

STATE OF DELAWARE



**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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October 2, 2013

MINUTES – COUNCIL MEETING, September 11, 2013

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, September 11, 2013, in the Association offices, New Castle, Delaware.

President McAllister convened the meeting at 3:03 p.m.

Council Members Present:	C. Balascio, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	H. Medlarz, P.E.
	D. Barbato, P.E.	F. Newton
	S. Gharebaghi, P.E.	E. Retzlaff, P.E.
	K. Kooker, P.E.	V. Robertson, Esq.
	M. Lester, P.E.	T. Thompson, P.E.
	M. Lennon, P.E.	J. Tracey, Esq.

Council Members absent: R. Hayden, P.E. - Excused

Staff present: S. Shimomura

DAG: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum

Council Election

The slate of 2013/2014 officers as presented by the Executive Committee:

President	-	Hans Medlarz, P.E.
Vice President	-	Daniel Barbato, P.E.
Secretary	-	Theodore Thomson, P.E.
Treasurer	-	Keith Kooker, P.E.

Motion by Newton, seconded by Robertson, Council member Medlarz be elected as President. Approved unanimously.

Motion by Newton, seconded by Robertson, Council member Barbato be elected as Vice President. Approved unanimously.

Motion by McAllister, seconded by Robertson, Council member Thomson be elected as Secretary. Approved unanimously.

Motion by Gharebaghi, seconded by Thomson, Council member Kooker be elected as Treasurer. Approved unanimously.

President McAllister expressed his appreciation to Council for their support and the meeting was turned over to incoming President Medlarz.

Minutes of the August 14, 2013 Council Meeting

Council reviewed the Minutes of the August 14, 2013 Council meeting. Motion by Barbato, seconded by Robertson, Council approves the Minutes of the August 14, 2013 Council meeting as submitted. Approved.

D.A.G. Report

- Johns hearing is scheduled for September 26.
- Meeting with Sussex County officials scheduled for 9/12/13 in the Dover AG's office.

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

Chair Medlarz reviewed the report of the Committee's September 5, 2013 meeting:

- Website updates have been more extensive than expected; met with IT representatives who did account for their time and agree that DAPE owns the code. Recommend additional funds not to exceed \$25,000 to complete functionality. Motion by Robertson, seconded by Newton to fund work, not to exceed \$25,000 and to authorize President of Council to approve the contract. Approved unanimously.
- The investment advisor visited with suggestions regarding the investment strategy.
- Draft audit action items: Bank reconciliations to be reviewed by Treasurer, as per bylaws. Investments need to be more flexible; we are currently required in the bylaws to invest in 5-7 year terms. Motion by McAllister, seconded by W. Balascio, to modify guidelines as proposed. Approved unanimously.
- Records retention: looked at other agencies; need to develop a process and budget.

- Emeritus status members will no longer be funded to attend NCEES meetings; funding was approved for a Law Enforcement Committee member to attend. Motion by Robertson to fund Law Enforcement Committee member to attend NCEES meetings, amended by Medlarz to add "attend appropriate meetings and report back", seconded by Tracey. Approved unanimously.

Chair Medlarz reported on finances for the first four months of this fiscal year. Income has reached 43% of projections; and expenses 33%. Motion by Newton, seconded by McAllister, to accept the report. Approved unanimously.

Employee Benefits & Compensation -- No report.

Law Enforcement/Ethics Committee

Chair Kooker reported on the Committee's September 4, 2013 meeting.

- The Committee is seeking a mechanical engineer to serve.
- Ten of the twelve members will remain on committee.
- The current charges have been distributed for review.

The Committee recommends updating the Administrative Penalty Table as indicated in their report. Motion by Kooker, seconded by C. Balascio to update penalty table. Approved unanimously.

In addition to the committee's recommendation for the closure of the nine files listed on the report's Exhibit A1, the committee added Case 13/112 to the closure list. One Consent Order was signed. Motion by Kooker, seconded by Robertson, that Council approve the closure of the ten cases listed on Exhibit A1 of the committee's report. Approved unanimously.

Examining Committee

Chair Lester presented the report of the Examining Committee's meeting of August 28, 2013. Thirty-three (33) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **18** applications for **comity**; and **15** applications for **examination**. The Committee also reviewed **6** applications for **Certificate of Authorization**; and **1** application for **Reinstatement**. Motion by Lester, seconded by Robertson, that Council approve the Committee's recommendations as shown on Exhibits A1 –A2 of the committee's report dated August 28, 2013 and amend the minutes to show that W. Balsacio was absent from the meeting. Approved unanimously.

External Affairs Committee -- No Report.

Government Affairs/By-laws Committee

Past President McAllister led a brief discussion regarding overlapping practices as they relate to Law Enforcement cases and suggested that it may be useful to have a document to address these overlaps in Delaware.

Facilities Committee

President Medlarz informed Council that the 5-year office lease has been renewed.

Public Information

Chair Gharebaghi reported that the summer newsletter had gone out and thanked Council members for their contributions.

Ad-Hoc/CPC

Chair W. Balascio reported that the CPC Guidelines have been submitted to Council for approval. A discussion regarding additional changes for clarification ensued: Section C should say "2014/2016" and Credits 12 months prior to enactment of the law should be changed to add "Credits earned after June 30, 2013 may be applied under this provision." Motion by W. Balascio, seconded by Robertson to approve the document with amendments and changes as discussed. Approved unanimously.

Ad-Hoc/Policies & Procedures Manual -- No Report.

NCEES

Past President McAllister recapped highlights of the meeting, including the election of NCEES President-Elect. Although Delaware supported Skip Harclerode's (MD) candidacy, he was not elected. There was a good session on Law Enforcement interviewing.

W. Balascio reported that he participated in a session on ethics courses, and another regarding digital signatures and seals. Staff member Abshagen volunteered to assist in the 2017 meeting in the Virgin Islands.

C. Balascio reported on licensure of academics: in Wyoming, PhDs are exempt from the Principles and Practices of Engineering exam.

Correspondence -- None

Old Business

Past President McAllister reported that he will attend a meeting of the Green and Better Building Advisory Committee on September 25, 2013.

New Business -- None

Next meeting on **October 9, 2013** in Kent County Levy Court building, Dover.

Meeting adjourned at 5:09 p.m.

	<u>ACTION LIST:</u>	
COMMITTEE:	ACTION:	<u>STATUS:</u>
Finance		
Employee Benefits		
Law Enforcement	Updated Penalty Table – distribute to Council and publish on website	
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	9/11/13: Awaiting Exam. & LEE portions
Ad-Hoc/CPC		
DAG		