

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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November 17, 2020

MINUTES – NOVEMBER 11, 2020 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday November 11, 2020 via teleconference at 3:00 p.m.

The Roll call was taken and a quorum was declared.

Council Members present:	W. Gamgort, Esq.	J. Hastings, P.E.
	J. Jakubowski, P.E.	M. Lennon, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	D. Reinhold, P.E.	M. Siwek, P.E.
	R. Smith, Esq.	K. Tadler, P.E.
	R. Wheatley	
Council Members absent:	D. Barbato, P.E.	M. Clendaniel, P.E.
	N. Dean, P.E.	J. Kalmbacher, P.E.
DAG present:	E. Kelly	
Staff present:	J. Wootten	

Meeting was called to order at 3:06 PM.

Open Forum

Minutes of the October 14 2020 Council Meeting

Council reviewed the Minutes of the October 14, 2020 Council meeting.

Motion by C. McAllister, seconded by M. Lennon, to approve the minutes of the October 14, 2020 meeting. Approved unanimously.

D.A.G. Report

DAG Kelly reported that there was a Freedom of Information Act ("FOIA") complaint filed against DAPE. Our Finance committee agenda incorrectly stated that a possible reason for the Committee to go in to executive session included "review of financial data." This is not an acceptable reason to go into executive session. While the boilerplate statement was incorrect, in practice financial discussions are open to the public, unless they pertain to an individual employee's compensation. DAG Kelly will respond to the complaint. J. Wootten amended the statement on the Committee's agenda (as well as Council and Executive Committee agendas), and will use the corrected statement going forward.

Financial Reports

J. Jakubowski summarized DAPE's finances for the six months (50%) of fiscal year ending April 30, 2021, which reflect income has reached 81.4% of projections and expenses 35.7%. PE & CA renewals are

both close to 100% of projected income. Some expenses are lower than projected due to the pandemic. Next month's statement will include additional exam expenses.

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

The Committee met November 10, 2020 to review the fiscal year audit 2019-2020 with Cover & Rossiter (the final audit will be presented at the December Council meeting). This Committee plans to meet again in early December to finalize a 6-month finance report to Council and discuss employee performance reviews. Committee also discussed committee charges.

Motion by K. Maxson, seconded by C. McAllister, to accept Finance committee report.

Law Enforcement/Ethics Committee

C. McAllister reported that the Committee met on November 4, 2020 and discussed the following:

- A representative from the Professional Land Surveyors Board attended the meeting to discuss that board's concerns about individual P.E.s and engineering firms that offer land surveying services. Committee will discuss further in December.
- Seal Requirements (Recorder of Deeds): Record plans were being rejected by the Recorder of Deeds because PE signatures on top of their seals made them illegible (this was also a problem with other professions such as notaries). The Recorder of Deeds provided additional clarification that if the signature and date are placed over a seal, the PE's name, license number and date must be clearly displayed elsewhere on the plan.
- Committee will recommend approval of 1 PE application referred by the examining committee and discussed in executive session.
- CPC Guidelines say DAPE will audit up to 5% of our membership. Since all members that renew late are already audited, Committee suggests conducting a random audit of 150 members in January.

Motion by J. Hastings, seconded by D. Reinhold, to accept report. Motion regarding file closure will be postponed to the end of the agenda.

Examining Committee

M. Siwek reported that the Committee met on October 28, 2020, and reviewed 51 individual applications consisting of 43 applications for comity (42 recommended for approval, 1 referred to LEE Committee, which is now recommended for approval), 7 applications for examination (all recommended for approval to take the PE exam), and 1 applicant that has now 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 K. Maxson, 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. 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.

Motion by M. Siwek, seconded by D. Reinhold, to approve the following new Examining Committee members: S. Kersch, P.E., A. McLaughlin, P.E., K. Tadler, P.E., T. Thomson, P.E.; J. Jakubowski amended motion to approve External Affairs committee members J. Kalmbacher, P.E., R. Hayden, P.E. and new member R. Plitko, Jr., P.E. Approved unanimously.

Public Information – No Report.

Government Affairs/By-laws Committee – No Report

Nominating Committee – No report

Correspondence – None.

Old Business

R. Smith noted that proposed legislation amendment will need a new sponsor in Senate after November elections. While the legislature will be meeting online, we may be able to introduce new bills in January.

NCEES

- J. Wootten reported that the October 22 & 23, 2020 exam administration went well, with examinees cooperating with social distancing and mask requirements.
- There will be a 1-day regional Civil exam on January 26, 2021.
- January 29, 2021 Board Presidents Assembly will be virtual.
- The April 2021 exam will be 2-days (April 22 & 23).

New Business

Latest edition of the DAPE newsletter was emailed to members on November 10

Committee charges have been discussed at several committee meetings. J. Jakubowski will review and reach out to Committee chairs, to finalize at December meeting., and hopes to include a charge for each Committee to be sure guidelines to include a timeline. M. Siwek suggested that the Examining Committee charges include a review of guidelines pertaining to education evaluations.

File 19-082: DAG Kelly summarized this case, and Council had a chance to review an order authorizing withdrawal of licensure application.

Motion by W. Gamgort to approve order, seconded by R. Smith. Motion approved by: M. Siwek, K. Tadler, R. Wheatley; Abstained: J. Jakubowski, M. Lennon, K. Maxson, C. McAllister.

Motion by C. McAllister, seconded by K. Maxson, Council approve the closure of 3 files as listed on Exhibit A of the Committee's report. Approved unanimously.

Distinguished service award nominations due November 30 to Executive Committee.

Upcoming Meeting:

December 9, 2020 at 3:00 PM +1 929 436 2866 Meeting ID: 968 485 585 Password: 851686

Browser link:

<https://us02web.zoom.us/j/968485585?pwd=RkxVZmxzemRPR2NFRytGS1VPeDirUT09>

Motion by J. Jakubowski, seconded by C. McAllister, to adjourn. Approved unanimously. Meeting adjourned at 4:08 p.m.