

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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October 24, 2016

MINUTES – COUNCIL MEETING, October 12, 2016

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, October 12, 2016, at the Boardwalk Plaza Hotel, Rehoboth, Delaware.

Vice President Lennon convened the meeting at 3:05 p.m.

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

Council Members absent:	D. Barbato, P.E.	-	excused
	S. Gharebaghi, P.E.	-	excused
	R. Hayden, P.E.	-	excused
	M. Lester, P.E.	-	excused
	J. Ludman, P.E.	-	excused
	R. Wheatley	-	not excused

Staff present: P. Abshagen

DAG present: Catherine Hickey

The Roll call was taken and a quorum was declared.

Open Forum -- No report.

Minutes of the September 14, 2016 Council Meeting

Council reviewed the Minutes of the September 14, 2016 Council meeting and recommends the Minutes be approved as submitted.

Motion by C. Balascio, seconded by McAllister, Council approve the Minutes of the September 14, 2016 as submitted. Approved unanimously.

D.A.G. Report

Delaware Professional Licensing Review Committee Update – DAG Hickey reported that DAPE will maintain its current structure with the exception that the Director of the Division of Professional Regulation will have oversight on unlicensed practice actions.

HVACR Overlapping Practice – The HVACR statute permits design, which overlaps with the responsibility of the engineer. The question is what kind of design can an HVACR do – it doesn't appear to be limited to residential or light commercial, etc. DAG Hickey is following up with the DAG of the HVAC board.

FOIA -- A FOIA request was received from an Ohio professional development business for the contact information, including email addresses, of all Delaware licensees in a very specific format. When advised that the PE roster on the DAPE website is the information available, a complaint was filed with the Dept of Justice demanding the email addresses of all licensees. A response to this complaint was filed that the out-of-state vendor was not entitled to this information under FOIA based on a recent Supreme Court decision.

Rule to Show Cause Hearings – Those licensees that have not responded to the CPC audit have been scheduled for a Rule to Show Cause hearing on 11/15/16.

Motion by Retzlaff, seconded by Tracey, Council members C. Balascio, J. Jakubowski and M. Clendaniel be appointed to this Hearing Panel, with C. Balascio serving as Chair. Approved unanimously.

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 fiscal year ending April 30, 2017 reflect income has reached 84% of projections; and expenses 29%.
- Committee to meet on November 3, 2016 to discuss 2016 audit, new auditors, new financial advisor, job description, guidelines, etc.

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

Employee Benefits & Compensation

Lauren Thomson has submitted her resignation indicating she wasn't cut out for this position. She has agreed to stay until a replacement can be found. Director Abshagen has interviewed a potential candidate and reached out to an employment agency for perspective candidates.

Law Enforcement/Ethics Committee

Chair McAllister reported on the Committee's meeting of October 5, 2016.

- Committee is pursuing a MOU with DNREC in regards to Class B designs for lift station/gravity on-site wastewater systems.
- Committee member Say has followed up with the University in accordance with the MOU on the one-year anniversary of this agreement. The University confirms its continued compliance, as well as the continued posting of the disclaimer on their website. (This will be confirmed.)
- Code of Ethics revisions have been tabled for the moment.

The committee is recommending the closure of eight (8) cases as listed on Exhibit A of its report.

Motion by McAllister, seconded by C. Balascio, Council approve the closure of the eight (8) cases as listed on Exhibit A of the Committee's report. Approved unanimously.

Examining Committee

Committee member Balascio reported on the committee's meeting of September 28, 2016. Thirty-six (36) applications for licensure, including 33 for **comity**; and 3 applications for **examination** were reviewed. Committee also reviewed 5 applications for **Certificates of Authorization**.

Motion by C. Balascio, seconded by McAllister, Council approve the applications for licensure and Certificates of Authorization as listed on Exhibits A1-A2 of the Committee's report. Approved unanimously.

University of Delaware – Senior Design Class – Chair Lester is assisting the Senior Design class to register for the FE exam, offering free study guides to those that do.

External Affairs Committee -- Required to cancel the JAC meeting as it had not been noticed properly.

Facilities Committee -- No report.

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

Public Information

- Fall issue of the newsletter being drafted (President's Message, Bios of new Council members, etc.)

Correspondence -- None.

NCEES

- Exams scheduled for 10/28/16. We have 93 examinees registered, plus 4 structurals.
- NCEES sent letter reminding DAPE that PE exam fees will be paid directly to NCEES after the April, 2017 PE exam administration.

Old Business -- None

New Business

President Barbato has appointed the following Committee Chairs:

Finance:	Lennon
Employee Comp.:	Lennon
Law Enforcement:	McAllister / Jakubowski
Examining:	Lester / W. Balascio
External Affairs:	Hayden
Facilities:	Wheatley
Public Information:	Gharebaghi
Government Affairs:	Smith

Finance Committee membership -- *Motion by Smith, seconded by Clendaniel, to appoint A. Diaz and P. Canzano as members on the Finance Committee, in addition to Council members Lennon and McAllister. Approved unanimously.*

Law Enforcement Committee membership -- *Motion by McAllister, seconded by Tracey, to appoint J. Davidson, A. Diaz, T. Kiefer, D. Koffler, R. Leitsch, J. Mayan, A. Say, D. Reinhold and K. Rudy as members on the Law Enforcement/Ethics Committee, in addition to Council members McAllister and Jakubowski. Approved unanimously.*

Examining Committee membership -- *Motion by W. Balascio, seconded by C. Balascio, to appoint R. Allen, C. Balascio, N. Burkhardt, N. Buttorff, R. Chagnon, J. Davidson, D. Koffler, C. Kraucunas, M. Siwek, B.J. Song, A. Weiser, and D. Zmijewski as members on the Examining Committee, in addition to Council members Lester and W. Balascio. Approved unanimously.*

Next meeting is scheduled on **Wednesday, November 9, 2016**, in the DAPE offices.

Meeting adjourned at 3:45 p.m.

/pa