

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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June 18, 2019

MINUTES – JUNE 12, 2019 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, June 12, 2019, at the DAPE office in New Castle, Delaware at 3:00 p.m.

The Roll call was taken and a quorum was declared.

Council Members present:	C. Balascio, P.E.	W. Balascio, P.E.
	M. Clendaniel, P.E.	W. Gamgort, Esq.
	S. Gharebaghi, P.E.	R. Hayden, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	E. Retzlaff, P.E.	R. Smith, Esq.
	R. Wheatley	

Council Members absent:	D. Barbato, P.E.	M. Lennon
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Staff present:	J. Wootten
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DAG present:	E. Kelly, Esq.
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Also present:	F. Newton
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Open Forum

No members of the public were present.

Welcome and introductions for new Council member William Gamgort, who was appointed by the Governor to serve in the New Castle County Seat (replacing John Tracey).

Minutes of the May 8, 2019 Council Meeting

Council reviewed the Minutes of the May 8, 2019 Council meeting.

Motion by S. Gharebaghi, seconded by M. Clendaniel, to approve the minutes of the May 8, 2019 meeting. Approved unanimously.

D.A.G. Report

DAG Kelly shared a draft of a response to the Engineers Without Borders/Community Engineering Corps question regarding their need to have a Certificate of Authorization (COA). Rather than make a blanket statement which would exempt them from having a COA, we'll ask them to contact us on a case-by-case basis as engineering projects in Delaware come up. If they have a specific project, we could consider drafting a Memorandum of Understanding at that time.

Motion by S. Gharebaghi, seconded by M. Clendaniel, to approve this communication to Engineers Without Borders. Approved unanimously. J. Wootten will send this as a response to their original email.

Financial Reports

Finances for the one month (8.3%) of fiscal year ending April 30, 2020 reflect income has reached 5.7% of projections and expenses 6.1%. Note: deferred income will be reflected after audit (scheduled for August). Certificate of Authorization income is delayed this year because the renewal window won't open until August 1.

Motion by J. Jakubowski, seconded by S. Gharebaghi, Council accept the Finance Report subject to audit. 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.

Finance/Employee Compensation & Benefits Committee/Facilities Committee – No Report

Law Enforcement/Ethics Committee

The Committee met on June 5, 2019 and discussed the following:

- Recap of May 16 ethics training; feedback was generally good; Committee recommends scheduling same session for PEs in Kent or Sussex County location in the fall (in addition to a new session in early spring 2020 back in New Castle County).
- Committee members have been invited to Law Enforcement Program at the NCEES annual meeting in Washington DC. One member is registered.
- The committee is recommending closure of 15 cases as listed in its report.
- Committee discussed potentially amending the law to address penalties for firms that have let their Certificate of Authorization lapse, and indicate that they have practiced engineering, as the law does not address penalties for firms.
- A reminder to Council members that they should not discuss open investigations.
- Council to approve letter of reprimand for File 19-057; C. Balascio to sign letter and consent.

Motion by C. McAllister, seconded by M. Clendaniel, Council approve the closure of 15 cases as listed on Exhibit A of the committee's report. Approved unanimously.

Motion by M. Clendaniel, seconded by E. Retzlaff, Council approve the letter of reprimand dated June 13, 2019 (File 19-057) and authorized Council signatures on final order. Approved unanimously.

Examining Committee

Chair W. Balascio reported that the Committee met on May 29, 2019 and reviewed **94** individual applications for licensure, consisting of **31 applications for comity, 16 applications for examination, and 47 applications for licensure after successful passage of PP&E exam**. All recommendations are shown on **Exhibit A1** which is now ready for Council action.

Motion by W. Balascio, seconded by M. Clendaniel, Council approve the Committee's recommendations for applications for licensure as noted on Exhibit A1 of the committee's report. Approved unanimously.

The Committee reviewed 15 applications for **Certificate of Authorization** and 5 applications for **Certificate of Authorization Reinstatements**. Committee recommendations are noted on **Exhibit A2**.

Motion by W. Balascio, seconded by E. Retzlaff, Council approve the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report as amended. Approved unanimously.

External Affairs Committee – No Report

Public Information

The Committee met on June 11, 2019 and discussed the following:

- Outline of next newsletter; J. Wootten will add Engineer Interns to our distribution list (in addition to retired and active PEs).
- Outreach to current members/Engineer Interns/PE applicants regarding change to decoupling, once law amendment goes into effect. J. Wootten will gather data on number of FE passing vs. number that register as Engineer Interns.
- Plans for a Forum for Civil Engineers & Government Reviewers
 - Offer as 2-3 CPC credit training (technical) for attendees
 - Limit to approximately 50 licensed PEs (and invite building officials from all Delaware municipalities)
 - Meeting will take place in Kent or Sussex County (midpoint between Counties)
 - Have 1-2 hour presentation from 2 building officials on pointers for preparing a plan for submission
 - Have a 1 hour panel discussion with representatives from public and private entities to better facilitate the plan submission process (need a facilitator, ideally someone not involved in this on a daily basis)
 - Ask for registrants to submit questions in advance, so panelists can meet and prepare key talking points
 - After this initial meeting, plan additional forums, 1 in each County, open to more attendees
 - Schedule in October

Government Affairs/By-laws Committee – No Report

Nominating Committee – No Report

Ad Hoc Legislation Committee

Committee met on May 15, 2019 and discussed 8 proposed revisions to the Delaware Professional Engineers' Act.

Chair C. McAllister presented a summary of the Committee's discussion and presented recommendations for Council.

Item 1. Provide an option for reciprocity licensure for out-of-state applicants licensed in other states who have NCEES records classifying them as Model Law Engineers.

- *Motion by C. McAllister, seconded by R. Hayden, Council move forward with this amendment. Discussion: The reason to limit this option to candidates with NCEES records is because their experience has been reviewed and verified by NCEES staff. That would enable DAPE staff to approve these candidates for a license without the need to go to the examining committee. Approved unanimously.*

Item 2: Modify 10-yr comity to require 5 years continuous licensed practice.

- *Motion by C. McAllister, seconded by E. Retzlaff, Council move forward with this amendment. Approved unanimously.*

Item 3. Eliminate Temporary Permits

- *Motion by C. McAllister, seconded by E. Retzlaff, Council move forward with this amendment. Approved unanimously.*

Item 4. Eliminate requirement for possessing an embossing seal to be licensed.

- *Motion by C. McAllister, seconded by M. Clendaniel, Council move forward with this amendment. Discussion: licensees will still be required to send a copy of their seal within 6 months for DAPE's records. Approved unanimously.*

Item 5. Eliminate §2817, (a), paragraph (6), section a, part 3

- *Motion by R. Wheatley, seconded by K. Maxson, Council move forward with this amendment. Approved unanimously.*

Item 6. Recognize international bachelor degree programs accredited by agencies that are signatories of the Washington Accord as equivalent to EAC of ABET-accredited engineering degrees.

- *Motion by C. McAllister, seconded by W. Balascio, Council move forward with this amendment. Discussion: Experience will not have to be in the US to be approved, which is true now. Approved unanimously.*

Item 7. International applicants who qualify as International Professional Engineer (IntPE) registrants under the International Engineering Alliance (IEA) International Professional Engineers Agreement (IPEA) may be considered for comity licensure under the provisions of this act.

- *Motion by C. McAllister, seconded by W. Balascio, Council move forward with this amendment. Discussion: while NCEES is encouraging member boards to move in this direction, none have done so yet. We should consider accepting references from individuals that have been licensed in these member countries. Motion passed, with K. Maxson opposed.*

Item 8. Adopt language similar to Wyoming professional engineering licensure law (Title 33 – Professions and Occupations, Chapter 29 – Engineers and Surveyors, page 446, Section 33-29-403, paragraph (b)) allowing applicants with doctoral degrees in engineering to become licensed without taking the FE or P&PE exams.

C. Balascio will work with University of Delaware to finalize a Memorandum of Understanding before having Council vote on this Item. Several council members had concerns with this proposal. Ideas for requirements for this path to licensure include:

- Require an in-person interview with the Examining Committee (Wyoming does this)
- Offer special ethics training for these candidates
- Require practical engineering experience vs. teaching experience

Council members are asked to send feedback/concerns to jen@dape.org for further Committee/Council discussion.

DAG Kelly will start working on drafting proposed language for Items 1-7 above. The Ad Hoc Legislation committee will meet to discuss DAG Kelly's suggested language changes.

Correspondence – None.

NCEES

Funded delegates for the August 14-17 NCEES annual meeting in Washington, DC are C. Balascio, C. McAllister and S. Gharebaghi. The registration deadline for this conference is July 5. Email Jen Wootten if you would like to attend. Details at ncees.org/annual_meeting.

Save the date for the "Super Zone Meeting" April 23-25, 2020 in Houston, Texas.

NCEES will be relocating to Greenville, SC. They expect to complete the move in spring 2020.

NCEES had a webinar regarding motions that will be voted on at the annual meeting, including details on what will be on the consent agenda, and if the board of NCEES is in favor of the motion. C. Balascio and C. McAllister will review the motions for discussion at our July Council meeting.

Old Business

Status on the proposed bill to amend Professional Engineers' Act (Decoupling). The bill is on the "ready" list, so the next step is to get on the agenda to be approved by the House and forwarded to the Governor for his signature.

The 2019 Council Election will be open June 15-July 15.

New Business

Our new part-time Administrative Assistant began working May 30, 2019.

Council rescheduled our August meeting for Thursday August 8, in Sussex County, due to a schedule conflict with the NCEES Annual Meeting.

Next Meeting -- Next meeting scheduled for Wednesday July 10, 2019 at the DAPE office in New Castle, DE.

Motion to adjourn by M. Clendaniel, seconded by R. Hayden. Approved unanimously. Meeting adjourned at 4:44 p.m.