

JAC Meeting – September 7, 2017

Meeting held at Roma's Italian Restaurant, Dover, DE, at noon.

Present: BOA – P. Ryan, T. Breck; DAPE – R. Hayden, S. Gharebaghi, P. Abshagen;
Sussex County – A. Wright

Minutes of 5/12/16 Meeting:

These minutes were reviewed. *Motion by Gharebaghi, seconded by Ryan, the Minutes of the 5/12/16 meeting be approved. Approved unanimously.*

Previous Issues Discussed:

- Clarification – FM, at his will, can waive the requirement of PE or Architect (purpose was meant for maintenance work, but that's not what it says). He is thus defining the statutes.
 - FM to be advised the practice of either profession is regulated by the state and cannot be ignored so that all parties are on the same page.
 - JAC should draft letter for each board to consider to clarify the waiver and should invite Fire Marshal representative to attend next JAC meeting (P. Ryan to draft agenda for discussion items with Fire Marshal.)

Update: P. Abshagen to draft letter to FM and distribute to JAC members for review and comment.

- Master HVAC firms performing design – R. Hayden provided a copy of Title 24 Chapter 18 that states that Master HVACR “can design, install, construct, maintain, service, repair, alter, or modify a product or equipment including gas piping in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems.”

Update: Hayden reported that the DAPE Council discussed this matter with its DAG and was advised that “the Dept. of Justice and the General Assembly recognize that there are many overlaps in practice among the various professions, and indicated the expectation is that the quality of work be done competently.” The JAC also believes the marketplace will sort this out.

- Incidental/Overlapping Practice Issues -- DAPE reported they have not seen any recent issues involving overlapping practice and the consensus is that we are seeing less and less of this.
- Legislation --
 - Architects reported they may have some housekeeping legislation.
 - DAPE reported on its legislation that is awaiting the Governor's signature:
 - ✓ Limiting license reinstatement to 4 years (vs. 10 currently)
 - ✓ Temporary permit now contingent upon permanent licensure
 - ✓ Allows use of electronic signature/date (currently addresses seal only)
 - ✓ Voluntarily surrendering license elsewhere is considered discipline and can result in reciprocal discipline.

(Andy Wright shared that Sussex County has experienced electronic seals being cut and pasted onto other drawings. They now require a colored stamp/seal/signature.)

- Building Officials Handbook – In its draft #4, the JAC committee members further refined some of the language, discussed formatting and changing the name to Guidelines. P. Abshagen will incorporate latest revisions, distribute to the JAC members and then onto the respective boards to get this finalized. The intent is to arrange an outreach workshop with building officials statewide to present this publication in the coming months.
- Oregon board decision on unlicensed practice – P. Abshagen shared with the JAC members the recent allegation of unlicensed practice that Oregon levied upon a Swedish degreed engineer who approached the Oregon board with the deficiency in the timing of stop lights after his wife had received a traffic ticket. The Institute of Justice is now representing this individual in the case.

Subsequently, a California congressman has introduced HR 3446 “to help states combat abuse of occupational licensing laws by economic incumbents, to promote competition, to encourage innovation, to protect consumers, and to facilitate the restoration of antitrust immunity to state occupational boards, and for other purposes.”

Meeting adjourned at 2:10 p.m.

/pa