

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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June 26, 2012

MINUTES – COUNCIL MEETING, June 13, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, June 13, 2012, in the offices of DAPE, New Castle, Delaware.

President McAllister convened the meeting at 3:05 p.m.

Council Members present:	W. Balascio, P.E.	M. Lester, P.E.
	D. Barbato, P.E.	C. McAllister, P.E.
	D. Clark, P.E.	A. Shine, P.E.
	S. Gharebaghi, P.E.	J. Tracey, Esq.
	K. Kooker, P.E.	

Council Members absent:	W.Z. Crouch, P.E.	-	excused
	R. Leitsch, P.E.	-	excused
	H. Medlarz, P.E.	-	excused
	F. Newton	-	excused
	V. Robertson, Esq.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Guests: S. Johns, P.E./P.L.S. & J. Bianco, P.L.S.
Wayne Ericksen, P.E.

The Roll call was taken and a quorum was declared.

Open Forum

Delaware Association of Surveyors -- S. Johns and J. Bianco are board members of the Delaware Association of Surveyors and requested time to discuss with Council a proposal introduced in the General Assembly to provide for a statute of limitation for surveying work. It was explained surveyors currently have no protection. The design and construction aspects are protected, but surveys are left unprotected. The support of DAPE is being sought. The Delaware Trial Lawyers object to this legislation, therefore the General Assembly is sitting on this. Of the 36 states that have such protection, it averages about 7.5 years for liability. Our neighboring state, Maryland, just passed such legislation. The Surveyors board has not commented.

The DAG questioned whether Council should take a position on this proposal or whether it should be presented to the societies. It was suggested ACEC or DES should be contacted

Motion by Gharebaghi, seconded by Tracey, Council take no position on the proposed legislation by DAS, as this is outside the purview of DAPE. Approved unanimously.

Council member Tracey will advise DAS.

W. Ericksen, P.E. requested time to address Council. He stated:

- DAPE Minutes should be placed on the website. (He was advised this is to be included in future development of the website.)
- Refrigeration and Plumbing Act includes design. No one understands the boundaries.

DAG Hickey responded to Ericksen that the DAPE Council is responsible for its act. There is a process to log complaints, and civil penalties are permitted under the Engineer's Act.

Minutes of the May 9, 2012 Council Meeting

Council reviewed the Minutes of the May 9, 2012 Council meeting. Motion by Kooker, seconded by Lester, Council approve the Minutes of the May 9, 2012 Council meeting as submitted. Approved. (Council members Balascio and Tracey abstained)

D.A.G. Report

DAG Hickey reported:

- University Consulting Engineers (UCE) – appeal still pending decision in Superior Court
- MacIntosh Hearing – Decision & Order will be on Council's July agenda to provide sufficient time for Council and the parties to review the lengthy document.
- Hearing Procedure Guidelines – draft provided for review and discussion at the July meeting

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

President McAllister reported on the income/expense activity for fiscal year 2012/2013. Income actuals are at 30% of projections; expenses at 7% of projections for the first month of this fiscal year. Report recommended for approval subject to audit.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on June 6, 2012.

- Exhibit A-1 of the committee's report includes five (5) cases for closure.

Motion by Kooker, seconded by Tracey, Council approve closure of the five cases recommended for closure on the committee's report. Approved unanimously.

- Committee discussed the University of Delaware changing the name of their Engineering Outreach program to Professional Engineering Outreach and whether this continues to blur the line between licensed professional engineers and those who have some education or work experience in the field. Committee member Diaz will discuss further with UD.

Examining Committee

Chair Lester presented the report of the Examining Committee's meeting of May 30, 2012. Thirty-two (32) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **28** applications for **comity**; **1** application for licensure for an individual who meets all requirements, but is not licensed in another jurisdiction; and **3** applications for **examination**. The Committee also reviewed **4** applications for **Certificate of Authorization**; **5** requests for **Reinstatement**; and **1** application for **Temporary Permit**.

Motion by Shine, seconded by Tracey, Council approve the Committee's recommendations as shown on Exhibits A1 – A2 of the committee's report. Approved unanimously.

External Affairs Committee

JAC met on May 24, 2012. Council member Barbato reported the JAC discussed the Sussex County 5,000 s.f. issue; State Fire Marshal regulations and that office's discretionary exemption for sealed plans (MEP, egress, etc.); Code update in Sussex County to 2012 IBC; and the Texas legislation that provides a small window for qualified engineers to apply to be permitted to practice architecture.

Chair Barbato will do some engineering outreach to the University of Delaware.

Facilities Committee -- No report.

Public Information

Chair Gharebaghi reported the Spring issue of the newsletter has been published.

Government Affairs/By-laws Committee -- No pending legislation.

Ad-Hoc/Policies & Procedures Manual -- Draft just received.

Ad-Hoc/CPC -- Chair Balascio reported he has gathered some info for distribution to his committee. Will meet again in September. Council member Gharebaghi is interested in assisting.

Nominating Committee

Still searching for interested DAPE members for the Civil and Mechanical Council seat vacancies.

NCEES

- Exam results have been released.
- Annual meeting August 22-25, 2012, St. Louis, MO. Registration is open. (DAG Hickey will be a presenter in the Law Enforcement Forum.)

Old Business -- None

New Business -- None

Correspondence -- None

Next meeting on **July 11, 2012**. Location to be determined.

Meeting adjourned at 4:50 p.m.

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance		
Employee Benefits	4-2: Job descriptions and salary ranges for two staff positions	
Law Enforcement		
Examining	1-4: Comm. To review guidelines for reapplication (after 4X PE Fails)	
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	3-2: Manual under review	6/13/12: Draft received
Ad-Hoc/CPC	1-6: Details of CPC program required	
DAG	12-6: DAG Hickey to draft hearing procedure guidelines 4-4: MacIntosh Hearing Decision to be drafted	6/13/12: Draft hearing procedure guidelines distributed. D&O in MacIntosh case next month.