

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588

E-mail: office@dape.org

March 14, 2022

MINUTES – MARCH 9, 2022 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday March 9, 2022 via teleconference.

The Roll call was taken and a quorum was declared.

Council Members Present:	D. Barbato, P.E.	M. Clendaniel, P.E.
	V. Fazio	J. Hastings, P.E.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	K. Maxson, P.E.	C. McAllister, P.E.
	D. Reinhold, P.E.	K. Tadler, P.E.

Council Members absent:	N. Batta, P.E.	N. Dean, P.E.
	W. Gamgort, Esq.	R. Smith, Esq.
	R. Wheatley	

Exec Committee Member Present: C. Balascio

DAG present: E. Kelly

Staff present: J. Wootten

Meeting was called to order at 3:05 PM.

Open Forum: J. Elliott left the meeting at 3:08 PM.

Minutes of the February 9, 2022 Council Meeting

Council reviewed the Minutes of the February 9, 2022 Council meeting.

Motion by M. Clendaniel, seconded by K. Maxson, to approve the minutes of the February 9, 2022 meeting. Approved unanimously.

D.A.G. Report

DAG Kelly will provide updates during the Finance Committee and LEE Committee reports.

Financial Reports

M. Clendaniel summarized DAPE's finances for the ten months (83.3%) of fiscal year ending April 30, 2022, which reflect income has reached 93.8% of projections and expenses 70.1%. The Committee scheduled to meet March 30 at 12:00 PM to finalize the budget for FY23, so committee chairs should reach out to J. Wootten prior to that meeting if you have new plans that will impact the budget.

Motion by M. Clendaniel, seconded by K. Maxson, 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

M. Clendaniel reported that the committee met on February 10, 2022 and discussed the following:

- Executive session related to personnel issue (salary ranges/job descriptions)
- Reviewed investment reports
- Began working on budget
- Discussed RFP for new auditor

Motion by M. Clendaniel, seconded by K. Maxson, at 3:14 PM to enter Executive Session for the purpose of discussing personnel issue (J. Wootten excused).

Motion by M. Clendaniel, seconded by J. Hastings, to return to Open Session at 3:50 PM.

Motion by M. Clendaniel, seconded by D. Reinhold, to approve the recommendations related to personnel matters as discussed in executive session. Approved unanimously.

J. Wootten summarized the responses to the Committee's recent RFP for a new auditor, including one firm that recommended that DAPE does not need to switch auditors every 5 years if we are satisfied with current service. The Finance Committee asked for advice from DAG Kelly regarding our obligations related to RFPs. DAG Kelly advised that an RFP is only necessary for expenses of \$100,000 or more, and there is no requirement in the Code or By-laws that we switch providers. The Committee will discuss further at the upcoming March 30 meeting.

Law Enforcement/Ethics Committee

D. Reinhold reported that the committee met on March 2, 2022 and discussed the following:

- DAG Mulveny's draft memo regarding successor engineer. Committee requested a revised draft for further discussion prior to sending to Council. Expects to finalize at April meeting for Council review in conjunction with memo related to proposed definition of negligence, incompetence and misconduct.
- The Committee provided some recent history on review of the list of crimes substantially related to the practice of engineering that took place several years ago. In February 2019, the Committee discussed the Delaware Engineers Act Section 2803(29) in relation to Code of Ethics Section 6(C). The Committee believed then that the issue of "Crimes Substantially Related to the Practice of Engineering" can be handled on a case by case basis by Council with the current regulations. The Committee still believes this to be true.
- Reminder: Ethics training scheduled for March 31, 2022 (webinar). Link on dape.org to register.
- Will recommend closure of 3 files

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

DAG Kelly expressed concern that the list of crimes substantially related to the practice of engineering is too short, and may allow individuals that may cause danger to the public to be licensed. Council should consider expanding this list, or adding stronger language in the law or Code of Ethics regarding Council's ability to deny or revoke licensure based on disclosure of a felony. DAG Kelly will discuss further with DAG Mulveny prior to the April 6 LEE Committee meeting.

Examining Committee

K. Tadler reported that the Committee met on February 23, 2022 and discussed the following:

- Job Aid (an internal document used by the Examining Committee to help with application review) has been revised to reflect the 2021 law changes, and will be finalized by the Committee at the March 30 meeting.
- NCEES plans to break the Structural Engineering exam into 4 modules when it transitions to computer-based format. J. Wootten will provide more details to DAG Kelly to determine if this would require a law change related to the need for exam candidates to reapply after 4 exam attempts.

The committee reviewed 26 individual applications for licensure and confidential recommendations were made for Council action at their meeting March 9, 2022 consisting of 10 applications for comity (8 recommended for license approval, 2 backlogged pending further information), 13 applications for examination (11 recommended for approval to take the PE exam, 2 backlogged pending further information), 1 application for new licensure (recommended for approval), and 2 applications for initial licensure (1 recommended for license approval, 1 backlogged pending further information). All recommendations for licensure or approval to take the P&PE exam are shown on Exhibit A1 which is now ready for Council action.

Two new 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 March 9, 2022 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 as amended just prior to the Council meeting. Approved unanimously.

The Committee reviewed 12 applications for Certificate of Authorization and 1 application for Reinstatement of Certificate of Authorization (all recommended for approval, including application that was referred to LEE Committee). 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 1 application for approval to take the FE exam, which was approved. Recommendations are shown on Exhibit C.

The Committee reviewed 38 Comity applications with the Model Law Engineer designation since January 26, 2022. All have been approved for licensure. Recommendations are shown on Exhibit D.

External Affairs Committee – No Report.

Public Information Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report.

50th Anniversary Ad Hoc – No Report.

Mary Davis attended the Executive Committee meeting and provided this update related to legislative hall events:

- Thursday March 17 – the bill will be heard on the House floor, presented by Representative Ron Gray. We plan to meet at Legislative Hall at 1:30 that day. Email jen@dape.org if you can join us.
- Thursday May 12 – the bill will be heard on the Senate floor, presented by Senator Stephanie Hansen. We plan to meet at Legislative Hall at 1:30 that day. We will be hosting a happy hour event at the Grey Fox that afternoon – details will follow.

J. Wootten is working with First Ascent and Short Order to schedule the Public Information, Government Affairs, and 50th Anniversary Committees to start planning video(s) production.

Correspondence -- None

NCEES

- Northeast Zone Meeting: 3 funded delegates, J. Wootten, and 4 additional Council members are planning to attend; delegates that are not funded by NCEES were advised to call the hotel directly to make reservations, and mention the NCEES meeting.
- Annual Meeting: August 23-26 in Carlsbad, CA. NCEES will fund 3 delegates, the member board administrator, and first-time attendees (anyone appt to board since Aug 26, 2018); DAPE's named delegates are due May 2.

Old Business

- Proposed Definitions of negligence, incompetence and misconduct/Successor Engineer (see LEE Committee report); Expect both memos to return to Council in April for review.
- Proposed bylaws revisions

Motion by K. Maxson, seconded by D. Reinhold, Council approve the proposed amendments with one additional revision as discussed to the By-Laws for inclusion in the 2022 Council election ballot. Approved unanimously.

J. Wootten will draft an article to summarize the revisions for next newsletter. Further, the June ballot to members will include links to a clean copy, redlined copy, and summary of the revisions.

New Business

New and improved DAPE website still in progress:

<https://dape.app.ddsystems.net/>

This currently has stock photography (which does need some work). DAPE could consider a photography contest in order to incorporate local engineering projects and landmarks.

Meeting adjourned at 4:44 PM.

Upcoming Meeting: April 13, 2022 at 3:00 PM, in hybrid format.

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

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