

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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May 28, 2020

MINUTES – MAY 13, 2020 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday May 13, 2020 via teleconference 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.
	N. Dean, P.E.	W. Gamgort, Esq.
	R. Hayden, P.E.	J. Jakubowski, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	M. Siwek, P.E.	R. Smith, Esq.

Exec Committee Member Present:	S. Gharebaghi
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Council Members absent:	D. Barbato, P.E.	J. Kalmbacher, P.E.
	M. Lennon, P.E.	E. Retzlaff, P.E.
	R. Wheatley	

Staff present:	J. Wootten
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DAG present:	E. Kelly
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Meeting was called to order at 3:02 PM.

Open Forum

No members of the public attended.

Minutes of the April 8, 2020 Council Meeting

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

Motion by C. McAllister, seconded by M. Clendaniel, to approve the minutes of the April 8, 2020 meeting. Approved unanimously.

D.A.G. Report – None.

Financial Reports

M. Clendaniel summarized DAPE's finances for the twelve months (100%) of fiscal year ending April 30, 2020, which reflect income has reached 114.8% of projections and expenses 81.1%.

Motion by J. Jakubowski, seconded by R. Hayden, 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 May 6, 2020 and discussed the following:

LEE Committee has drafted a matrix of penalty guidelines to use in addressing cases of unlicensed practice in Delaware by engineering corporations or partnerships due to not having a valid Certificate of Authorization. The Committee is looking for guidance/feedback from Council on whether this should be used to amend existing administrative penalty guidelines, or would require a legislative change. J. Wootten and DAG Kelly will discuss further edits, including changing the term "penalty" to "delinquency fee."

Committee discussed ongoing concerns expressed by member firms regarding building officials that will not accept qualifying statements on plan submissions that have not yet been approved. J. Jakubowski will contact New Castle County to discuss this further.

Motion by C. McAllister, seconded by M. Clendaniel, Council approve the closure of 5 cases as listed on Exhibit A of the Committee's report. Approved unanimously.

Motion by M. Siwek to enter executive session for discussion of the record of an applicant, seconded by J. Jakubowski at 3:17 PM. Approved unanimously.

Motion to return to open session by R. Hayden, seconded by M. Clendaniel, at 3:31 PM. Approved unanimously.

Motion by C. McAllister, seconded by R. Hayden, Council approve application as discussed in Executive Session.

File 19-073: Respondent has requested a hearing President Balascio appointed the following Council members to hearing panel: M. Clendaniel (Chair), R. Hayden and W. Gamgort.

Examining Committee

M. Siwek reported that the Committee met on April 29, 2020, and reviewed 52 individual applications for licensure consisting of 38 applications for comity (36 recommended for approval, 2 backlogged pending further information), 12 applications for examination (9 recommended for approval, 4 pending further information), and 1 application for initial license (backlogged pending further information). 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 also reviewed 7 applications for Certificate of Authorization and 1 application for Certificate of Authorization Reinstatement, all recommended for approval. 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. Note if app was approved by LEE.

External Affairs Committee – No Report.

Public Information – No Report.

Government Affairs/By-laws Committee – No Report

Nominating Committee

The Committee met on May 7, 2020 and reviewed petitions for the three Council seats open in 2020. The committee reports the following nominees for the 2020 Council Ballot (to be distributed to members June 15):

Education Seat (term 9/1/20-8/31/24): David W. Reinhold, P.E. #10187

Sussex County Seat (term 9/1/20-8/31/24):

Jason Hastings, MCE, P.E. #13545

Hans M. Medlarz, P.E. #9418

Mechanical Engineering Seat (term 9/1/20-8/31/24):

John Farina, P.E. #13559

Kenneth Tadler, P.E. #6329

Candidates all submitted a newly created biography form, so voting members have consistent profiles.

Ad Hoc Law & Ethics Questionnaire Committee

M. Siwek and C. McAllister reported that the Committee met on April 29, 2020. Committee reviewed feedback and edited questions. Need to write a preamble and incorporate additional suggested edits, then it will be ready for the current application.

Correspondence -- None

NCEES

- Save the date for a virtual business meeting on August 27 (Chicago Annual meeting has been cancelled).
- We'll need proctors for the October 22 & 23 PE exam

Old Business – None.

New Business – None.

Next Meeting: **Next Meeting:** June 10, 2020 +1 929 436 2866 Meeting ID: 968 485 585 Password: 851686
Browser link: <https://us02web.zoom.us/j/968485585?pwd=RkxVZmxzemRPR2NFRytGS1VPeDlrUT09>

Motion by R. Hayden, seconded by M. Clendaniel, to adjourn. Approved unanimously. Meeting adjourned at 4:00 p.m.