

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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November 15, 2021

MINUTES – November 10, 2021 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday November 10, 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.	N. Batta, 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:	M. Clendaniel, P.E.	N. Dean, P.E.
	R. Wheatley	

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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Member of the Public Present:	V. Fazio
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Meeting was called to order at 3:05 PM.

Open Council Seat

Motion by K. Maxson, seconded by K. Tadler, Council approve the appointment of V. Fazio to the Electrical engineering seat. Discussion: Nominating Committee Chair K. Maxson summarized the provisions in the law/by-laws regarding filling open Council seats. Motion approved unanimously.

Note: Council may consider a future amendment to the law and/or bylaws to allow for a Council member appointed to fill a seat for the remainder of the current term, rather than having to run again the following June.

Minutes of the October 13, 2021 Council Meeting

Council reviewed the Minutes of the October 13, 2021 Council meeting.

Motion by C. McAllister, seconded by K. Maxson to approve the minutes of the October 13, 2021 meeting. Approved unanimously.

D.A.G. Report

DAG Kelly provided definitions of gross negligence from Supreme Court cases in Delaware and Oregon, to further the discussion regarding the memorandum prepared by DAG Mulveny at the

request of the Law Enforcement and Ethics Committee. Council members would like to review a second memo to be prepared by DAG Mulveny/LEE Committee on suggested amendments related to successor engineer definition and sealing provisions, for further discussion, prior to any action.

DAG Kelly provided draft language to the Bylaws Committee for inclusion in draft amendment regarding FOIA public meeting requirements and Council meeting attendance.

Financial Reports

K. Maxson summarized DAPE's finances for the six months (50%) of fiscal year ending April 30, 2022, which reflect income has reached 83.5% of projections and expenses 39.3%. Committee will meet to prepare a 6-month interim report prior to December Council meeting.

Motion by K. Maxson, seconded by K. Tadler, 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 November 3, 2021 and discussed the following:

- Discussion with File 19-056 hearing panel to understand their conclusion and make recommendations as needed to provide clearer guidance in the law
- Request to DAG Mulveny to draft a definition of successor engineer
- Will recommend closure of 7 files
- A Committee recommendation that Council respond to request from PE 20280 related to restrictions on his license that the request not be considered until the Pennsylvania board has removed restrictions on his license in that state.

Motion by C. McAllister, seconded by K. Maxson, Council approves the closure of 7 files as listed on Exhibit A of the Committee's report. Approved unanimously.

Motion by C. McAllister, seconded by K. Maxson, Council respond to licensee 20280's request to remove restrictions from his license to say that the request would be considered after the Pennsylvania board has taken action to reduce restrictions imposed by their Consent Order. Upon further discussion, this motion was withdrawn. DAG Kelly will draft a response, for discussion and action and the December Council meeting.

Examining Committee

K. Tadler reported that the Committee met on October 27, 2021, and discussed the following:

- MLE review update
- Application review guidelines update
- PE Exam recap
- Training for new committee members

The committee reviewed 6 individual applications for licensure and confidential recommendations were made for Council action at their meeting November 10, 2021 consisting of 3 applications for

comity (all recommended for license approval), 2 applications for examination (all recommended for approval to take the PE exam), and 1 application for initial licensure (recommended for approval). All recommendations for licensure or approval to take the P&PE exam are shown on Exhibit A1 which is now ready for Council action.

Four applicants met all requirements for licensure after successful passage of a computer-based P&PE exam. Exhibit A2 was updated with additional exam results prior to the November 10, 2021 Council meeting.

Motion by K. Tadler, seconded by K. Maxson, 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 reviewed 24 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 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.

The Committee reviewed 32 Comity applications with the Model Law Engineer designation since October 13, 2021. All were approved for licensure. Recommendations are shown on Exhibit D.

Next meeting rescheduled for Tuesday November 23, 2021.

External Affairs Committee – No Report

Public Information Committee – No Report.

Government Affairs/By-Laws Committee

R. Smith reported that the Committee met on October 28 in Milford Delaware and discussed the following:

- Committee Guidelines
- Governor-appointed Sussex County seat
- 50th Anniversary update related to State Legislature
- Bylaws Review: DAG Kelly summarized her suggested edits. J. Wootten will make some minor edits as discussed, and Council members are asked to review prior to the December Council meeting. Final amendments will need to be approved in time to include a summary in a spring newsletter, and on the June 15 Council ballot.

Nominating Committee

K. Maxson reported that the Committee met on November 4, 2021 and discussed the following:

- Review of annual charges
- 2021 Council election recap (explore options to open Chemical engineering seat to more candidates in future elections)
- 2022 Council Election Open seats (New Castle County, Civil Engineer, Industry, Electrical; Kent County Governor-appointed seat)
- New Committee Chair will need to be appointed if K. Maxson runs again
- Postcard mailing prior to next year's election

- Committee recruiting/Potential of 50th Anniversary events to recruit new Committee and Council members
- Outstanding volunteer nomination (M. Siwek)

50th Anniversary Ad Hoc Committee Report

J. Wootten reported that Committee met on October 27, 2021 and discussed the following:

- Goals for 50th Anniversary events
- PR Firm proposals to assist in planning 50th Anniversary events/videos/ongoing PR
- Plan to move semi-formal cocktail party event to the fall of 2022
- Special recognition for volunteers that have a 20+ year history with DAPE
- University of Delaware tour

J. Wootten will schedule a Public Information Committee to discuss path forward for hiring a PR firm.

Correspondence -- None

NCEES

October 2021 PE Exam

Law Enforcement programs scheduled for November 10 & December 8

Old Business

- Request from PE 20280 (discussed in LEE Committee report).
- Proposed Definitions of negligence, incompetence and misconduct (discussed in LEE Committee report)

New Business

- Committee Charges (J. Jakubowski to reach out to each Committee chair)
- Governor's Report.

Motion by K. Maxson, seconded by K. Tadler, to approve DAPE's Committee Guidelines Manual as amended. Approved unanimously.

Motion by K. Tadler, seconded by K. Maxson, to approve DAPE's Annual Report to the Governor. Approved unanimously. J. Wootten will distribute to the State Legislature.

Motion by K. Maxson, seconded by C. McAllister, to adjourn. Approved unanimously. Meeting adjourned at 4:45 PM.

Upcoming Meeting: December 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>