

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS**  
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November 17, 2017

**MINUTES – COUNCIL MEETING, November 8, 2017**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, November 8, 2017, in the meeting room of the Georgia House, Milford, Delaware

President Gharebaghi convened the meeting at 3:15 p.m.

Council Members Present:	C. Balascio, P.E.	J. Kalmbacher, P.E.	R. Wheatley
	W. Balascio, P.E.	M. Lennon, P.E.	
	M. Clendaniel, P.E.	C. McAllister, P.E.	
	S. Gharebaghi, P.E.	E. Retzlaff, P.E.	
	J. Jakubowski, P.E.	R. Smith, Esq.	

Council Members absent:	D. Barbato, P.E.	-	excused
	R. Hayden, P.E.	-	excused
	M. Lester, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	J. Tracey, Esq.	-	excused

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 October 11, 2017 Council Meeting**

Council reviewed the Minutes of the October 11, 2017 Council meeting. DAG Hickey wanted to add in the discussion of a legal opinion on the "practice of engineering," that this would be case specific.

*Motion by C. Balascio, seconded by Clendaniel, Council approve the Minutes of the October 11, 2017 meeting, as submitted. 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.

### **Finance/Employee Benefits & Compensation**

- Finances for the six months (50%) of fiscal year ending April 30, 2018 reflect income has reached 45% of projections; and expenses 40%.

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

- Investments – Finance Committee is recommending reinvestment of available Reserve Fund monies in long-term, highest interest rate investments, in accordance with our staggered investment strategy.

*Motion by C. Balascio, seconded by Smith, Council approves the reinvestment of Reserve Fund monies in long-term, highest interest rate investments, in accordance with our staggered investment strategy. Approved unanimously.*

- Employee Benefits & Compensation -- With the assistance of a recruiter, two potential candidates for the successor to the Executive Director have been identified. These individuals met with the sub-committee. Ranking of the two candidates and recommendation for the preferred candidate was not unanimous.

Council recommends the candidates meet with the EB&C Committee and the committee return to Council with its recommendation, providing a summary of recommended candidate's credentials.

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

Chair McAllister reported:

- DNREC proposed MOU is still pending.
- Code of Ethics proposed revisions are still pending.
- Legal opinion on what constitutes the practice of engineering – Committee recommends including this topic on the agenda for the long overdue meeting with the Attorney General's office.
- Committee has proposed the closure of 7 cases as listed in its report.

*Motion by McAllister, seconded by Clendaniel, Council approve the closure of the 7 cases as listed on Exhibit A of the committee's report. Approved unanimously.*

### **Examining Committee**

Co-Chair W. Balascio reported the Examining Committee met on October 25, 2017 and reviewed **thirty-one (31)** applications for licensure including **28** for **comity**; **1** application for **initial** licensure; and **2** applications

for **examination**. The committee also reviewed **8** applications for **Certificates of Authorization**; and **2** applications for Certificate of Authorization **Reinstatements**.

*Motion by W. Balascio, seconded by Retzlaff, Council approve the Committee's recommendations for applications for licensure and Certificates of Authorization as noted on Exhibits A1-A2 of the committee's report. Approved unanimously.*

Subsequent to the meeting, four additional Certificates of Authorization were reviewed and are recommended for approval:

- ARNA Engineering; Engineering & Technical Services; M&W U.S., & Robinson Meier Juilly & Assoc.

*Motion by C. Balascio, seconded by Clendaniel, Council approve the four additional Certificates of Authorization. Approved unanimously.*

Temporary Permits – A recent law revision provides the President the authority to issue a (60-day) Temporary Permit, provided an application for licensure is pending. The question arose as to whether a Temporary Permit holder is also required to obtain a Certificate of Authorization and pay all associated fees.

The consensus of Council is that the Temporary Permit fee should be increased to 1.5 times the cost of a Certificate of Authorization, permitting the Temporary Permit to be converted into a Certificate of Authorization, upon approval of the PE's application.

*Motion by Clendaniel, seconded by C. Balascio, Council approves increasing the fee of the Temporary Permit to 1.5 times the cost of a Certificate of Authorization, which would be \$450. Approved unanimously.*

*Motion by C. Balascio, seconded by Retzlaff, Council appoint J. Volk as a member of the Examining Committee. Approved unanimously.*

**External Affairs Committee** -- No report. No comments on the building official's handbook draft were received. New JAC member, Council member Kalmbacher will review the draft and return with any comments.

**Facilities Committee** -- No report.

**Public Information** -- Fall issue of the newsletter published.

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

### **Correspondence**

- Notes of appreciation were received for the contributions in memory of Mavis Newton.

### **NCEES**

- Exams on October 27-28, 2017 were uneventful.

**Old Business -- None**

**New Business**

Executive Director advised that the annual Governor's Report is being drafted and will be available by the next meeting.

Next meeting is scheduled on **Wednesday, December 13, 2017** in the DAPE offices.

Meeting adjourned at 4:25 p.m.

/pa