

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

March 26, 2012

MINUTES – COUNCIL MEETING, MARCH 14, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, March 14, 2012, in the conference room of the Inn at Canal Square, Lewes, Delaware.

President McAllister convened the meeting at 3:10 p.m.

Council Members present:	W.D. Balascio, P.E.	C.L. McAllister, P.E.
	D. Clark, P.E.	H.M. Medlarz, P.E.
	W.Z. Crouch, P.E.	F.A. Newton
	S. Gharebaghi, P.E.	V. Robertson, Esq.
	R. Leitsch, P.E.	A.D. Shine, P.E.
		J. Tracey, Esq.

Council Members absent:	D. Barbato, P.E.	-	excused
	K. Kooker, P.E.	-	excused
	M. Lester, P.E.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No members of the public present.

Minutes of the February 6, 2012 Council Meeting

Council reviewed the Minutes of the February 6, 2012 Council meeting. Motion by Newton, seconded by Robertson, Council approve the Minutes of the February 6, 2012 Council meeting as submitted. Approved unanimously.

D.A.G. Report

- Draft Hearing Procedure guidelines are a work-in-progress.
- DNREC proposed response for request for advisory opinion drafted indicating DAPE Council does not provide such advisory opinions. DAG Hickey to sign and send this response upon Council's approval.

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

Income/expense activity -- The first ten months of the fiscal year reflects income at 73% and expenses at 85% of projections. Motion by Medlarz, seconded by Tracey, report be approved subject to audit. Approved unanimously.

The Finance Committee has scheduled a meeting on 3/20/12 to discuss 2012/2013 preliminary budget, employees' status, employee benefits, etc. Committee will also discuss a payroll service, and a budget line item for expert witness testimony.

Employee Benefits & Compensation

The Immediate Past President and Secretary as members of this committee will be invited to attend the Finance Committee meeting on 3/20/12.

Law Enforcement/Ethics Committee

Co-Chair Crouch presented the report of the committee's meeting on March 7, 2012.

- EPA discussion – Committee discussed the EPA position, including the duties, the interactions with officials, staff and committee members, etc. Committee will report back to Council with the resolution and the use of this position.
- Case closures -- 2 cases are recommended for closure.

Motion by Crouch, seconded by Tracey, Council approve the closure of the two cases listed on Exhibit A. Approved unanimously.

Examining Committee

Co-Chair Shine presented the report of the Examining Committee's meeting of February 29, 2012. Thirty-six (36) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **31** applications for **comity**; **2** applications for individuals who meet all requirements but are currently not licensed in another jurisdiction; and **3** applications for **examination**. The Committee also reviewed **10** applications for **Certificate of Authorization**; and **11** requests for **Reinstatement**.

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

External Affairs Committee -- No report.

Facilities Committee

Website work is progressing. Will look into Ipad insurance.

Public Information

Chair Gharebaghi will work on specific strategies for enhancing the work of this committee. Spring issue of newsletter is scheduled for publication late April/early May.

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

Ad-Hoc/Policies & Procedures Manual

Work in progress.

Ad-Hoc/CPC

Administrative details necessary. Council member Balascio has been appointed as Chair.

Correspondence -- None

NCEES

- NE Zone meeting scheduled for May 3-5, 2012 at the Dover Downs Hotel. Looking for guest speaker.

Old Business

- Engineers' Week Banquet was held in new location and the scholarship recipients were very impressive. DAPE presented certificates to 16 newly licensed Professional Engineers.

New Business

- DNREC – New Regulations – Council member Lester shared with Council some concerns from DNREC about new regulations. In the absence of Council member Lester, this issue will be tabled.
- Jeremy Johnson expressed interest in serving on a DAPE Committee. Motion by Medlarz, seconded by Robertson, Council appoint Jeremy Johnson to the AD-Hoc/CPC Committee. Approved unanimously.
- DAFB request – DAG Hickey to research the federal law that permits engineers not licensed in Delaware to work on Delaware federal projects.
 - Motion by Gharebaghi, seconded by Crouch, DAPE advise DAFB of the lawful definition of the practice of engineering as per Section 2803 of the law to support the need for Delaware licensure. Approved unanimously.

Executive Session

Motion by Medlarz, seconded by Tracey, at 4:15 p.m. to enter Executive Session for the purpose of discussing pending litigation. Approved unanimously.

Council member Robertson recused at 4:15 p.m.

Council member Robertson returns at 4:20 and Council member Tracey recused.

Motion by Newton, seconded by Robertson, to return to Open Session at 4:55 p.m. Approved unanimously.

Motion by Newton, seconded by Medlarz, Council accept the resignation of Council member Pawlowski, with regret, and declare the Civil Engineering Council seat vacant. Approved unanimously.

Next meeting on **April 11, 2012** to be held in the DAPE offices.

Meeting adjourned at 5:00 p.m.

/pa

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance		
Employee Benefits		
Law Enforcement		
Examining	1-4: Comm. To review guidelines for reapplication (after 4X PE Fails)	
External Affairs		
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	
Ad-Hoc/CPC	1-6: Details of CPC program required – Chair Balascio appointed.	
DAG	12-6: DAG Hickey to draft hearing procedure guidelines	