

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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October 23, 2015

MINUTES – COUNCIL MEETING, October 14, 2015

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, October 14, 2015, in the conference facility of the 33 Ale House & Grill, Dover, Delaware.

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

Council Members Present:	D. Barbato, P.E.	M. Lester, P.E.
	C. Balascio, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	H. Medlarz, P.E.
	S. Gharebaghi, P.E.	E. Retzlaff, P.E.
	R. Hayden, P.E.	T. Thomson, P.E.
	M. Lennon, P.E.	R. Smith, Esq.

Council Members absent:	J. Ludman, P.E.	-	excused
	J. Tracey, Esq.	-	excused
	R. Wheatley	-	excused

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the September 9, 2015 Council Meeting

Council reviewed the Minutes of the September 9, 2015 Council meeting and recommends the following amendments under the DAG Report (page 2):

- Gregory Scott Case #10/087 – sixth bulleted item sub-bullet should read:
 - Scott was **incompetent** to provide the services
- Matthew Szayna Case #13/099, add:

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

Motion by McAllister, seconded by Lennon, Council approve the Minutes of the September 9, 2015 as amended. Approved unanimously (Gharebaghi abstained).

D.A.G. Report

- Department of Justice is organizing a Freedom of Information Act (FOIA) workshop. Executive Director Abshagen will be attending.

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 five months (42%) of this fiscal year reflect income has reached 53% of projections; and expenses 33%. Expense category #653 (Council/Committee Education) does not reflect expenses of the recent education workshop held on October 8th. Future education courses to be planned for 2016.

Audit for fiscal year 2014/2015 has been completed by Barbacane & Thornton. Draft report to be reviewed by the Finance Committee.

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

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Committee met on October 7, 2015 and discussed:

- DNREC – Class B design for lift station/gravity on-site wastewater systems MOU under review by DNREC.
- Several new cases submitted, reflecting DNREC's use of "Engineer" in position titles, etc.
- Committee is working on recommendations for new charges, including pursuit of a meeting with the Attorney General's office, especially in light of DOJ's decision to not have a DAG in attendance at the LEE meetings.
- Committee membership to remain the same with the addition of J. Jakubowski.
- Committee is recommending the closure of 7 cases.

Motion by Thomson, seconded by Lester, Council approve the closure of the seven (7) cases listed on Exhibit A of the committee's report. Approved unanimously.

Examining Committee

The Executive Committee reviewed the report of the Examining Committee's meeting of September 30, 2015. Thirty-eight (38) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **32** applications for **comity**; and **6** applications for examination. The Committee also reviewed **4** applications for **Certificate of Authorization** and **1** application for **Temporary Permit**.

Motion by C. Balascio, seconded by McAllister, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated October 1, 2015. Approved unanimously.

External Affairs Committee

- JAC meeting scheduled for 10/20/15.
 - Building officials' handbook draft reviewed and appears to be slanted towards architects. To be discussed further.

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.
- Secretary Gharebaghi advised the Laboratory for Learning program has re-started and meets on the 4th Thursday of the month.

Ad-Hoc/Law Revision Committee

- Decoupling PE experience from exam -- This discussion was tabled.
- Progressive engineering experience – Discussion to follow.

Correspondence -- None

NCEES

- PE exam scheduled for October 30th; one ADA candidate, as well as several SE candidates taking the second 8-hour SE exam, will be in DAPE's office on Saturday, October 31st.

Old Business

President Barbato has appointed the following Committee Chairs:

- Examining: M. Lester, W. Balascio
- External Affairs: R. Hayden, S. Gharebaghi
- Employee Compensation/Finance: T. Thomson, S. Gharebaghi
- Facilities: R. Wheatley
- Government Affairs: R. Smith, E. Retzlaff
- Law Enforcement/Ethics: T. Thomson, C. McAllister
- Public Information: S. Gharebaghi, W. Balascio

- Ad-Hoc/NCEES & CPC Audits: M. Lennon, W. Balascio

Committee Membership Appointments:

Examining Committee:

(Chair Lester, Co-Chair W. Balascio) R. Allen, C. Balascio, N. Burkhardt, N. Buttorff, R. Chagnon, J. Davidson, D. Koffler, C. Kraucunas, M. Siwek, B.J. Song, A. Weiser

Motion by McAllister, seconded by Gharebaghi, Council appoint the members of the Examining Committee as presented. Approved unanimously.

External Affairs:

(Chair Hayden, Co-Chair Gharebaghi) J. Ludman

Motion by Retzlaff, seconded by Lester, Council appoint the members of the External Affairs Committee as presented. Approved unanimously.

Employee Compensation/Finance:

(Chair Thomson, Co-Chair Gharebaghi) P. Canzano, A. Diaz, C. McAllister, H. Medlarz

Motion by Thomson, seconded by McAllister, Council appoint the members of the Employee Compensation/Finance Committee as presented. Approved unanimously.

Facilities:

(Chair Wheatley) H. Medlarz

Motion by McAllister, seconded by Retzlaff, Council appoint the members of the Facilities Committee as presented. Approved unanimously.

Government Affairs/Bylaws:

(Chair Smith, Co-Chair Retzlaff) J. Tracey

Motion by Lester, seconded by C. Balascio, Council appoint the members of the Government Affairs/Bylaws Committee as presented. Approved unanimously.

Law Enforcement & Ethics:

(Chair Thomson, Co-Chair McAllister) J. Davidson, A. Diaz, J. Jakubowski, T. Kiefer, D. Koffler, Leitsch, R. MacIntosh, J. Mayan, A. Say, K. Rudy.

Motion by Lester, seconded by Hayden, Council appoint the members of the Law Enforcement & Ethics Committee as presented. Approved unanimously.

Public Information:

(Chair Gharebaghi, Co-Chair W. Balascio)

Ad-Hoc/NCEES & CPC Audits:

(Chair Lennon, Co-Chair W. Balascio)

New Business

- Summary of Law School for Professional Engineers Seminar – October 8, 2015

- Attendance:

- ✓ 120 in the morning session / 20 Council and LEE members in the afternoon

- Evaluations:

- ✓ 14 attendees rated the session average/met expectations
 - ✓ Remainder rated the session Excellent/exceeded expectations

- Positive Comments:

- ✓ Informative
 - ✓ On target
 - ✓ Dynamic speaker
 - ✓ Speaker clear, concise & knowledgeable
 - ✓ Speaker made a boring topic more interesting
 - ✓ Very relevant
 - ✓ Great examples utilized to exhibit learning points
 - ✓ Liability insurance discussion was particularly good
 - ✓ Clear and directly related to engineering
 - ✓ One of the best CE ever attended

- Negative Comments:

- ✓ Sound system too loud; acoustics not great
 - ✓ Break during session needed
 - ✓ Avoid morbid discussions
 - ✓ More engineering-related case law
 - ✓ First Chapter not too engineering specific

- Suggestions for Future Presentations:

- ✓ Negligence & Professional negligence
 - ✓ Risk for accepting projects and determining how to manage these risks
 - ✓ Ethical duties to client
 - ✓ Contracts for engineering services
 - ✓ Engineering liability issues facing licensed engineers
 - ✓ Similar topics that appeal to a broad audience

Council member Thomson commented that having a representative from the AG's office present would be advantageous.

Next meeting is scheduled on **Thursday, November 12, 2015**, in the offices of DAPE.

Meeting adjourned at 3:55 p.m.

/pa