

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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June 2, 2014

MINUTES – COUNCIL MEETING, May 14, 2014

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, May 14, 2014, at the office of the Association, New Castle, Delaware.

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

Council Members Present:	C. Balascio, P.E.	M. Lester, P.E.	T. Thomson, P.E.
	W. Balascio, P.E.	M. Lennon, P.E.	J. Tracey, Esq.
	D. Barbato, P.E.	C. McAllister, P.E.	
	S. Gharebaghi, P.E.	H. Medlarz, P.E.	
	R. Hayden, P.E.	F. Newton	
	K. Kooker, P.E.	E. Retzlaff, P.E.	

Council Members absent: R. Wheatley - excused

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- Nothing to report.

Minutes of the April 9, 2014 Council Meeting

Council reviewed the Minutes of the April 9, 2014 Council meeting. Motion by McAllister, seconded by Hayden, Council approves the Minutes of the April 9, 2014 Council meeting as submitted. Approved.

D.A.G. Report

- Unexpired Council term -- DAG Hickey has opined that an individual who serves the remainder of an unexpired term followed by a full term as a Council member is considered ineligible for another term on Council.
- FOIA requirements -- Investigative materials are not subject to disclosure. DAPE follows the standard State FOIA policy. DAG Hickey to draft a FOIA request form for the DAPE website.

- Immediate Past President has requested DAG research whether this position on Council may continue even if seat is technically expired. The law permits Council to make this determination.
- Johns' Hearing -- DAG Hickey is drafting the final Decision for Council's review next month.
- Scott Hearing – Two days of Hearing concluded on 2/7/14 and 3/19/14. Next hearing date has been re-scheduled for 6/6/2014 because of a conflict of a Hearing Panelist.

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 end of fiscal year 4/30/2014 reflects income has reached 72% of projections; and expenses 92%.

Motion by Barbato, seconded by Newton, Council approve the Finance Report pending audit. Approved unanimously.

Employee Benefits & Compensation

Chair Barbato advised the employee evaluation was completed with Director Abshagen. It was a positive review and is available to interested Council members.

Law Enforcement/Ethics Committee

Council reviewed the report of the Committee's May 7, 2014 meeting. Chair Kooker reported:

- DNREC – designs for lift station/gravity on-site wastewater systems. Response received from DNREC who does not agree with our assessment that this work constitutes the practice of engineering. Committee representative Thomson and External Affairs Chair Barbato will arrange to meet with DNREC representative.
- Motion by Kooker, seconded by McAllister, Council approve the eighteen (18) cases listed for closure on Exhibit A of the Committee's report. Approved unanimously.
- Committee recommending DAG draft three Administrative Orders (Cases: 14/009, 14/074, and 14/079).
- Committee recommending DAG draft Cease & Desist Order for Case 14/059.
- Committee recommending DAG draft a Consent Order for Case 14/078.

Examining Committee

Council reviewed the report of the Examining Committee's meeting of April 30, 2014. Twenty-nine (29) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **22** applications for **comity**; and **7** applications for examination. The Committee also reviewed **16** applications for **Certificate of Authorization** and **1** application for **Reinstatement**.

Motion by W. Balascio, seconded by C. Balascio, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated May 1, 2014. Approved unanimously.

External Affairs Committee

Chair Barbato summarized the JAC meeting on 4/29/14. The Board of Architects' representation needs to be addressed by the BOA. P. Ryan, who is no longer on that board, has been representing the BOA solely. The President of the BOA has been requested to identify its representatives prior to the next meeting on 6/18/14.

The JAC also discussed:

- 5,000 s.f. exemptions in Sussex County (Ordinance 2335 adopted and effective 5/1/14)
 - 1-2 family dwellings, farm buildings (unless required)
 - Resolves issues with Fire Marshal's office
- Interest in uniform statewide code – will discuss at Building Officials' meeting
- W. Ericksen sent copies of newspaper articles from a Sussex County architect expressing his opinion on the loss of some work for architects
- JAC discussed drafting a Building Officials handbook (G. Haggerty of NCC had attempted this previously)
 - Organizing a Fall workshop to rollout this handbook to building officials

Facilities Committee -- No report.

Government Affairs/By-laws Committee

S.B. 214 introduced into committee today. This non-controversial bill does not require DAPE attendance. Will probably end up on Consent Agenda in the House.

Public Information

- Chair Gharebaghi discussed the Camden-Wyoming Sewer and Water Authority (CWS&WA) program "A Laboratory for Learning". This project will provide a learning environment in which participants could learn about real life applications of Science, Technology, Engineering and Math. Sessions to begin in the Fall, 2014 with Guest Speakers. Must have 12 students minimum.
- Summer Newsletter is due – mid/late June.

Ad-Hoc/Policies & Procedures Manual

Finance, LE/E and Examining Committees have provided submissions. Will organize submissions to date.

Ad-Hoc/Green Building -- Council member McAllister provided the minutes from the previous meeting. A draft bill has been introduced to change the membership of this group. Will request Mary Davis keep us apprised of any change in membership.

Correspondence

- CPC correspondence – Delaware licensee expressed his opinion regarding a disability exemption for CPC. This issue is addressed in the CPC guidelines by providing an extension for accumulating the credits, not an exemption.

NCEES

- The Northeast Zone meeting was held at the Greenbriar, in West Virginia in early May. A well-attended productive meeting. Annual meeting is scheduled for Seattle, WA, in August.

Old Business -- No report.

New Business

- Membership Ethics Course – dates will be provided for Fall; will discuss the specifics at next month's meeting; and will advertise in the newsletter to determine interest.
- Ronald D. Smith has expressed interest in the appointment of the Kent County seat. His bio will be provided to Council for discussion at next month's meeting.
- 2014 Council Election – Will solicit interest from the DAPE membership in the Industry Seat.

Next meeting on June 11, 2014 in Kent County.

Meeting adjourned at 4:25 p.m.

/pa