

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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November 30, 2015

MINUTES – COUNCIL MEETING, November 19, 2015

A meeting of the Council of the Delaware Association of Professional Engineers was held on Thursday, November 19, 2015, in the DAPE offices, New Castle, Delaware.

President Barbato convened the meeting at 3:03 p.m.

Council Members Present:	D. Barbato, P.E.	C. McAllister, P.E.
	C. Balascio, P.E.	T. Thomson, P.E.
	W. Balascio, P.E.	J. Tracey, Esq.
	R. Hayden, P.E.	R. Smith, Esq.
	M. Lester, P.E.	

Council Members absent:	S. Gharebaghi, P.E.	-	excused
	M. Lennon, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	H. Medlarz, P.E.	-	excused
	E. Retzlaff, P.E.	-	excused
	R. Wheatley	-	excused

Staff present: P. Abshagen

DAG present: Patty Davis-Oliva, Esq.

The Roll call was taken and a quorum was declared. Council welcomed DAG Davis-Oliva who was in attendance for DAG Hickey.

Open Forum -- No report.

Minutes of the October 14, 2015 Council Meeting

Council reviewed the Minutes of the October 14, 2015 Council meeting and recommends the following amendments under the DAG Report (page 2):

- Matthew Szayna Case #13/099, correct to read:

*"It should be noted that petitioner's exceptions and arguments with respect to the Hearing Committee's Conclusions of law and proposed order were **reviewed** and rejected by Council."*

Motion by Thomson, seconded by C. Balascio, Council approve the Minutes of the October 14, 2015 as amended. Approved unanimously.

D.A.G. Report -- No report.

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 six months (50%) of this fiscal year reflect income has reached 54% of projections; and expenses 39%.

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

The Finance Committee met on November 9, 2015 to discuss:

- Investments in Reserve Fund
- Audit report for fiscal year 2014/2015 completed by Barbacane & Thornton. The Finance Committee reviewed and discussed the audit and requests it be finalized.

Motion by Lester, seconded by McAllister, Council approve the Finance Committee report. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Committee met on November 4, 2015 and discussed:

- Two Widener law students observed the open session of the LEE meeting for their administrative law course.
- DNREC – Class B design for lift station/gravity on-site wastewater systems MOU under review by DNREC.
- Committee Education Program -- Committee member Diaz summarized the evaluation responses from the DAPE membership of the Oct. 8th education program.
- Committee is recommending the closure of 9 cases.
- Committee is recommending Council issue an intent to deny licensure in Case 15/126 for the conviction of a felony.

- Committee is recommending Council engage with the AG's office to discuss legal representation to assist the LEE Committee in its discussions.

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

Case 15/126 (Intent to Deny Licensure) -- DAG Davis-Oliva advised Council's options include rejection of the LEE Committee's recommendation to deny licensure. If Council is in agreement with the LEE Committee's recommendation to deny licensure, the intent to deny letter would be issued with the opportunity for a hearing. If the application is withdrawn, the final denial would be issued.

Motion by Tracey, seconded by C. Balascio, Council issue an intent to deny licensure in Case 15/126. Approved unanimously.

Examining Committee

The Executive Committee reviewed the report of the Examining Committee's meeting of October 28, 2015. Twenty-eight (28) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **24** applications for **comity**; **1** application for initial licensure; and **3** applications for examination. The Committee also reviewed **6** applications for **Certificate of Authorization**.

Motion by W. Balascio, seconded by Lester, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated November 6, 2015. Approved unanimously.

The Executive Committee reviewed the report of the Examining Committee's meeting of November 18, 2015. Thirty-five (35) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **25** applications for **comity**; and **10** applications for examination. The Committee also reviewed **7** applications for **Certificate of Authorization**.

Motion by Lester, seconded by Thomson, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated November 19, 2015. Approved unanimously.

External Affairs Committee

JAC met on 10/20/15. This group discussed:

- Fire Marshal's new regulations, LP-Gas Bulk storage position of DAPE
- Building official's handbook – still needs work
- Disciplinary actions of respective boards (BOA – CEU's non-compliance; DAPE – ethics)
- Legislative Updates (BOA – legislation relating to experience requirement; DAPE is discussing de-coupling exams from experience)
 - NCARB IDP mentoring program prescribing what areas of practice young architects need to obtain
 - DAPE considering progressive experience
- Other business:
 - BOA Certificate of Authorization requirement
 - North Carolina Dental Board Supreme Court Decision
 - MEP – mechanical contractors can do design/build in their statute; both BOA and DAPE's laws are silent on the issue

President Barbato would like to include the Surveyor's Board in discussions, just as we have with the Architects.

Facilities Committee -- No report.

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

Public Information

- President Barbato to work on the President's Message for the next issue of the newsletter.
- Council member W. Balascio will provide an article on the education requirement.

Ad-Hoc/Law Revision Committee

- Decoupling PE experience from exam -- to be studied and reviewed.

Correspondence -- None

NCEES

- 2016 Northeast Zone meeting is scheduled for April 21-23, 2016 in Burlington, VT.

Old Business -- (None)

New Business

- 2015/2016 Committee Charges distributed.
 - Add to Ad-Hoc Committee the study of de-coupling the exam and experience.
 - Ad-Hoc Committee to reconsider awarding pdh's for recent Council/Committee portion of the Oct. 8th workshop
 - Council member W. Balascio will work on developing an education/CPC opportunity for members

Motion by McAllister, seconded by Tracey, Council approve W. Balascio's development of an education/CPC opportunity for members. Approved unanimously.

- Award nominations (non-Council members) due November 30th for consideration.
- Executive Director reported she participated in the State's FOIA webinar and is working towards getting the DAPE website into compliance.

Next meeting is scheduled on **Wednesday, December 9, 2015**, in Kent County.

Meeting adjourned at 3:55 p.m.

/pa