

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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October 28, 2021

**MINUTES – October 13, 2021 COUNCIL MEETING**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday October 13, 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:	N. Batta, P.E.	M. Clendaniel, P.E.
	N. Dean, P.E.	J. Hastings, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	D. Reinhold, P.E.	R. Smith, Esq.
	K. Tadler, P.E.	

Council Members absent:	D. Barbato, P.E.	W. Gamgort, Esq.
	R. Wheatley	

DAG present:	E. Kelly
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Staff present:	J. Wootten
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Members of the Public Present:	S. Popkin	V. Fazio
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Meeting was called to order at 3:05 PM.

**Minutes of the September 8, 2021 Council Meeting**

Council reviewed the Minutes of the September 8, 2021 Council meeting.

*Motion by M. Clendaniel, seconded by C. McAllister, to approve the minutes of the September 8, 2021 meeting Approved unanimously.*

**D.A.G. Report**

DAG Kelly discussed the memorandum prepared by DAG Mulveny at the request of the Law Enforcement and Ethics Committee. DAG Kelly believes any new definitions should be included as a statutory change (vs. to the By-Laws). Council members are asked to review the memorandum for further discussion on November 10. DAG Kelly will draft a definition of gross negligence for review and discussion by the LEE Committee.

**Financial Reports**

M. Clendaniel summarized DAPE's finances for the five months (41.7%) of fiscal year ending April 30, 2022, which reflect income has reached 80.2% of projections and expenses 33.3%. COA renewals just surpassed projections. COA initial fees have increased since newsletter went out.

*Motion by M. Clendaniel, seconded by C. McAllister, 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.

The Committee also held a Special meeting on September 23, 2021 to discuss the following:

- Committee Guidelines
- Meeting attendance
- Open Electrical Engineering seat. J. Jakubowski reported that he hopes to have a candidate to be approved by Council on November 10, 2021.

### **Finance/Employee Compensation & Benefits Committee/Facilities Committee**

M. Clendaniel reported that the committee met on September 23, 2021 and discussed the following:

- FY2021 Audit
- RFP for FY2022 Audit (including possible adjustment to fiscal year end, to coincide with PE renewal date)
- Investment update
- Committee guidelines
- Staff job descriptions
- DAPE Lease

*Motion by M. Clendaniel, seconded by K. Maxson, Council approves the Finance Committee Report. Approved unanimously.*

### **Law Enforcement/Ethics Committee**

C. McAllister reported that the committee met on October 6, 2021 and discussed the following:

- Request to DAG Mulveny to draft a definition of successor engineer.
- Continued work on drafting proposed legislative amendment language to define standard of care, negligence and gross negligence. DAG Mulveny memo (discussed under DAG report).
- Request to remove restrictions on a license, to be discussed as correspondence.
- Request for File 19-056 hearing panel to attend November 3 LEE Committee meeting to discuss deliberation process.
- Will recommend closure of 8 files

*Motion by C. McAllister, seconded by K. Maxson, Council approves the closure of 8 files as listed on Exhibit A of the Committee's report. Approved unanimously.*

### **Examining Committee**

K. Tadler reported that the Committee met on September 29, 2021, and discussed the following:

- Final CPC Guidelines revision approved by Council
- Impacts to Committee operations from recent statutory amendment, including processing Model Law Engineer applications and identifying Washington Accord degrees and the need to update application review guidelines
- Last pencil and paper exam scheduled for October 21 & 22 (proctors still needed)

The committee reviewed 30 individual applications for licensure and confidential recommendations were made for Council action at their meeting October 13, 2021 consisting of 20 applications for

comity (17 recommended for license approval, 3 backlogged pending further information), 7 applications for examination (all recommended for approval to take the PE exam), 2 applications for initial licensure after successful passage of the PE exam as a decoupling candidate (both recommended for approval), and 1 application for new license (recommended for approval after review by LEE Committee). All recommendations for licensure or approval to take the P&PE exam are shown on Exhibit A1 which is now ready for Council action.

One applicant met all requirements for licensure after successful passage of a computer-based P&PE exam. Recommendations for licensure are shown on Exhibit A2.

*Motion by K. Tadler, seconded by J. Hastings, Council approves the Committee's recommendations for applications for licensure as noted on Exhibits A1 and A2 of the committee's report as amended just prior to the Council meeting. Approved unanimously*

The Committee also reviewed 15 applications for Certificate of Authorization, and 1 application for Certificate of Authorization Reinstatement. Committee recommendations are noted on Exhibit A3.

*Motion by K. Tadler, seconded by M. Clendaniel, 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.

The Committee reviewed two applicants for FE approval or Engineer Intern Certification. Recommendations are shown on Exhibit C.

The Committee reviewed 34 Comity applications with the Model Law Engineer designation. All were approved for licensure. Recommendations are shown on Exhibit D.

#### **External Affairs Committee** – No Report

#### **Public Information Committee**

J. Hastings reported that Committee met on October 8 and discussed Committee guidelines and public outreach for upcoming year, including:

- Newsletter schedule and outreach to committee chairs for content
- Potential ongoing meetings with External Affairs Committee
- Website development
- University of Delaware presentations
- PR firm for press releases

*Motion by C. McAllister, seconded by M. Clendaniel, to accept Public Information Committee report. Approved unanimously.*

#### **Government Affairs/By-Laws Committee** – No Report

#### **Nominating Committee** – No Report

### **50<sup>th</sup> Anniversary Ad Hoc Committee Report**

- M. Clendaniel reported that Committee met on September 21, 2021 and discussed the following:
- Potential venues, dates and formats for a 50<sup>th</sup> Anniversary celebration. More details to follow.
  - Video interviewing past Council members and staff

*Motion by C. McAllister, seconded by K. Maxson, to accept 50<sup>th</sup> Anniversary Ad Hoc Committee report. Approved unanimously.*

### **Correspondence**

DAPE Council received a request to remove restrictions on PE license 20280 (W. Risko). This request was reviewed by LEE Committee on October 6, 2021. The licensee's supervised release is projected to end in February 2022. J. Wootten will send additional information to DAG Kelly and back to the LEE Committee related to the original application, disciplinary action from the State of Pennsylvania and the guilty plea to a felony in Pennsylvania, so the LEE Committee can make an official recommendation to Council.

### **NCEES**

NCEES sent invitations to a series of Law Enforcement programs, beginning today (additional programs are scheduled for November 10 & December 8).

### **Old Business**

October 5 New PE/Volunteer Appreciation dinner – Had about 50 attendees, a mix of Council and Committee members and new PEs. We may postpone our Volunteer Recognition event (traditionally scheduled after January Council meeting) to coincide with a 50<sup>th</sup> Anniversary celebration.

### **New Business**

Committee chairs proposed the following committee members:

- Finance: M. Clendaniel (Chair), C. Balascio, P. Canzano, A. Diaz, S. Gharebaghi, M. Lennon, K. Maxson, C. McAllister
- LEE: C. McAllister & D. Reinhold (Co-chairs), J. Davidson, A. Diaz, B. Diener, T. Kiefer, S. Laws, R. Leitsch, J. Mayan, K. Rudy, A. Say, A. Steinle
- Examining Committee: K. Tadler (Chair), C. Balascio, W. Balascio, D. Barbato, N. Gallagher-Burkhardt, N. Buttorff, M. Clendaniel, J. Davidson, N. Dean, V. Fazio, S. Kersch, C. Kraucunas, R. Leitsch, M. Lester, A. McLaughlin, BJ Song, T. Thomson, A. Weiser, J. Zelinski.
- External Affairs: J. Kalmbacher (Chair), R. Hayden, R. Plitko
- Public Information: J. Hastings (Chair), M. Clendaniel, Jordan Jakubowski
- Government Affairs: R. Smith (Chair), R. Wheatley, H. Medlarz, (C. Balascio?)
- Nominating: K. Maxson (Chair), J. Flowers, Jordan Jakubowski, A. McLaughlin, L. Szabo

*Motion by K. Maxson, seconded by C. McAllister, to approve committee members. Approved unanimously.*

J. Jakubowski will work with committee chairs on proposed charges for the 2021-2022 year.

J. Wootten will draft an Annual Report for Governor.

Committees should discuss and nominate to Executive Committee by November 30 a DAPE member (excluding current Council members) to be considered for the DAPE P.E. annual recognition award. Nomination should include the contributions made to not only DAPE, but the Delaware engineering community.

Motion by K. Maxson, seconded by M. Clendaniel, to adjourn. Approved unanimously. Meeting adjourned at 4:38 PM.

**Upcoming Meeting: November 10, 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>