

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS  
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October 20, 2014

**MINUTES – COUNCIL MEETING, October 8, 2014**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, October 8, 2014, in the meeting room of Michelle's Restaurant, Dover, Delaware.

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

Council Members Present:	C. Balascio, P.E.	C. McAllister, P.E.	R. Wheatley
	W. Balascio, P.E.	H. Medlarz, P.E.	
	S. Gharebaghi, P.E.	F. Newton	
	R. Hayden, P.E.	E. Retzlaff, P.E.	
	K. Kooker, P.E.	R. Smith, Esq.	
	M. Lester, P.E.	T. Thomson, P.E.	

Council Members absent:	D. Barbato, 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.

New Council member Ronald Smith, Esq. was welcomed to Council and introductions of Council members made.

**Open Forum** -- Nothing to report.

**Minutes of the September 10, 2014 Council Meeting**

Council reviewed the Minutes of the September 10, 2014 Council meeting. Motion by Thomson, seconded by C. Balascio, Council approves the Minutes of the September 10, 2014 Council meeting as submitted. Approved.

**D.A.G. Report**

- Hearing scheduled for 10/10/14 in response to a Cease & Desist has been continued to explore settlement options.

## **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 42% of this fiscal year reflect income has reached 90% of projections; and expenses 30%.

The Finance Committee met on September 25, 2014 to discuss:

- Draft Audit – Committee reviewed the draft financial statements for fiscal year ending 4/30/2014.
- Investments – Investment advisor provided recommendations for investment of funds in both the Deferred and Reserve Fund accounts.
- Committee also discussed utilizing Ipads for meetings; investigating a DAPE app; utilizing services of private legal counsel, paid expert witnesses, and paid litigators.

Council member Lennon suggested making the DAPE website mobile compatible. Proposal from IT will be requested. It was also suggested with the various methods available today of contacting our membership (i.e., email, Facebook, Twitter, etc.), we should ascertain the pulse of the group.

*Motion by Lennon, seconded by Hayden, Council approve investigating the feasibility of a mobile compatible interface. Approved unanimously.*

**Employee Benefits & Compensation** -- No report.

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

Chair Kooker presented the Law Enforcement/Ethics Committee report of the committee's meeting on 10/1/14.

- Co-Chair Thomson is working on a draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs.
- Committee member Koffler requested the use of the conference room to provide workshops for interested DAPE members. Council approved the use of the Engineering Center for such workshops. (Guidelines will be developed for use of facilities.)
- Committee is recommending Council approval of Administrative Order 14/088.
- Committee is recommending Council approval of Intent to Deny letter in Case 14/090.
- Committee is recommending Council closure of five (5) cases listed on Exhibit A of its report.

*Motion by Kooker, seconded by Lennon, Council approve the Administrative Order in Case 14/088. Approved unanimously.*

*Motion by Kooker, seconded by Thomson, Council approve the Intent to Deny letter draft (in principle to permit DAG Hickey's review). Approved unanimously.*

*Motion by Kooker, seconded by Lennon, Council approve the closure of the five (5) cases listed on Exhibit A of the committee's report. Approved unanimously.*

### **Examining Committee**

The Council reviewed the report of the Examining Committee's meeting of September 24, 2014. Forty (40) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **33** applications for **comity**; **1** application for individual who is not licensed elsewhere but meets all the requirements for licensure; and **6** applications for examination. The Committee also reviewed **6** applications for **Certificate of Authorization**.

*Motion by C. Balascio, seconded by Retzlaff, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated September 26, 2014. Approved unanimously.*

The committee continues working on traffic engineering guidelines.

The PE exam will be administered to 90 examinees on Friday, October 24, 2014.

### **External Affairs Committee**

Joint Advisory Committee (JAC) met on 9/29/2014. The committee discussed:

- Building Codes utilized by the various municipalities.
- Fire Marshal granting a waiver of the requirement for either an architect or engineer.
- Code Officials' handbook – second review
- Legislation under consideration by the respective boards
- Architect/Engineer Responsibilities on projects
- Electronic signatures and seals – Architects recently developed regulatory language.

### **Facilities Committee**

Director Abshagen advised that the Apple store has implemented an upgrade policy whereby \$100 - \$250 credit will be provided for upgrading Ipad.

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

### **Public Information**

- Laboratory for Learning – Council member Gharebaghi shared copies of the Dover Post article on the Caesar Rodney High School/Camden-Wyoming Sewer and Water Authority joint program encouraging studies in science, technology, engineering and math. Twenty-two students have enrolled in the program.
- Fall newsletter due shortly.

### **Ad-Hoc/Law Revision Committee**

Committee chaired by Council member Lennon met to discuss de-coupling the experience requirement from PE examination requirements and its impact on both CPC and an individual's area of practice. They also discussed the definition of the practice of engineering to address the incidental practice of surveying by engineers.

*Motion by Lennon, seconded by C. Balascio, Ad-Hoc Committee to draft proposed language to de-couple the experience requirement from the PE examination requirements. (11-AYE; 1-OPPOSED – Hayden) Motion carried.*

Council discussed the practice of surveying incidental to the practice of engineering and will continue its discussion after DAG Hickey reviews the AG's opinion on surveying by engineers.

*Motion by Retzlaff, seconded by Hayden, Council table further discussion on the definition of the practice of engineering until DAG Hickey has had an opportunity to review the AG opinion. Approved unanimously.*

**Correspondence** -- None

## **NCEES**

- NCEES Emeritus Status -- Council member McAllister has requested Council nominate him for emeritus status with NCEES. As emeritus status is available to past Council members and McAllister has received Council approval to remain on Council in a non-voting position, it would be premature to request emeritus status with NCEES.

**Old Business** -- None

## **New Business**

- Committee Chair Appointments: President Medlarz has made the following appointments:
  - Finance - Barbato
  - LEE - Kooker, Thomson
  - Examining - C. Balascio
  - External Affairs - Hayden
  - Public Information - Gharebaghi
  - Facilities - Wheatley

Committee Chairs will need to provide any recommendations for new committee charges, as well as the proposed membership of their committees for approval at the next Council meeting.

Next meeting on November 12, 2014 in the DAPE offices.

Meeting adjourned at 5:10 p.m.

/pa