

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](mailto:office@dape.org)

November 16, 2011

**MINUTES – COUNCIL MEETING, NOVEMBER 9, 2011**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, November 9, 2011, at the Brick Hotel, Georgetown, Delaware.

President McAllister convened the meeting at 3:00 p.m.

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

Council Members absent:	W.D. Balascio, P.E.	-	excused
	D.P. Barbato, P.E.	-	excused
	D.G. Clark, P.E.	-	excused
	K.R. Kooker, P.E.	-	excused
	M. Lester, P.E.	-	excused
	G.G. Pawlowski, P.E.	-	excused
	J.E. Tracey, Esq.	-	excused

Staff present: P. Abshagen

DAG: Catherine (Terry) Hickey, Esq.

Vice President Medlarz took the Roll call and declared a quorum was present.

**Open Forum**

No guests or members of the public present.

**Minutes of the October 12, 2011 Council Meeting**

Council reviewed the Minutes of the October 12, 2011 Council meeting. Minutes should reflect two amendments:

- Motion by Robertson, Council take no action on Complaint 11/146, and upon correction this complaint be returned to Council at its November meeting for consideration. (Motion was originally withdrawn, and then moved again and passed with a second.)
- Minutes should reflect Secretary *Barbato* took the Roll call and declared a quorum was present.

Motion by Shine, seconded by Robertson, Council approve the Minutes of the October 12, 2011 Council meeting as amended. Approved unanimously.

### **D.A.G. Report**

- Computer-based testing law revisions – DAG Hickey drafted legislation to address computer-based testing for Council's review, requesting Council also consider a retake policy for FE candidates. Research will be done to see how other states are handling this and the recommendations from NCEES.

#### **Executive Session**

*Motion by Robertson, seconded by Newton, at 3:18 p.m. to enter Executive Session to discuss pending/potential litigation. Approved unanimously.*

*Motion by Medlarz, seconded by Robertson, Council return to Open Session at 4:00 p.m. Approved unanimously.*

Motion by Medlarz, seconded by Robertson, Council authorize DAG Hickey to issue a response to the proposed settlement agreement and prepare for President McAllister's signature. Approved unanimously.

### **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 six months of the fiscal year reflects income at 55% and expenses at 47% of projections.

Motion by Newton, seconded by Robertson, to approve the Finance Report subject to audit. Approved unanimously.

IT firm (DDS) has prepared a quote for updating and revising our website. This proposal to revamp the current website processes is \$10,000. These monies are unbudgeted and timing would dictate it would not be prudent to wait until the next fiscal year in May, 2012, since we will be in the midst of PE and CA renewals at that time.

Motion by Newton, seconded by Robertson, Council approve the \$10,000 for upgrading the website. Approved unanimously.

Finance Committee Meeting -- Chair Medlarz reported to Council on the Finance Committee meeting held on October 24, 2011. The committee reviewed and discussed the draft audit, fiscal year-end change, records retention, W-9 forms, cash flow program, investments and potential exam fee increases. Auditor has suggested utilizing the services of a bookkeeper to improve the final audit.

Motion by Medlarz, seconded by Newton, Council approve procuring a bookkeeping service. Approved unanimously.

### **Employee Benefits & Compensation --**

Committee discussed reviewing the employee benefits package, as well as health insurance.

### **Law Enforcement/Ethics Committee**

Co-Chair Crouch presented the report of the committee's meeting on November 2, 2011.

- LEE Recommendation Form -- Committee approved use of a recommendation form when forwarding its recommendations to Council for a Consent Agreement, Hearing, etc.
- Case closures -- 7 cases recommended for closure. Motion by Crouch, seconded by Robertson, Council approve the closure of the 7 cases listed on Exhibit A of the report dated November 3, 2011. Approved unanimously.

### **Examining Committee**

Council reviewed the report of the Examining Committee's meeting of October 26, 2011. Forty (40) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **32** applications for **comity**; and **8** applications for **examination**. The Committee also reviewed **5** applications for **Certificates of Authorization**; and **7** requests for Reinstatement.

Motion by Shine, seconded by Robertson, Council approve the recommendations of the Examining Committee as shown on Exhibits A1-A2 of the report dated October 27, 2011, as well as the reinstatement of license #13620, which was inadvertently omitted from the Exhibit. Approved unanimously.

### **External Affairs Committee** -- No report

### **Facilities Committee** -- No report

### **Public Information** -- No report

### **Government Affairs/By-laws Committee**

Lobbyist Mary Davis and associates will be in attendance at the December Council meeting in Kent County.

### **Ad-Hoc/Policies & Procedures Manual**

Chair Newton has broken down the manual into sections to share with the chairs of the various committees for their review and comment, with the direction that this manual should not duplicate items that are documented elsewhere.

### **Ad-Hoc/CPC**

Chair Leitsch has contacted the members of this Ad-Hoc committee, has printed the NCEES model law and obtained background information. He pointed out those states that he is familiar with did not solicit comment from their membership.

**Correspondence** -- None

**NCEES**

- Exam Administration, Oct. 2011 -- Record number of examinees for both exams were accommodated without issue.

**Old Business**

- Council requested the status of Case 11/139, which was presented last month and returned to DAG Kerber for correction. No status report is available.

*Action Item list will be attached to future Minutes to track actionable items.*

**New Business** -- None

Next meeting on December 14, 2011 to be held in Kent County.

Meeting adjourned at 4:55 p.m.

/pa

	<b><u>ACTION LIST:</u></b>	
--	----------------------------	--

COMMITTEE:	ACTION:	STATUS:
Finance	11-1: Approve \$10K for website update	
	11-2: Procure bookkeeper	
Employee Benefits		
Law Enforcement	11-3: Case 11/139 ret'd to DAG Kerber for correction	
Examining	11-4: CBT leg; retake policy for FE; NCEES policy?	
External Affairs		
Facilities		
Public Information		
Gov't Affairs		