

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](mailto:office@dape.org)

September 16, 2014

**MINUTES – COUNCIL MEETING, September 10, 2014**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, September 10, 2014, at the Association offices, New Castle, Delaware.

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

Council Members Present:	C. Balascio, P.E.	M. Lester, P.E.	R. Wheatley
	W. Balascio, P.E.	J. Ludman, P.E.	
	D. Barbato, P.E.	C. McAllister, P.E.	
	S. Gharebaghi, P.E.	H. Medlarz, P.E.	
	K. Kooker, P.E.	F. Newton	
	M. Lennon, P.E.	T. Thomson, P.E.	

Council Members absent:	R. Hayden, P.E.	-	excused
	E. Retzlaff, 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.

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

**Minutes of the August 13, 2014 Council Meeting**

Council reviewed the Minutes of the August 13, 2014 Council meeting. Motion by Kooker, seconded by W. Balascio, Council approves the Minutes of the August 13, 2014 Council meeting as submitted. Approved.

**Council Election**

The slate of 2014/2015 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 C. Balascio, seconded by Wheatley, nominations for the office of **President** be closed.  
Approved unanimously.
  - Motion by Barbato, seconded by Lester, Council member Medlarz be elected as **President**.  
Approved unanimously.
- ✓ Motion by Newton, seconded by C. Balascio, nominations for the office of **Vice President** be closed.  
Approved unanimously.
  - Motion by Barbato, seconded by Lester, Council member Barbato be elected as **Vice President**.  
Approved unanimously.
- ✓ Motion by C. Balascio, seconded by Wheatley, nominations for the office of **Secretary** be closed.  
Approved unanimously.
  - Motion by Barbato, seconded by Gharebaghi, Council member Thomson be elected as **Secretary**. Approved unanimously.
- ✓ Motion by Newton, seconded by C. Balascio, nominations for the office of **Treasurer** be closed.  
Approved unanimously.
  - Motion by Gharebaghi, seconded by C. Balascio, Council member Kooker be elected as **Treasurer**. Approved unanimously.

Congratulations to all Council officers.

### **D.A.G. Report**

- FOIA Policy – It is a work in progress.
- Immediate Past President continued service after expiration of Council seat – Bylaws are clear, Immediate Past President may continue to serve in an advisory capacity, as a non-voting member.
- Scott Hearing – The State has concluded its case. A motion to re-open the case has been filed and was addressed by the Hearing Panel. The Hearing Panel deliberated and denied the motion to re-open the case. The matter concluded and the written decision will address the three motions of the hearing.

### **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 33% of this fiscal year reflect income has reached 83% of projections; and expenses 25%.

The Finance Committee will be convening a meeting to discuss the investment of deferred income monies, as well as the completed draft audit.

Motion by Newton, seconded by Thomson, Council approve the Finance Report pending audit. 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 9/3/14.

Updates on several matters:

- Co-Chair Thomson is working on a draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs.
- NCEES Amicus Brief/Supreme Court Case in the matter of the NC Board of Dental Examiners v. the Federal Trade Commission – Oral arguments scheduled for October 14, 2014. (DAG indicated there is a blog with a live feed of Supreme Court arguments.)
- NCEES Annual Meeting Law Enforcement Program, Seattle, WA – Committee members Diaz and Kiefer provided a summary of this investigator training program for the committee members. Copies of the Investigator Training Manual were distributed.
- Committee is recommending the closure of 16 files.

Motion by Kooker, seconded by Lester, Council approve closure of the 16 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 August 27, 2014. Forty-three (43) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of **25** applications for **comity**; and **18** applications for examination. The Committee also reviewed **7** applications for **Certificate of Authorization** and **1** request for **Temporary Permit**.

Motion by C. Balascio, seconded by Newton, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated August 29, 2014. Approved unanimously.

Subsequent to the meeting, a Certificate of Authorization for **Holstein White, Inc.** (Scott White, P.E.) was received, reviewed and is in order. Motion by C. Balascio, seconded by W. Balascio, Council approve the C/A for Holstein White, Inc. Approved unanimously.

### **External Affairs Committee**

- JAC meeting to be scheduled in the next couple of weeks.

**Facilities Committee** -- No report.

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

**Public Information**

- Laboratory for Learning – Council member Gharebaghi advised 12 Caesar Rodney students, plus 1 Dover student have enrolled in the program. Meetings will take place the 4<sup>th</sup> Thursday of each month from 9/14 – 9/16.
  - Council member McAllister reported on the engineering activities at the Seattle Science Center for young engineers.
- Fall newsletter due shortly.

**Correspondence** -- None

**NCEES**

- Annual meeting in Seattle on August 20-23, 2014:
  - Numerous revisions to the Model Law were discussed and approved. Among those are:
    - Removing language from the NCEES Model Law referring to MLE2020 (requiring additional education beyond the BS degree for initial licensure)
    - Definition of engineering, which will now include reference to surveying incidental to engineering and the specific surveying exclusions.
    - Decoupling the experience requirement which permits taking the exam prior to actually obtaining the 4 years.

President Medlarz appointed an Ad-Hoc/Model Law Committee (Council members Lennon and W. Balascio) to review these revisions for Council consideration.

Council member W. Balascio also discussed an alternate licensure path for faculty with a PhD that would exempt them from taking exams.

**Old Business**

- Governor's office has not responded yet to our recommendation to fill the Kent County appointed seat. Mary Davis requested a recommendation from us on 8/21/14.

**New Business**

- Congratulations were extended to Council member Wheatley on his successful primary campaign for Sussex Council Seat; and to Council member W. Balascio on his recent marriage.
- NCEES Emeritus Status -- Council member McAllister has requested Council approval to nominate him for emeritus status with NCEES.

Motion by Wheatley, seconded by Gharebaghi, Council nominate C. McAllister for NCEES emeritus membership. Approved unanimously.

- Council member Lester reported that she routinely provides licensure presentations to the senior design class at the University of Delaware. Out of the 164 seniors, 8 had registered for the FE exam. With

computer-based testing, DAPE has not had a presence on campus to encourage registration for the exam, and Lester is concerned the decreasing FE numbers will impact ABET's goals for the UD programs. It has been suggested DAPE utilize the computer labs in the Spring to encourage students to register for the exam on site with some encouragement (i.e., complimentary copies of the supplied reference book, or study guide, etc.). Would also need volunteers to speak with the students – Council member Lennon volunteered.

Next meeting on October 8, 2014 in Kent County.

Meeting adjourned at 4:30 p.m.

/pa