

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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June 5, 2017

MINUTES – COUNCIL MEETING, May 10, 2017

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, May 10, 2017, in the meeting room of Roma's Restaurant, Dover, Delaware.

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

Council Members Present:	D. Barbato, P.E.	M. Lennon, P.E.
	C. Balascio, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	R. Smith, Esq.
	S. Gharebaghi, P.E.	J. Tracey, Esq.
	R. Hayden, P.E.	R. Wheatley

Council Members absent:	M. Clendaniel, P.E.	-	excused
	J. Jakubowski, P.E.	-	excused
	M. Lester, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused

Guest: Frank Newton

Staff present: P. Abshagen

DAG present: 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 April 12, 2017 Council Meeting

Council reviewed the Minutes of the April 12, 2017 Council meeting and notes that Council member Lennon did not attend the meeting. Approval of the Minutes as corrected are recommended for approval.

Motion by Gharebaghi, seconded by McAllister, Council approve the Minutes of the April 12, 2017, as corrected. Approved unanimously.

D.A.G. Report

- DAG Hickey extended her appreciation to Council for permitting her to attend the NCEES NE Zone meeting in St. Thomas. She found the LE forum very interesting and learned that boards are no longer issuing Cease & Desist Orders.
- HVACR -- The Dept. of Justice and the General Assembly recognize that there are many overlaps in practice among the various professions, and indicated the expectation is that the quality of work be done competently.
- Disciplinary Hearing -- Hearing was held on 4/4/17 for Stephen Maslan, P.E. Hearing Panel's recommendations will be presented to Council next month for consideration.

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.

Finance/Employee Benefits & Compensation

Chair Lennon reported that the end of the fiscal year report reflects income at 120% and expenses at 62% of projections. Category 435 (Penalties) has far exceeded original projections with the late fees of licensees and C/A holders.

Motion by Lennon, seconded by Hayden, Council accept the Finance Report subject to audit. Approved unanimously.

Law Enforcement/Ethics Committee

Chair McAllister reported on the committee's meeting on 5/3/17.

Old Business:

- ✓ DNREC-Class B designs for lift stations -- MOU still under review by DNREC
 - ✓ Code of Ethics – Proposed revisions have been tabled until the conclusion of the governor's Licensing Review Committee's final report.
 - ✓ California board shared info on Google's Certified Professional Data Engineer program to determine other states' concern with this issue. Forwarded to DAG Jarosz for comment.
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- Committee discussed education sessions and Committee member Diaz will organize these for the near future.
 - Oregon Board/Yellow Stoplights -- A citizen with an engineering background began an investigation into the timing of yellow lights after his wife was ticketed and the Oregon board fined him \$500 for engaging in unlicensed practice.
 - Committee is recommending the closure of nine (9) cases.

Motion by Lennon, seconded by Hayden, Council approve the closure of the nine (9) cases listed on Exhibit A of the committee's report. Approved unanimously.

- Committee is recommending issuing a Cease & Desist Order in Case 15/098. It is recommended that this order be time specific – perhaps 2 - 3 weeks to comply.

Motion by Lennon, seconded by Tracey, Council approve issuing a revised Cease & Desist Order providing 21 days from the date of the order. Approved unanimously.

Examining Committee

Co-Chair W. Balascio reported the Examining Committee met on May 2, 2017 and reviewed **forty (40)** applications for licensure including **32** for **comity**; **2** applications for **initial** licensure; and **6** applications for **examination**. The committee also reviewed 10 applications for **Certificates of Authorization**; and 10 applications for **reinstatement of Certificates of Authorization**.

Motion by W. Balascio, seconded by C. Balascio, Council approve the Committee's recommendations for applications for licensure and Certificates of Authorization as noted on Exhibits A1-A3 of the committee's report. Approved unanimously.

External Affairs Committee -- No report. JAC meeting needs to be scheduled.

Facilities Committee -- No report.

Public Information

- Chair Gharebaghi advised the Spring issue of the newsletter is being drafted. He is checking into the Laboratory for Learning program to ascertain if sufficient interest exists.

Government Affairs/By-laws Committee

Chair Smith has prepared proposed law revisions which have been distributed to Council for review. Several housekeeping changes, plus revision to §2820 (Qualifications for permit) and legislation addressing digital signatures is under consideration. After discussion, Council recommends a few revisions and authorizes the President to approve the final draft to insure timely consideration.

Motion by C. Balascio, seconded by Tracey, Council approve the draft legislation as discussed and authorized by the President. Approved unanimously.

Correspondence

- The Missouri board awards their membership .5 CEU for "thoroughly reading" their newsletter. Documentation requires printing and keeping a copy of the completed certificate.

NCEES

- DAPE co-hosted the 2017 NE/Southern joint zone meeting in the Virgin Islands on April 27-29, 2017.
 - There was 100% attendance from all states in both zones.
 - Significant discussions on the threat to licensure
 - Reorganization of boards/loss of regulatory power
 - CA motion presented to change voting at NCEES meetings
 - Surveyors concerned with replacement by automated equipment
 - Some loosening of CPC requirements – imposed by Governor

Old Business -- None

New Business

- Council election – ballots going out electronically on June 15th
- Rule to Show Cause Hearings – Seven cases have now complied with CPC requirements and as such now meet all requirements for renewal. Recommendation to lift the suspensions for the following seven cases: #15397, 13084, 17563, 5157, 11053, 11233, 18206.

Motion by Gharebaghi, seconded by Tracey, Council lift the license suspensions for: PE #15397, 13084, 17563, 5157, 11053, 11233, and 18206, as these licensees now meet all requirements for renewal of licensing. Motion carried. (Hayden and C. Balascio recused)

Next meeting is scheduled on **Wednesday, June 14, 2017 in the DAPE offices.**

Meeting adjourned at 5:00 p.m.

/pa