, seconded by Thomson, Council approve the Committee's recommendations for Certificates of Authorization, Temporary Permit and Reinstatement requests as shown on Exhibit A2. (7-AYE; 1-ABSTENTION (McAllister). Motion carried.

Chair Balascio also shared with Council that the Committee briefly discussed an FE applicant with a degree from DeVry Institute – an online program. Other states will be queried to gather info on DeVry.

External Affairs Committee -- No report.

Facilities Committee

A letter of intent for the next five-year lease of our office space has been prepared. Lease rates for the first year of the new lease will remain the same; minimal increases for each of the remaining four years. Motion by Newton, seconded by W. Balascio, Council approve moving forward with these lease arrangements. Approved unanimously.

Public Information

Summer newsletter slated for publication in August.

Government Affairs/By-laws Committee

Proposed legislation to address computer-based testing, Continued Professional Competency, etc. has passed both the House & Senate and awaiting signature of Governor. Chair Newton will draft thank-you notes to Sen. Vaughan and others that participated in moving this legislation forward.

Ad-Hoc/Policies & Procedures Manual

Examining & Law Enforcement Committees' guidelines are needed.

Ad-Hoc/CPC

Chair W. Balascio has a few minor edits to a small section of the guidelines based on feedback from the membership. Final guidelines to be presented to Council for approval at the next meeting.

NCEES

- Annual meeting scheduled for 8/21 – 8/24 in San Antonio. Council members C. Balascio, McAllister and Executive Director Abshagen will be in attendance. Motions for discussion will be presented to Council at the next meeting.

Correspondence -- None

Old Business -- None

New Business

- Senate Concurrent Resolution #34 (Green & Better Building Advisory Committee) formally establishes a committee of a diverse group of public and private sector individuals with expertise in sustainable building design to advise the General Assembly and the Governor. DAPE will have a representative on this committee. President McAllister would like to volunteer for this appointment after the conclusion of his position as President.
- Lobbyist – President McAllister suggested Council reconsider replacement of current lobbyist. Council member Newton's term has expired and he would be an excellent replacement. DAG Hickey researching feasibility of this arrangement. Council is supportive.

Next meeting on **August 14, 2013** in Sussex County. Location to be determined.

Meeting adjourned at 4:40 p.m.

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance		
Employee Benefits		
Law Enforcement	4-1: Guidelines needed	
Examining	4-2: Guidelines needed	
External Affairs	4-3: Plan for outreach workshops	
Facilities	12-3: Website Update	12/20/11: Ongoing
Public Information	3-1: Chair Gharebaghi to provide strategies for enhancing committee's work.	
Gov't Affairs		
Ad-Hoc/Policy Manual	5-2: Need Exam. and LEE Committee's sections	
Ad-Hoc/CPC	3-2: CPC guidelines reviewed and tweaked	Rev. guidelines in progress
Ad-Hoc/Enforcement Seminar		
DAG		