

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588 FAX: 302-323-4590
E-mail: office@dape.org

July 5, 2016

MINUTES – COUNCIL MEETING, June 8, 2016

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, June 8, 2016, at the Buttery Restaurant, in Lewes, Delaware.

Vice-President Thomson convened the meeting at 3:15 p.m.

Council Members Present:	C. Balascio, P.E.	E. Retzlaff, P.E.
	M. Lester, P.E.	R. Smith, Esq.
	C. McAllister, P.E.	T. Thomson, P.E.
	H. Medlarz, P.E.	R. Wheatley

Council Members absent:	W. Balascio, P.E.	-	excused
	D. Barbato, P.E.	-	excused
	S. Gharebaghi, P.E.	-	excused
	R. Hayden, P.E.	-	excused
	M. Lennon, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	J. Tracey, Esq.	-	excused

Staff present: P. Abshagen

DAG present: Catherine Hickey

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the May 11, 2016 Council Meeting

Council reviewed the Minutes of the May 11, 2016 Council meeting and recommends approval of the Minutes as submitted.

Motion by C. Balascio, seconded by McAllister, Council approve the Minutes of the May 11, 2016 meeting as submitted. Approved unanimously.

D.A.G. Report

DAG Hickey reported the following:

- ✓ The Risko Hearing Panel decision is under review by the Panel.
- ✓ Executive Order #60 created an Executive Committee to identify ways to prevent the proliferation of barriers to entry and increase opportunities for all Delawareans.
 - The committee is comprised of numerous Department heads, as well as several members of the legislature.
 - Its responsibility is to conduct a comprehensive analysis of the licensing requirements of all the boards under the purview of the Delaware Division of Professional Regulation.
 - The completion of the analysis to occur no later than October 14, 2016, with a report to the Governor's office and General Assembly.
 - DAG Hickey to provide update. Any public hearings are open to the public.
- ✓ Receipt of couple of FOIA requests have been responded to.

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 month of this fiscal year indicate income at 21% of the projected budget income; and expenses at 4%.

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

- Finance Committee to convene a meeting in the Fall to discuss the final audit, new auditing firm, financial guidelines, and our new investment advisor representative.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair T. Thomson reported on the committee's meeting of June 1, 2016:

- Committee is considering revisions to the Code of Ethics. This would not be a law change, but rather code revisions, requiring approval by Council.
- Committee discussed SB 253 (Amendment 1) submitted by DNREC. This legislation potentially infringes upon the duties of the engineer. An Amendment 2 removed some of this controversial language. Amelia Reed, P.E. forwarded her concerns to DAPE. A response will be drafted.
- Committee also discussed recent NC and OR court decisions that provide deference to boards.
- Committee is recommending closure of 4 cases as listed on Exhibit A1 of its report.

Motion by T. Thomson, seconded by Retzlaff, Council approve the closure of the 4 cases listed on Exhibit A1 of the committee's report. Approved unanimously.

Examining Committee

Chair Lester reported on the committee's meeting of May 25, 2016. Ninety (90) applications for licensure, including 40 for **comity**; 6 applications for **examination**; and 44 applications for licensure after the successful passage of the April 15, 2016 exam, were reviewed. Committee also reviewed 9 applications for **Certificates of Authorization**, 1 application for **Temporary Permit** and 7 applications for **Reinstatement**. Committee recommendations are listed on Exhibits A1 – A4 of the committee's report.

Motion by Lester, seconded by C. Balascio, Council approve the applications for licensure, Certificates of Authorization, Temporary Permit and Reinstatements as listed on Exhibits A1 – A4. Approved unanimously.

Newly licensed engineers will be invited to once again attend the ASCE Crab Feast in September to receive their certificates.

External Affairs Committee

- JAC met on May 12, 2016. Committee is working on a building official's handbook. JAC also discussed Master HVAC contractors performing design work. DAG to discuss with the HVAC DAG.

Facilities Committee -- No report.

Government Affairs/By-laws Committee

- Former Council member Frank Newton has expressed interest in serving as our lobbyist. DAG Hickey has determined that he must not have served on Council for at least 2 years to avoid any conflict of interest. He will be contacted to register with the state as a lobbyist to take over these duties in October. A contract outlining the scope of services will need to be prepared.

Motion by Thomson, seconded by McAllister, Frank Newton be approved to serve as the lobbyist for DAPE. Approved unanimously.

- Mary Davis to be advised that after June 30th services no longer required.

Motion by Medlarz, seconded by Thomson, Mary Davis be advised that the services of a new lobbyist have been engaged as of September 30th. Approved unanimously.

Public Information

- Spring/Summer issue of the newsletter to be published shortly.

Ad-Hoc/Law Revision Committee -- No report.

Correspondence

- Executive Director Abshagen expressed her appreciation to Council for their thoughtfulness and condolences.

NCEES

- Annual meeting will take place in Indianapolis, IN from 8/24/16 – 8/27/16. Council member McAllister expressed interest in attending. DAG Hickey to decide.

Old Business

- Petitions for all Council seat vacancies have been received. Ballots to be sent out 6/15/16 for return no later than 7/15/16.

New Business -- None

Motion by McAllister, seconded by C. Balascio, to enter Executive Session at 4:30 p.m. to discuss a personnel matter. Approved unanimously. (Council member Thomson recused.)

Motion by Retzlaff, seconded by C. Balascio, at 4:32 p.m. to return to Open Session.

Next meeting is scheduled on **Wednesday, July 13, 2016**, in the offices of DAPE.

Meeting adjourned at 4:33 p.m.

/lt