

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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July 18, 2022

MINUTES – JULY 13, 2022 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday July 13, 2022 in hybrid format (at DAPE office and via Zoom).

The Roll call was taken and a quorum was declared.

Council Members Present:	D. Barbato, P.E.	N. Batta, P.E.
	N. Dean, P.E.	V. Fazio, 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 Excused:	M. Clendaniel, P.E.	W. Gamgort, Esq.
	J. Hastings, P.E.	R. Wheatley

Exec Committee Member Present:	C. Balascio, P.E.
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DAG present:	E. Kelly, Esq.
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Staff present:	J. Wootten
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Meeting was called to order at 3:05 PM.

Open Forum

No members of the public were present.

Minutes of the June 8, 2022 Council Meeting

Council reviewed the Minutes of the June 8, 2022 Council meeting.

Motion by C. McAllister, seconded by K. Maxson, to approve the minutes of the June 8, 2022 meeting as amended to correct attendee list. Approved unanimously.

D.A.G. Report

- DAG Kelly reported that HB 404 (discussed at the June meeting) passed both the House and Senate and was awaiting the Governor's signature. While this bill did not include Title 24 Chapter 28, it does impact other professional licensing boards in Delaware.
- As requested by Council at the June meeting, DAG Kelly drafted a notice to stakeholders so that DAPE can solicit feedback related to proposed legislative changes to define "successor engineer." However, DAG Kelly and DAG Mulveny spoke further about feedback from Council received since the June meeting, so this topic needs to be discussed further by the LEE Committee. The notice to stakeholders will be tabled for now.
- DAG Kelly also talked to DAG Mulveny about Council's feedback related to definitions of negligence etc. and the LEE Committee will need to discuss that further.

- LEE Proposed revision to Canon 6.C of the Code of Ethics: DAG Kelly discussed feedback from Council with DAG Mulveny. Council would like the LEE Committee to finalize the proposed amendment for Council action.
- LEE Committee is scheduled to meet on August 3. Council members can still provide feedback to Committee Chairs (C. McAllister or D. Reinhold) or J. Wootten.

Financial Reports

K. Maxson summarized DAPE's finances for the two months (16.7%) of fiscal year ending April 30, 2023, which reflect income has reached 34.1% of projections and expenses 16.7%.

Motion D. Barbato 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 – No Report

Examining Committee

K. Tadler reported that the Committee met on June 29, 2022 and discussed the following:

- Plan to review employment verification and professional reference forms next month.

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	6	License	A1
Comity	1	License with LEE recommendation (backlog pending 8/3/22 LEE meeting)	B
Exam	8	Approval to take P&PE	A1
Exam	2	Backlog	B
Initial	2	License	A1
New	1	Backlog + refer to LEE	B
Exam (passed PE)	7	License	A2
Total Individual	27		

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	9	License	A3
Certificate of Authorization Reinstatement	1	License	A3
Total Firm Applications	10		

Motion by K. Tadler, seconded by D. Reinhold, 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

Application Type	Total applications	Recommendation	Exhibit Reference
Approval to decouple P&PE	4	Approve	C&D
Approval for Engineer Intern Certification	1	Approve	C
Model Law Engineer Comity License	33	License	D

Examining Committee participation continues to rely on the same core group. The Committee plans to meet in person in September, and will discuss ideas to improve participation.

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

J. Jakubowski reported that the Committee met on Thursday June 24 and Tuesday June 28 and discussed the following:

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

Correspondence -- None

NCEES

J. Wooten will prepare a summary of motions to discuss our vote at the Annual meeting, focusing on non-consent motions. Attendees at the PE Forum at the NCEES meeting will add the topic of "Successor Engineer" to the discussion to get feedback from other boards.

Old Business

- See DAG report for discussion related to proposed legislation for successor professional engineer responsibilities, proposed definitions of negligence, incompetence and misconduct in the practice of engineering), and proposed revision to Canon 6.C of the Code of Ethics
- 2022 Council Elections: Voting closes on July 15. We have passed the 20% threshold of voters required for Bylaws Amendments.
- J. Wootten will reach out to potential new Governor-appointed member for Sussex County, and to M. Davis for ideas about the Governor-appointed Kent County seat as well.

New Business

The Executive Committee will propose a slate of officers at the August Council meeting for an election at the September Council meeting. Council members interested in serving as an officer should reach out to J. Jakubowski.

Meeting adjourned at 3:54 PM.

Upcoming Meeting: August 10, 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>