

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

October 23, 2012

MINUTES – COUNCIL MEETING, October 10, 2012

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, October 10, 2012, in the Association offices, New Castle, Delaware.

President McAllister convened the meeting at 3:07 p.m.

Council Members present:	C. Balascio, P.E.	M. Lester, P.E.	T. Thomson, P.E.
	W. Balascio, P.E.	M. Mallamo, P.E.	V. Robertson, Esq.
	S. Gharebaghi, P.E.	C. McAllister, P.E.	J. Tracey, Esq.
	R. Hayden, P.E.	H. Medlarz, P.E.	
	K. Kooker, P.E.	F. Newton	

Council Members absent:	D. Barbato, P.E.	-	excused
	D. Clark, P.E.	-	excused

Staff present: P. Abshagen

DAG: Eileen Heeney, Esq.

The Roll call was taken and a quorum was declared.

Open Forum

Minutes of the September 12, 2012 Council Meeting

Council reviewed the Minutes of the September 12, 2012 Council meeting. Motion by Tracey, seconded by Robertson, Council approve the Minutes of the September 12, 2012 Council meeting as submitted. Approved unanimously.

D.A.G. Report (presented in Executive Session)

Motion by Medlarz, seconded by Newton, Council enter Executive Session at 3:09 p.m. to discuss potential litigation. Approved unanimously.

(Council member Robertson excused at 3:22 p.m.)

Motion by Medlarz, seconded by Newton, Council return to Open Session at 3:28 p.m. Approved unanimously.

(Council member Robertson returned)

Motion by Medlarz, seconded by Tracey, Council allow the President the authority to approve the letter being drafted by the Department of Justice to be sent to the Sussex County attorney. Approved. (Council member Robertson abstained.)

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.

President McAllister requested each Chair to briefly describe the tasks of their committee.

Financial Report

Chair Medlarz reported on the income/expense activity for fiscal year 2012/2013. Income actuals are at 81% of projections; expenses at 38% of projections after five months of this fiscal year. Report will be recommended for approval subject to audit.

Finance Committee met on 9/18/12 and reviewed:

- Draft audit report – awaiting final report
- Reserve Fund investments
- Bonding levels – increasing level to correlate with exposure
- Investments – restructure in accordance with approved investment strategy
- Financial Policy – to distribute guidelines for comments

Motion by Newton, seconded by Thomson, Council appoint P. Canzano, D. Clark, A. Diaz, K. Kooker to the Finance Committee, chaired by H. Medlarz. Approved unanimously.

Employee Benefits & Compensation

Job descriptions drafted and to be finalized at next meeting. Health insurance broker appointed and looking for proposals with equal coverage.

Motion by Medlarz, seconded by C. Balascio, Council appoint P. Canzano, D. Clark, A. Diaz, V. Robertson, D. Barbato, F. Newton to the Employee Benefits & Compensation Committee, chaired by H. Medlarz. Approved unanimously.

Law Enforcement/Ethics Committee

Chair Kooker reviewed the report of the Law Enforcement/Ethics Committee meeting of October 3, 2012.

The committee is recommending the closure of the 4 cases listed on Exhibit A1 of the report. Motion by Kooker, seconded by Newton, Council approve the closure of the 4 cases listed on Exhibit A1 of the committee's report dated October 4, 2012.

Motion by Kooker, seconded by Newton, Council appoint Z. Crouch, J. Davidson, A. Diaz, T. Kiefer, D. Koffler, R. MacIntosh, J. Mayan, A. Say, K. Rudy, and M. Ziegler to the Law Enforcement/Ethics Committee, chaired by K. Kooker and T. Thomson. Approved unanimously.

Examining Committee

Chair Lester presented the report of the Examining Committee's meeting of September 26, 2012. Forty-two (42) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of 36 applications for comity; 1 application for an individual who meets all requirements, but is not currently licensed; 1 application for an individual who meets all the requirements, but should be denied; and 4 applications for examination. The Committee also reviewed 8 applications for Certificate of Authorization and 1 application for Temporary Permit. All recommendations are shown on Exhibit A1-A2 of the report.

Applicant #17906 previously had license revoked. Although he meets requirements for licensure, factors surrounding revocation support continued revocation.

Motion by Lester, seconded by C. Balascio, Council approve the Committee's recommendations as shown on Exhibits A1 –A2 of the committee's report; and issue a letter to propose to deny licensure for applicant #17906. Approved unanimously.

Motion by Lester, seconded by C. Balascio, Council appoint R. Allen, C. Balascio, N. Burkhardt, R. Chagnon, J. Davidson, H. Fekry, D. Koffler, C. Kraucunas, R. McClure, D. Reinhold and M. Siwek to the Examining Committee, chaired by M. Lester and W. Balascio. Approved unanimously.

External Affairs Committee

Co-Chair Gharebaghi reported on the Joint Advisory Committee (JAC) meeting on 10/4/12. Discussed revisions to the Delaware State Fire Prevention regulations and two specific projects that were hand-drawn and accepted by the Fire Marshal. Regulations are due for revision in the near future, and the JAC would like an opportunity to review the proposed revisions. Plans did not address structural issues; no details were included on plans. Also discussed the Fire Marshal's discretion to waive the requirement for a P.E. or Architect. The respective boards discussed their enforcement activity (BOA, mostly CPC violators; DAPE, C/A activity robust). Architects also discussed their lawful requirement to advise building officials of the firm doing the construction administrative services.

Facilities Committee -- No report.

Committee chaired by V. Robertson and M. Mallamo.

Public Information

Chair Gharebaghi advised the Summer/Fall issue of the newsletter has been published. And approximately 400 were required to be mailed vs. the remaining 6600 that were sent electronically.

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

Motion by Tracey, seconded by Medlarz, Council appoint F. Newton, V. Robertson and M. Mallamo as members of the Government Affairs/By-laws Committee, chaired by J. Tracey. Approved unanimously.

Ad-Hoc/Policies & Procedures Manual

Committee is chaired by Council member Newton. These manuals require updating and each Committee Chair is reviewing pertinent sections.

Ad-Hoc/CPC

Chair Balascio reported this committee met on 9/27/12. Revision to the law will be required in 2013 to enact CPC for the 2014-2016 renewal cycle. Details will be listed in guidelines (including sanctions). It was suggested DAPE may wish to consider sponsoring a web-based ethics course for not only its members, but the public. It was suggested we get CPC instituted to determine the level of commitment necessary to maintain before we consider sponsoring courses. CPC will require publication, as well as staff to administer, and a standing committee to monitor.

The initial thinking is there will be two tracks: if licensed only in Delaware, project experience can be used. If licensed elsewhere, it shadows the model law. It will address issues of PDH costs. Recommending coursework and project experience be uploaded to an eportfolio, which requires link of licensee.

Ad-Hoc/Enforcement Seminar

Chair Hayden has organized some questions/thoughts for inclusion in this seminar and is seeking feedback from Council and LEE members. Looking to hold this seminar in February.

NCEES

- Exams scheduled for Oct. 26-27, 2012.

Old Business -- None

New Business

- Committee Charges distributed – President McAllister requested by 11/15 nominations for the Outstanding DAPE PE.

Correspondence -- None

Next meeting on **November 14, 2012** in Kent County.

Meeting adjourned at 4:40 p.m.

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance		
Employee Benefits	4-2: Job descriptions pending	
	10-1: Health Insurance proposals	
Law Enforcement		
Examining	1-4: Comm. To review guidelines for reapplication (after 4X PE Fails) 7-2: Comm. to discuss CBT/admin. policies	
External Affairs	4-3: Plan for outreach workshops	
Facilities	12-3: Website Update	12/20/11: Ongoing
Public Information	3-1: Chair Gharebaghi to provide strategies for enhancing committee's work.	
Gov't Affairs		
Ad-Hoc/Policy Manual	3-2: Manual under review	6/13/12: Draft received
Ad-Hoc/CPC	1-6: Details of CPC program in progress	9/1/12: Draft under review
Ad-Hoc/Enforcement Seminar	10-2: Organizing agenda topics and scheduling	
DAG		