

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588

E-mail: office@dape.org

February 14, 2020

MINUTES – February 12, 2020 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday February 12, 2020, at Grotto Pizza in Dover, Delaware at 3:00 p.m.

The Roll call was taken and a quorum was declared.

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| Council Members present: | C. Balascio, P.E. | R. Hayden, P.E. |
| | J. Jakubowski, P.E. | J. Kalmbacher, P.E. |
| | K. Maxson, P.E. | C. McAllister, P.E. |
| | M. Siwek, P.E. | R. Smith, Esq. |

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| Exec Committee Member Present: | S. Gharebaghi |
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| Council Members absent: | D. Barbato, P.E. | M. Clendaniel, P.E. |
| | W. Gamgort, Esq. | M. Lennon, P.E. |
| | N. Dean, P.E. | E. Retzlaff, P.E. |
| | R. Wheatley | |

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| Staff present: | J. Wootten |
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| DAG present: | E. Kelly |
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Meeting was called to order at 3:04 PM.

Open Forum

No members of the public attended.

Minutes of the January 8, 2020 Council Meeting

Council reviewed the Minutes of the January 8, 2020 Council meeting.

Motion by R. Hayden, seconded by J. Jakubowski, to approve the minutes of the January 8, 2020 meeting. Approved unanimously.

D.A.G. Report -- None.

Financial Reports

J. Jakubowski summarized DAPE's finances for the nine months (75%) of fiscal year ending April 30, 2020, which reflect income has reached 105.0% of projections and expenses 58.8%. Penalties increased significantly after late renewal postcards were mailed. Income should level off for rest of fiscal year. Projected expenses include: zone meeting, ethics training, Engineers Week banquet, and website updates.

The Finance Committee will start planning the 2020-2021 budget at the February 19 meeting, so committees should review plans for upcoming year, and let Finance Committee know of any anticipated budget changes.

Motion by J. Jakubowski, seconded by C. McAllister, 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

C. McAllister reported that the committee met February 5, 2020 and discussed the following:

- If a design build firm that says they can do design needs a CA (even if they hire licensed PEs/firms as contractors). Committee plans to discuss further in March.
- Committee discussed two questions regarding DAPE's bylaws/Council elections:
 - Can candidate for educator seat be retired? Council agreed that there is a precedent for this, and the information should be included in the candidate's biography on the ballot.
 - If a Council member is originally appointed to a seat, how does that affect DAPE's 8-year term limit? DAG Kelly will review law and make amendment suggestions if needed to clarify.
- Sign/seal SPCC. Although the federal regulation does not require PE's to be licensed in the same state, it also specifies that state regulations may preclude federal regulations. This would be a good topic for the newsletter to remind our members that laws vary from state to state.

Motion by C. McAllister, seconded by K. Maxson, Council approve the closure of 11 cases as listed on Exhibit A of the Committee's report. Approved unanimously.

Examining Committee

M. Siwek reported that the Committee met on January 29, 2020, and reviewed 66 individual applications for licensure, consisting of 21 applications for examination (18 recommended for approval, 3 backlogged pending further review), 44 applications for comity (all recommended for approval), and 1 application for initial license. 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 10 applications for Certificate of Authorization and 1 application for Reinstatement of Certificate of Authorization. Committee recommendations are noted on Exhibit A2.

Motion by M. Siwek, seconded by R. Hayden, 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.

Motion by M. Siwek, seconded by C. McAllister, to approve one additional PE applicant (#23033) after successful completion of computer-based PE exam, as the exam results were published after the January 29, 2020 examining committee meeting.

Motion by M. Siwek, seconded by C. McAllister, to approve R. Leitsch, P.E. as a new Examining Committee member. R. Leitsch has also been appointed to the Ad Hoc Law & Ethics Questionnaire Committee.

External Affairs Committee

R. Hayden reported that the Joint Advisory Committee (JAC) met on Thursday January 9, 2020 in Dover. Board of Architects (BOA) got feedback from committee members regarding potential legislation changes. JAC discussed Building Officials Guidelines document, and agreed that a good path forward would be to strike Section III. Sealing Professional Work c) iii. Project Coordination since it was delaying approval.

J. Kalmbacher attended the February 5, 2020 BOA meeting, and reported that the BOA agreed to accept the Guidelines document with the above referenced section removed. However, BOA asked that the JAC continue to work on language to address the issue of project coordination. If that is not successful within three months, then BOA agreed to publish the document at that time with the section removed. J. Kalmbacher shared proposed new language drafted by BOA as a starting point for this discussion along with his proposed revised language. Council prefers to leave the section as it was in the November 7, 2019 draft; otherwise, they believe the section should be removed.

J. Wootten will distribute a current version of the document to JAC members and schedule a JAC meeting.

Public Information – No Report

Government Affairs/By-laws Committee

This committee met earlier in the day, so no written report was available. R. Smith reported that the committee discussed next steps for legislation changes and reviewed the current version of DAPE's bylaws. J. Wootten will draft bylaws changes to share with the Committee. There are many references to permits, so the committee agreed that we should not seek a membership vote to revise the bylaws until the next round of legislative changes are approved (which may happen in time to include with the June 2020 Council ballot).

Nominating Committee – No Report

Ad Hoc Law & Ethics Questionnaire Committee

M. Siwek and C. McAllister reported that the Committee met on January 29, 2020. They reviewed the current questionnaire and determined which questions should be replaced or edited. Committee members will draft new questions on topics including renewals, CPC requirements, fees/penalties, Certificate of Authorization requirements and DAPE's bylaws.

Additionally, the Committee will consider the format of the online questionnaire, including how many questions candidates are asked, how many have to be correct, if all candidates receive the same questions, and how incorrect questions are presented to applicants. J. Wootten will reach out to other jurisdictions for sample questionnaires and advice on format.

J. Jakubowski suggested that we include a question to remind applicants that our CPC guidelines allow PEs to claim time for volunteer activities such as DAPE Committees and Council (to encourage active participation with DAPE).

Correspondence

J. Wootten shared a letter from a member that received our recent delinquent notice (mailed to approximately 600 individuals). He was unhappy that we only send email notifications to work email addresses. Approximately 70 have renewed as a result of the notice, and have either been reinstated or still need to complete a CPC audit. Staff has fielded many calls on this topic, with a mixed reaction, including some that were grateful for the reminder.

Our next planned mailing will be to remind about 320 PEs in inactive status of 4 year limit, with the steps needed to return to active status.

Our 2020 renewal notification will go out by email and in postcard format, and will include a reminder to contact the DAPE office if members are not receiving any emails (including newsletters).

NCEES

- Zone Interim Meeting is scheduled April 23-25 in Houston, TX. Funded delegates: Balascio, Jakubowski, Clendaniel. Also registered: McAllister, Maxson, Gharebaghi.
- Save the date for Annual meeting in Chicago: August 26-29.
- Paul Tyrell from MA board running for NCEES treasurer position.
- NCEES is seeking responses to a survey for agricultural and biological engineers (we'll include in next newsletter, expected to go out at the end of February).

Old Business – None.

New Business

Smyrna High School STEM Advisory Board is seeking volunteers – let J. Wootten know if you are interested.

Upcoming Events:

- February 20, 2020: Engineers Week banquet. 24 new PEs expected to attend, along with their guests.
- May 12, 2020 Ethics Training at Executive Banquet & Conference Center. Morning session for all DAPE members; afternoon session for Council and LEE Committee members. We may reschedule the May Council meeting for the same day.

Next Meeting: March 11, 2020 (DAPE Office).

Motion by R. Hayden, seconded by C. McAllister, to adjourn. Approved unanimously. Meeting adjourned at 4:04 p.m.