

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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December 23, 2019

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

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday December 11, 2019, at Boardwalk Plaza Hotel, Rehoboth Beach Delaware at 3:00 p.m.

The Roll call was taken and a quorum was declared.

Council Members present:	C. Balascio, P.E.	M. Clendaniel, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	C. McAllister, P.E.	E. Retzlaff, P.E.
	M. Siwek, P.E.	R. Wheatley

Council Members absent:	D. Barbato, P.E.	W. Gamgort, Esq.
	R. Hayden, P.E.	M. Lennon, P.E.
	K. Maxson, P.E.	N. Dean, P.E.
	R. Smith, Esq.	

Staff present:	J. Wootten
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Called to order at 3:10 PM.

**Open Forum**

No members of the public attended.

**Minutes of the November 13, 2019 Council Meeting**

Council reviewed the Minutes of the November 13, 2019 Council meeting.

*Motion by C. McAllister, seconded by M. Clendaniel, to approve the minutes of the November 13, 2019 meeting. Approved unanimously.*

**D.A.G. Report** -- None.

**Financial Reports**

M. Clendaniel summarized DAPE's finances for the seven months (58.3%) of fiscal year ending April 30, 2020, which reflect income has reached 94.6% of projections and expenses 45.2%.

*Motion by R. Wheatley, seconded by E. Retzlaff, 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**

J. Jakubowski reported that the committee met December 4, 2019.

- Reviewed update from Wells Fargo Financial Advisors and discussed multiple accounts. Each account is FDIC insured, but the operating account balance is currently too high (J. Wootten will transfer money to the money market account). The Committee has requested advice from DAPE's financial advisor on potentially opening a new account.
- Discussed clarification from auditors regarding disclaimers in management letter
- Requested that auditors change the financial presentation to align with DAPE's income and expense report/budget.
- J. Jakubowski summarized the 6-month interim financial report, including income and expense trends for the first 6 months, and projections for the next 6 months.
- J. Wootten provided an update on software/website. inLumon is completing the initial data transfer, and J. Wootten will work with DDS (our current IT consultant/web designer) on a gap analysis, and a review of the user interface when that portion is ready. J. Wootten and DDS are also working on a new site design, so the licensing software will be built into that.
- Employee performance reviews were completed on December 3.

*Motion by J. Jakubowski, seconded by C. McAllister, to enter executive session at 3:24 PM in order to discuss employee compensation. Approved unanimously.*

Return from Executive Session at 3:44 PM.

*Motion by M. Clendaniel, seconded by E. Retzlaff, to approve compensation adjustments as discussed during executive session. Approved unanimously.*

## **Law Enforcement/Ethics Committee**

Committee met December 4, 2019.

- DelDOT contacted DAPE about their supplier diversity list, to be sure the firms offering engineering services are properly licensed. J. Wootten confirmed that this is a state-specific (vs. federal) list, and will work with DelDOT to identify engineering firms that need a Certificate of Authorization.
- J. Wootten will schedule ethics training for members in the spring of 2020, as well as training for Council and LEE Committee members.
- The Committee verified that University of Delaware is still complying with our MOU.
- Committee is recommending closure of 2 cases as listed in its report.
- Committee is recommending that Council pursue disciplinary action for 3 cases, and a hearing for a PE applicant.

*Motion by C. McAllister, seconded by E. Retzlaff, Council approve the closure of 2 cases as listed on Exhibit A of the Committee's report. Approved unanimously.*

*Motion by C. McAllister, seconded by M. Clendaniel, Council proceed with disciplinary actions as recommended by LEE Committee. Approved unanimously.*

*Motion by C. McAllister, seconded by M. Clendaniel, to invite an applicant to a hearing prior to granting a comity license. Council President to appoint a hearing panel. Approved unanimously.*

M. Clendaniel recused himself for a discussion about New Castle County. An engineering firm was concerned with the County's requirement that all plans have to be signed and sealed, even prior to County approval, and that all of the plans are available to the public on the County's website. Final plans are marked as such, but the County will not review plans with statements such as "not for construction." This could affect the safety of the public, as it is possible that a plan that has not been approved could be misused.

Council agreed that DAPE representatives should meet with County representatives to discuss our members' concerns.

#### **Examining Committee**

M. Siwek reported that the Committee met on November 20, 2019, and reviewed 40 individual applications for licensure, consisting of 7 applications for examination, and 33 applications for comity. All recommendations are shown on Exhibit A1 which is now ready for Council action.

*Motion by M. Siwek, seconded by E. Retzlaff, 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 6 applications for Certificate of Authorization and 1 application for Certificate of Authorization Reinstatement. Committee recommendations are noted on Exhibit A2.

*Motion by M. Siwek, seconded by C. McAllister, Council approve the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report. Approved unanimously.*

*The backlog of applications (which the Committee has reviewed but are not ready for Council action) is shown on Exhibit B.*

C. Balascio appointed co-chairs M. Siwek and C. McAllister to form an Ad Hoc committee charged with reviewing/revising the law & ethics questionnaire that is included in our online application, so process will include involvement from both the Examining Committee and Law Enforcement & Ethics Committee.

**External Affairs Committee** – No Report

**Public Information** – No Report

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

**Nominating Committee** – No Report

**Correspondence**—None.

#### **NCEES**

Zone Interim Meeting is scheduled April 23-25 in Houston, TX. We can designate three funded delegates (J. Wootten's expenses are also covered by NCEES). All Council members are welcome to attend.

**Old Business -- None**

### **New Business**

The Joint Advisory Committee made additional revisions on November 7, 2019 to the Guidelines for Delaware Building Officials document, to be presented to both the DAPE Council and Board of Architects. The Board of Architects proposed two additional revisions. Council did not agree to a proposed revision stating that "all construction documents shall be under the responsible control of the architect and sealed by licensed professionals of the appropriate discipline." The Joint Advisory Committee's November 7, 2019 draft stated "All construction documents shall be under the responsible control of the project-designated architect or engineer".

*Motion by E. Retzlaff, seconded by M. Clendaniel, to table this discussion so Council can further review the full document, including an understanding of the definition of "Construction documents." Council will discuss further at January 8, 2020 meeting.*

**Next Meeting:** January 8, 2020 at DAPE Office, followed by Volunteer recognition dinner at Iron Hill Brewery in Wilmington.

*Motion by M. Clendaniel, seconded by J. Kalmbacher, to adjourn. Approved unanimously. Meeting adjourned at 4:35 p.m.*