

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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March 18, 2021

MINUTES – MARCH 10, 2021 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday March 10, 2021 via teleconference at 3:00 p.m.

The Roll call was taken and a quorum was declared.

Council Members Present:	D. Barbato, P.E.	M. Clendaniel, P.E.
	W. Gamgort, Esq.	J. Hastings, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, 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.
	R. Wheatley	

Council Members absent:	N. Dean, P.E.	K. Tadler, P.E.
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Exec Committee Member Present:	C. Balascio
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DAG present:	E. Kelly
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Staff present:	J. Wootten
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Meeting was called to order at 3:03 PM.

Open Forum

No members of the public were present.

Minutes of the February 10, 2021 Council Meeting

Council reviewed the Minutes of the February 10, 2021 Council meeting.

Motion by M. Clendaniel, seconded by C. McAllister, to approve the minutes of the February 10, 2021 meeting. Approved unanimously.

D.A.G. Report – None.

Financial Reports

M. Clendaniel summarized DAPE's finances for the ten months (83.3%) of fiscal year ending April 30, 2021, which reflect income has reached 93.2% of projections and expenses 60.6%. Budget preparation is under way. Committee meetings are scheduled for March 24 & April 6, so Council can vote on a budget at April 14, 2021 meeting.

Motion by C. McAllister, seconded by D. Barbato, Council accepts 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 on February 3, 2021 and discussed the following:

- Administrative penalties for lapsed CAs. Discussed committee's proposal to amend delinquency fees and increase follow up with firms prior to renewal deadline, to decrease number of late renewals/unlicensed practice cases.
- Hearing Procedures training recap
- Definition of negligence – drafting language for legislative amendment
- CPC random audits are almost complete, with one non-respondent and a few members that were granted extensions to access documentation.
- Will recommend closure of 1 file

Motion by C. McAllister, seconded by K. Maxson, Council approves the closure of 1 file as listed on Exhibit A of the Committee's report. Approved unanimously.

Motion by C. McAllister, seconded by K. Maxson, to amend delinquency fee for late Certificate of Authorization renewals from \$100/month (with a maximum fee of \$600) to \$75/quarter over the 2-year reinstatement period (maximum fee remains \$600). Approved unanimously.

Examining Committee

M. Siwek reported that the Committee met on February 24, 2021, and reviewed 43 individual applications for licensure and confidential recommendations were made for Council action at their meeting February 10, 2021 consisting of 27 applications for comity (25 recommended for license approval, 2 backlogged pending further information), 14 applications for examination (11 recommended for approval to take the PE exam, 3 backlogged pending further information, but eligible for exam via decoupling), 1 reapplication (recommended for approval after further information was provided by applicant), 1 applicant that has now met all requirements for licensure after successful passage of a computer-based P&PE Exam. All recommendations for licensure or approval to take the P&PE exam are shown on Exhibit A1 which is now ready for Council action.

Motion by M. Siwek, seconded by C. McAllister, Council approves the Committee's recommendations for applications for licensure as noted on Exhibit A1 of the committee's report. Approved unanimously.

The Committee also reviewed 12 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 K. Maxson, Council approves the Committee's recommendations for Certificates of Authorization as noted on Exhibit A2 of the committee's report. Approved unanimously.

Motion by M. Siwek, seconded by C. McAllister, Council approve application 25183 for licensure after successful passage of a computer-based P&PE Exam. Approved unanimously.

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

J. Wootten will revise future examining committee reports with a new exhibit that shows candidates that have met all requirements for licensure after successful passage of a computer-based P&PE exam since the prior Council meeting, so these will not have to be voted on individually going forward. This new exhibit will be updated the morning of each Council meeting, to avoid delays in licensure for eligible candidates.

External Affairs Committee – No Report

Public Information Committee – No Report

Nominating Committee – No report

Council discussed seats that will be open for elections (Other, Government, and Chemical Engineering). Nominating Committee will need to meet to discuss further. Deadline for nominations is May 1, 2021. This information was included in the February 2021 newsletter. We will also need to reach out to the Governor's office for an appointment for the Sussex County seat.

Correspondence

Feedback regarding difficulty in obtaining a business license/temporary permit/certificate of authorization. J. Wootten reached out to Division of Revenue so they can explain their licensing process better, and DAPE can direct engineering firms to the right place/resources.

NCEES

- March 3 "State of the Council" meeting. Northeast Zone meeting dates: May 14 2:00-2:45 PM new member reception; May 19 4:30-6:00 PM welcome event; May 20 10:00 AM-1:00 PM Northeast Zone meeting. All board members can attend zone meeting.
- NCEES plans to meet in New Orleans August 19-20, with 2 delegates per member board. If enough states are not willing or able to send delegates, they may revert to virtual format. Contact J. Wootten if you are interested in attending.
- Voting delegate notification form due to NCEES by April 20. J. Wootten will send in form with J. Jakubowski listed as DAPE's voting delegate.

Old Business

Random CPC audit: 150 members selected. Deadline for response was March 9. After staff reached out to all that hadn't responded earlier in the week, most have been completed. DAPE granted a few extensions for individuals that didn't receive original notice or needed time to access documentation since they've been working remotely.

Administrative Hearing Panel training received positive feedback. J. Wootten will remember to share the administrative penalty guidelines with future hearing panels. DAPE could consider limiting access to technology during hearings for panel members (or clearly communicate expectations regarding panel discussions being open to the public).

J. Wootten shared an estimate for hiring a new lobbyist (Ned Davis Associates), since Frank Newton has retired. E. Kelly will review contract. Council suggested that we include specific services such as meeting periodically with the Government Affairs Committee and Council and providing monthly updates. J. Wootten will send a thank you letter/gift to F. Newton on behalf of Council.

Motion by C. McAllister, seconded by M. Lennon, to empower J. Jakubowski to sign contract with new lobbyist after review by DAG Kelly. Thirteen members voted in favor, with J. Jakubowski abstaining.

New Business

DAPE's Administrative Penalty Guidelines refer to and outdated version of the CPC Guidelines. Motion by M. Clendaniel, seconded by C. McAllister, to amend the Administrative Penalty Guidelines Table, line (14), to read "In accordance with current CPC Guidelines" .

Upcoming Meeting: April 14, 2021 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>

SAVE THE DATE

Forum to discuss overlapping practice issues with PLS Board: Tuesday May 18, 2021 from 9:00-11:00 AM.

Ethics Training: Tuesday June 8, 2021 from 9:00 AM to 12:00 PM, consisting of 1 hour of a DAPE overview of our organization and maintaining a PE or COA license and 2 hours on the topic of engineering/sustainability to be presented by Texas Tech College of Engineering.

J. Wootten will look into options for an in-person Council meeting (or post meeting social event) for May 12.

Motion by K. Maxson, seconded by J. Hastings, to adjourn. Approved unanimously. Meeting adjourned at 4:24 p.m.