

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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September 17, 2019

**MINUTES – SEPTEMBER 11, 2019 COUNCIL MEETING**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday September 11, 2019, at DAPE's 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.	D. Barbato, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	N. Dean, P.E.	M. Siwek, P.E.
Exec Committee Member Present:		S. Gharebaghi

Council Members absent:	M. Clendaniel, P.E.	W. Gamgort, Esq.
	R. Hayden, P.E.	M. Lennon, P.E.
	E. Retzlaff, P.E.	R. Smith, Esq.
	R. Wheatley	

Staff present: J. Wootten

DAG present: E. Kelly, Esq.

Members of the public present: None.

**Election of Officers**

The proposed slate of officers presented to Council by the Executive Committee for the 2019/2020 Council year was:

President	C. Balascio, P.E.
Vice President	J. Jakubowski, P.E.
Secretary	C. McAllister, P.E.
Treasurer	M. Clendaniel, P.E.

Motion by C. McAllister, seconded by K. Maxson, the nominations for Council officers be closed. Approved unanimously.

Motion by K. Maxson, seconded by J. Kalmbacher, the 2019/2020 slate of Council officers be approved. Approved unanimously.

**Introductions**

Council introduced themselves and welcomed new members N. Dean and M. Siwek. Thank you to outgoing Council member S. Gharebaghi (although he will continue to serve on the Executive Committee as Immediate Past President).

**Minutes of the August 8, 2019 Council Meeting**

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

*Motion by C. McAllister, seconded by J. Jakubowski, to approve the minutes of the August 8, 2019 meeting. Approved unanimously.*

## **Open Forum**

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

DAG Kelly drafted previously approved legislative changes into bill format.

*Motion by C. McAllister, seconded by J. Kalmbacher, to forward this proposed amendment to our lobbyist, to present to the State Legislature. C. Balascio summarized the amendments for our newest Council members. Approved unanimously.*

### **Financial Reports**

J. Jakubowski summarized DAPE's finances for the four months (33%) of fiscal year ending April 30, 2020, which reflect income has reached 36.5% of projections and expenses 23.0%. Approximately 75% of our CAs have paid their renewal fee to date. DAPE's auditors were on site August 22 & 23; they'll return for one more meeting to wrap up audit. The Finance Committee will schedule a meeting to review the audit.

*Motion by C. McAllister, seconded by K. Maxson, 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 September 4, 2019 and continued discussion about developing clear and consistent disciplinary action for firms that practice without a Certificate of Authorization. Specifically, firms that let their license lapse beyond two years can apply for a new license, saving money compared to the fees charged for renewal and/or reinstatement. DAG Mulveny will review other licensing boards' policies and laws for unlicensed practice by a firm. J. Wooten and DAG Mulveny will summarize what is defined in DAPE's law, bylaws and fee schedule, and collect data from past DAPE files, to discuss a path forward. Resolving this issue will be included in the LEE Committee charges for the year.

Save the date for two new CPC training events:

- Thursday October 17, Ethical Decision Making (in Dover this time). 120 people registered already (will cap at 200).
- Thursday November 14, Technical Form for PEs and Delaware Building Officials (Public Info committee meeting next week to plan)

C. McAllister summarized LEE Committee take-aways from the law enforcement program of the NCEES annual meeting.

J. Wootten responded via email to a recent question about the use of the title "engineer," directing the individual to pertinent sections of the law.

Committee is recommending closure of 8 cases as listed in its report.

*Motion by C. McAllister, seconded by J. Jakubowski, Council approve the closure of 8 cases as listed on Exhibit A of the Committee's report. Approved unanimously.*

*Motion by C. McAllister, seconded by K. Maxson, to invite B. Diener (PE #18882) to join the LEE committee member. Approved unanimously.*

### **Examining Committee**

C. Balascio nominated M. Siwek as chair of this committee, replacing outgoing Council member W. Balascio. The Committee met on August 28, 2019 and reviewed 59 individual applications for licensure, consisting of **21 applications for examination, and 38 applications for comity**. All recommendations are shown on **Exhibit A1** which is now ready for Council action.

*Motion by M. Siwek, seconded by C. McAllister, 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 4 applications for **Certificate of Authorization** and 1 application for **Certificate of Authorization Reinstatement**. Committee recommendations are noted on **Exhibit A2**.

*Motion by J. Jakubowski, seconded by J. Kalmbacher, Council approve the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report. Approved unanimously.*

DAPE presented 14 new PE's with their certificates at the ASCE Delaware Chapter's annual crab feast on September 10.

J. Wootten reported that we'll have approximately 100 examinees, including a few "decoupled" applicants, at our October 25, 2019 PE Exam. Email J. Wootten if you would like to proctor the morning or afternoon session.

### **External Affairs Committee – No Report**

### **Public Information – No Report (meeting October 18)**

### **Government Affairs/By-laws Committee – No Report**

### **Nominating Committee** – No Report

### **Ad Hoc Legislation Committee**

See DAG report for status of legislation changes. The Committee will schedule a meeting to discuss specific language for an amendment to allow a new path to licensure for PhD candidates (specifically an exemption from taking PE exam). Council members would like the Committee to seek input from PhD candidates in both academia and industry. The Committee will present an amendment to Council for review.

### **Correspondence**—None.

## **NCEES**

Attendees reported on the NCEES Annual Meeting which was held in Washington, DC August 14-17.

Member boards were asked for feedback on a "Draft resolution of cooperation," which expresses a commitment to improving licensure mobility among jurisdictions. As we have been working towards this goal, the Committee will recommend that Council sign the resolution.

J. Wootten shared information about an orientation for new design profession licensing boards scheduled for February 12-14 in Washington, DC. NCEES will fund board members/administrators that have served less than 2 years. She'll share the information with Council members that are eligible for funding.

*Motion by C. McAllister, seconded by K. Maxson, Council nominate S. Gharebaghi for NCEES Emeritus Status. Approved unanimously.*

C. Balascio encouraged Council members interested in volunteering on an NCEES committee to be on the lookout for a message from the President Elect to volunteer, and to attend the Zone meeting in Houston (April 23-25, 2020).

**Old Business** – None.

**New Business** – None.

*Motion to adjourn by K. Maxson, seconded by C. McAllister. Approved unanimously. Meeting adjourned at 4:18 p.m.*

**Next Meeting**: October 9, 2019 in Kent County (The Greene Turtle, 391 North DuPont Hwy, Dover, DE 19901).