

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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August 12, 2021

MINUTES – AUGUST 11, 2021 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday August 11, 2021 via teleconference (with several members in the DAPE office) 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.
	N. Dean, P.E.	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.
	K. Tadler, P.E.	

Council Members absent:	W. Gamgort, Esq.	J. Kalmbacher, P.E.
	R. Smith, Esq.	R. Wheatley

Exec Committee Member Present:	C. Balascio
DAG present:	E. Kelly
Staff present:	J. Wootten
Members of the public present:	N. Batta, T. Lingerfelt

Meeting was called to order at 3:08 PM.

Open Forum – T. Lingerfelt, NCEES Southern Zone VP was a guest presenter; N. Batta, who will begin serving on the Council as of September 1, 2021, observed the meeting. Council introduced themselves during roll call.

Motion by M. Clendaniel, seconded by M. Lennon, to revise the agenda, moving the NCEES presentation to the beginning of the meeting. Approved unanimously.

Council President J. Jakubowski welcomed NCEES Southern Zone VP Tim Lingerfelt, who presented an overview of NCEES, committees, volunteer opportunities, and services to PEs and member boards, and answered Council members' questions.

Minutes of the July 14, 2021 Council Meeting

Council reviewed the Minutes of the July 14, 2021 Council meeting.

Motion by C. McAllister, seconded by M. Clendaniel, to approve the minutes of the July 14, 2021 meeting. Approved unanimously.

D.A.G. Report

DAG Kelly reported that the hearing related to File 19-056 took place on August 9 & 10 at the DAPE office. J. Jakubowski thanked DAPE staff, the hearing committee, DAG Kelly and DAG Mulveny for their time and effort. DAG Kelly will draft an order for the hearing committee to sign, and for Council to vote on at the September 8, 2021 meeting. Council members that serve on the LEE Committee, were on the Hearing Committee, or have some other conflict will not vote on this matter. DAG Kelly reminded anyone involved with the hearing to not discuss it, so that the Council members that will be voting remain objective.

Financial Reports

M. Clendaniel summarized DAPE's finances for the three months (25%) of fiscal year ending April 30, 2022, which reflect income has reached 8.7% of projections and expenses 18.5%. Cover & Rossiter completed their audit field work at the DAPE office August 4-6. Note: Income does not yet reflect the deferred PE renewal fees from previous year, as the audit will be completed before we have that exact number. It will be approximately \$175,000, bringing income to date up to 40% of projected total. The Certificate of Authorization renewal window opened on August 1, which will result in a significant increase to income next month.

Motion by M. Clendaniel, seconded by M. Lennon, 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 August 4, 2021 and discussed the following:

- Continued work on drafting proposed legislative amendment language to define standard of care, negligence and gross negligence clearly
- A recent North Carolina free speech case
- Ethical obligation to report information to local building officials, in relation to the recent Florida building collapse.
- Will recommend closure of 14 files

Motion by C. McAllister, seconded by M. Clendaniel, Council approves the closure of 14 files as listed on Exhibit A of the Committee's report. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on July 28, 2021, and discussed the following:

- Proposed CPC Guidelines Revisions; J. Wootten will distribute a draft that shows revised sections in red, with the plan to vote on this at the September meeting.
- Certificate of Authorization Review (held off on more extensive training for more new committee members)
- October 2021 PE exam will be at Clayton Hall, University of Delaware. Registration deadline is August 26.

- House Bill 142's impact on the Committee; Once this is enacted, Committee members will continue to review model law engineer applications, but they will not need to await Council approval. J. Wootten will revise the Committee report presentation with a new exhibit for these candidates.

The committee reviewed 48 individual applications for licensure and confidential recommendations were made for Council action at their meeting August 11, 2021 consisting of 42 applications for comity (all recommended for license approval), 5 applications for examination (all recommended for approval to take the PE exam), 1 application for initial licensure after successful passage of the PE exam as a decoupling candidate. All recommendations for licensure or approval to take the P&PE exam are shown on Exhibit A1 which is now ready for Council action.

Three applicants have met all requirements for licensure after successful passage of a computer-based P&PE exam. Recommendations for licensure are shown on Exhibit A2. Note: this exhibit will be updated with any additional exam results prior to the August 11, 2021 Council meeting.

Motion by K. Tadler, seconded by M. Clendaniel, Council approves the Committee's recommendations for applications for licensure as noted on Exhibits A1 and A2 of the committee's report. Approved unanimously.

The Committee also reviewed 6 applications for Certificate of Authorization. Committee recommendations are noted on Exhibit A3.

Motion by K. Tadler, seconded by K. Maxson, Council approves the Committee's recommendations for Certificates of Authorization as noted on Exhibit A3 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.

External Affairs Committee – No Report

Public Information Joint Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report

Correspondence

DAPE received a notice from the Office of the State Fire Marshall regarding the recent adoption of a new edition of the Delaware State Fire Prevention Regulations which become effective on September 1, 2021. J. Wootten will include information about this in the next newsletter to members.

NCEES

Several Council members participated in the July 27 Engineers Forum, moderated by C. Balascio.

Old Business

HB 142 Update – awaiting Governor's signature.

New Business

All current officers have confirmed that they'd like to continue in that role for the next year, so the executive committee will present the following slate of officers for the September 2021 Council meeting:

President: Joseph Jakubowski, P.E., LEED AP
Vice President: Michael Clendaniel, P.E.
Secretary: Charles L. McAllister, P.E.
Treasurer: Karen A. Maxson, P.E.
Immediate Past President: Carmine Balascio, P.E.

Additional nominations will be taken from the floor.

J. Wootten has finalized a date and location (October 5 at Autumn Arch in Newark) for DAPE to honor new PEs from October 2020, April 2021, as well as DAPE Council and Committee members and Outstanding volunteer award winner for 2021, R. Leitsch. She will draft an invitation.

DAPE will follow guidance for State buildings in relation to mask mandates (which will be back in effect as of August 16).

Upcoming Meeting: September 8, 2021 at 3:00 PM

Hybrid: Council members are encouraged to participate in person at 92 Read's Way New Castle DE;

Zoom: +1 929 436 2866 Meeting ID: 968 485 585 Password: 851686 Browser link:

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