

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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June 13, 2022

**MINUTES – JUNE 8, 2022 COUNCIL MEETING**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday June 8, 2022 via teleconference.

The Roll call was taken and a quorum was declared.

Council Members Present:	N. Batta, P.E.	M. Clendaniel, P.E.
	V. Fazio, 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.	K. Tadler, P.E.

Council Members Excused:	D. Barbato, P.E.	N. Dean, P.E.
	W. Gamgort, Esq.	R. Smith, Esq.
	R. Wheatley	

Exec Committee Member Present: C. Balascio, P.E.

DAG present: E. Kelly, Esq.

Staff present: J. Wootten

Meeting was called to order at 3:07 PM.

**Open Forum**

No members of the public were present.

**Minutes of the May 11, 2022 Council Meeting**

Council reviewed the Minutes of the May 11, 2022 Council meeting.

*Motion by K. Maxson, seconded by C. McAllister, to approve the minutes of the May 11, 2022 meeting as amended to correct a typo. Approved unanimously.*

**D.A.G. Report**

DAG Kelly summarized House Bill 404, which may enable some professional licensing boards to have more discretion to license individuals with criminal convictions. DAPE was not included in this bill, which is now out of Committee.

**Financial Reports**

M. Clendaniel summarized DAPE's finances for the month (8.3%) of fiscal year ending April 30, 2023, which reflect income has reached 13.6% of projections and expenses 6.8%.

Motion M. Clendaniel seconded by K. Tadler, Council accepts the Finance Report as amended 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 June 1, 2022 and discussed the following:

- HB 404
- Several cases referred by Examining Committee were discussed during executive session

### **Examining Committee**

K. Tadler reported that the Committee met on May 25, 2022 and discussed the following:

- Draft of a new Education Review & Evaluation form, and related updates to "Application Review Requirements" document

All recommendations for licensure or approval to take the P&PE exam are shown on Exhibits A1 and A2 which are now ready for Council action. The recommendations are summarized below:

Application Type	Total applications	Recommendation	Exhibit Reference
Comity	8	License	A1
Comity	1	Backlog	B
Exam	5	Approval to take P&PE	A1
Initial	5	License	A1
Exam (passed PE)	5	License	A2
Total Individual	24		

Motion by K. Tadler, seconded by C. McAllister, 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.

Committee recommendations for firm licensure are noted on Exhibit A3. The recommendations are summarized below:

Application Type	Total applications	Recommendation	Exhibit Reference
Certificate of Authorization	8	License	A3
Certificate of Authorization	1	Backlog pending further information fro LEE	A3
Total Firm Applications	9		

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.

**Additional Committee Recommendations**

<b>Application Type</b>	<b>Total applications</b>	<b>Recommendation</b>	<b>Exhibit Reference</b>
Approval to take FE Exam	2	Approve	C
Approval to decouple P&PE	1	Approve	C
Model Law Engineer Comity License	35	License	D

**External Affairs Committee** – No Report.

**Public Information Committee** – No Report.

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

**Nominating Committee**

N. Batta reported that the Committee met on May 16 and June 1 to plan the 2022 Council election. He summarized 2022 Council ballot, which will be sent to eligible voters on June 15 via email and postcard. Four candidates are running unopposed as follows:

- D. Barbato: New Castle County
- J. Jakubowski: Civil Engineering
- K. Maxson: Industry
- V. Fazio, Electrical

The 2023 Open seats will be Kent County, Electrical Engineering, and Private Consulting.

R. Wheatley has recruited a candidate for Sussex County Governor-appointed seat. We will also need a candidate for Kent County for September.

After the election is complete, the Executive Committee and Council will need to discuss a slate of officers at the August meeting for the officer election in September.

**50<sup>th</sup> Anniversary Ad Hoc**

M. Clendaniel reported that the Committee met on Thursday May 26 and discussed the following:

- Legislative Hall Event Recap
- Next Steps for Video Production
- June 15 Engineering Banquet
- June 21 Blue Rocks Game
- October 6 Anniversary Party at Hagley

**Correspondence** -- None

**NCEES**

- NCEES' had a webinar on June 8 to review Annual Meeting motions. A recording is available on NCEES.org.
- J. Wootten will be joining the Member Board Administrator Committee

### **Old Business**

Council members reviewed and discussed the LEE Memo dated April 6, 2022 related to proposed legislation for successor professional engineer responsibilities. Council also discussed potential formats in order to gather feedback from stakeholders.

Next steps: DAG Kelly will reach out to DAG Mulveny in order to write a summary of the proposal; Council members should send ideas to J. Wootten about individuals/organizations that should be asked to provide feedback.

Council members reviewed and discussed the LEE Memo dated October 11, 2021 related to the proposed definitions of negligence, incompetence and misconduct in the practice of engineering, and offered suggestions for minor edits to the proposed definitions, and potentially adding a definition for "gross negligence" as well. DAG Kelly recommended that the proposed amendments should be made to the Delaware Professional Engineers' Act vs. the Code of Ethics.

Next steps: DAG Kelly will discuss further with DAG Mulveny. Council would like the LEE Committee to propose specific language for a legislative amendment.

LEE Proposed revision to Canon 6.C of the Code of Ethics, borrowing language from the Board of Medicine and other Title 24 boards.

Next steps: DAG Kelly will discuss further with DAG Mulveny. Council would like the LEE Committee to finalize proposed amendment for action at the August Council meeting (LEE Committee does not meet in July).

### **New Business**

Reminder: PE License renewal deadline is June 30.

Meeting adjourned at 5:12 PM.

**Upcoming Meeting: July 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>