

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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July 23, 2020

MINUTES – JULY 8, 2020 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday July 8, 2020 via teleconference 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. | M. Clendaniel, P.E. |
| | N. Dean, P.E. | W. Gamgort, Esq. |
| | 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. Lennon, 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 3:02 PM.

Open Forum

No members of the public attended.

Agenda

Motion by C. Balascio, seconded by C. McAllister, to amend the agenda so that "New Business" is discussed after the DAG report. Approved unanimously.

Minutes of the June 10, 2020 Council Meeting

Council reviewed the Minutes of the June 10, 2020 Council meeting.

Motion by M. Clendaniel, seconded by C. McAllister, to approve the minutes of the June 10, 2020 meeting. Approved unanimously.

D.A.G. Report – None.

New Business

DAG Kelly asked the hearing panel involved in File 19-073 for any comments on the draft final order. There were no further edits suggested.

Motion by M. Siwek, seconded by K. Maxson, Council approve the Hearing Panel's Final Cease and Desist Order dated July 8, 2020 and authorize Council signatures on final order.

Hearing Panel: M. Clendaniel, R. Hayden, W. Gamgort

Approved: C. Balascio, N. Dean, J. Kalmbacher, K. Maxson, M. Siwek and R. Smith

Recused: J. Jakubowski and C. McAllister

Financial Reports

M. Clendaniel summarized DAPE's finances for the two months (16.7%) of fiscal year ending April 30, 2021, which reflect income has reached 35.4% of projections and expenses 14%.

Motion by N. Dean, seconded by J. Kalmbacher, 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 July 1, 2020 and discussed the following:

- CA penalty matrix (J. Wootten will draft scenarios to further discuss a potential new late fee structure)
- New Castle County signature requirements: New Castle County issued new guidance from the Recorder of Deeds, advising PEs that their seal should be placed near and not over their signature. Several members have expressed concern about this. DAG Kelly noted that the law citation included in the guidance is misleading. M. Clendaniel will reach out to the Recorder of Deeds office for clarification.
- Correspondence from Board of Professional Land Surveyors: concern that PEs are offering Professional Land Surveying services without a PLS license. J. Wootten will invite members of the PLS board to an LEE Committee meeting to discuss further and explain the LEE Committee's investigation process.
- File 19-082 requested an additional 30 days (July 31) to respond to DAPE with further information. DAG Kelly advised that J. Wootten communicate that no further extensions will be granted.

Motion by C. McAllister, seconded by M. Clendaniel, Council approve the closure of 1 case as listed on Exhibit A of the Committee's report. Approved unanimously.

Examining Committee

M. Siwek reported that the Committee met on June 24, 2020, and reviewed 46 individual applications for licensure consisting of 25 applications for comity (23 recommended for approval, 2 backlogged pending further information), 20 applications for examination (15 recommended for approval, 5 backlogged pending further information), and 1 applicant that has met all requirements for licensure after successful passage of the P&PE exam. All recommendations are shown on Exhibit A1 which is now ready for Council action.

Motion by M. Siwek, seconded by R. Hayden, 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 11 applications for Certificate of Authorization, and 1 application for Certificate of Authorization Reinstatement. 9 were recommended for approval, 1 referred to LEE, and 1 is pending PE license approval. Committee recommendations are noted on Exhibit A2.

Motion by M. Siwek, seconded by K. Maxson, Council approve the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report (note: CA that was referred to LEE Committee is not recommended for approval at this time). 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 R. Hayden, Council approve license #24354. Approved unanimously.

External Affairs Committee – No Report. R. Hayden expressed interest in remaining on this committee after his term on Council ends in August.

Public Information – No Report.

Government Affairs/By-laws Committee – No Report

Nominating Committee – No report

Correspondence

Board of Professional Land Surveyors (see LEE Committee report)

NCEES

- Congrats to Carmine Balascio, for his Northeast Zone service award (aka the "Enny")

Council reviewed the Delaware PE ballot due to NCEES by July 31 in relation to the Annual Meeting scheduled for August 27, 2020. C. Balascio summarized the officer elections and motions.

Motion by M. Siwek, seconded by C. McAllister, to give J. Wootten the authority to complete and return the ballot as discussed on behalf of DAPE. Approved unanimously.

Old Business

Law & Ethics Questionnaire. Council was asked to review the final draft of a new Law & Ethics Questionnaire, to be included on DAPE's PE application. It was noted that both the Examining Committee and Law Enforcement & Ethics Committee will continue to monitor questionnaire results, and draft new questions or revise existing questions as needed.

Motion by C. McAllister, seconded by M. Siwek, to approve the new questionnaire. Approved unanimously.

Council election: Approximately 400 individuals have completed their ballots to date, out of 1170 eligible voters (34%). A last reminder is scheduled to go out on July 13 to any eligible voters that have not yet voted.

Next Meeting: **Next Meeting:** August 12, 2020 +1 929 436 2866 Meeting ID: 968 485 585 Password: 851686

Browser link: <https://us02web.zoom.us/j/968485585?pwd=RkxVZmxzemRPR2NFRytGS1VPeDlrUT09>

Motion by M. Clendaniel, seconded by K. Maxson, to adjourn. Approved unanimously. Meeting adjourned at 4:11 p.m.