

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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September 1, 2022

MINUTES – AUGUST 10, 2022 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday August 10, 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.	M. Clendaniel, P.E.
	N. Dean, P.E.	W. Gamgort, Esq.
	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 Excused:	N. Batta, P.E.	V. Fazio, 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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DAPE lobbyist present:	M. Davis
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Meeting was called to order at 3:05 PM.

Open Forum

C. Lingenfelder was present, and is interested in serving as the Governor-appointed member of the public from Sussex County.

Minutes of the July 13, 2022 Council Meeting

Council reviewed the Minutes of the July 13, 2022 Council meeting.

Motion by M. Clendaniel, seconded by C. McAllister, to approve the minutes of the July 13, 2022 meeting as amended to correct attendee list. Approved unanimously.

D.A.G. Report

Proposed legislative amendments related to definitions will be discussed further by LEE Committee. LEE agreed with Council modification to proposed amendment to Canon 6.C of the Code of Ethics and will include a recommendation to amend the Code of Ethics during the LEE Committee report.

Financial Reports

M. Clendaniel summarized DAPE's finances for the three months (25%) of fiscal year ending April 30, 2023, which reflect income has reached 38.0% of projections and expenses 22.7%. Approximately 75 PEs have renewed since the June 30 deadline. COA renewals are open. Staff will send another reminder via USPS to PEs that have not yet renewed.

Motion M. Clendaniel seconded by K. Maxson, 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 August 3, 2022 and discussed the following:

- Will recommend closure of 3 files
- Will recommend approval of 1 PE application that was referred by the Examining Committee.

Motion by C. McAllister, seconded by M. Clendaniel, Council approves the following amended language to Canon 6.C of the Code of Ethics:

C. The engineer, upon conviction for any felony crime not specifically listed in Canon 6.A, shall provide within ninety (90) days of conviction, information to the Council in sufficient specificity to enable Council to make a determination of whether the crime constitutes conduct reasonably likely to deceive, defraud, or harm the public.

Approved unanimously.

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

Examining Committee

K. Tadler reported that the Committee met on July 27, 2022 and discussed the following:

- Minor amendments to the employment verification and professional reference forms.
- Committee plans to meet in person at DAPE office on September 28.

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	9	License	A1
Comity	1	Backlog+LEE Referral	B
Exam	4	Approval to take P&PE	A1
Exam (Reapplication)	1	Backlog	B
Initial	3	License	A1
New	1	License	A1
Exam (passed PE)	2	License	A2
Total Individual	21		

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.

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	5	License	A3
Certificate of Authorization Reinstatement	0	License	A3
Total Firm Applications	5		

Motion by K. Tadler, seconded by C. McAllister, 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	1	Approve	C&D
Approval to take FE Exam	2	Approve	C
Model Law Engineer Comity License	30	License	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.

Correspondence

DAPE received some feedback related to the bylaws amendment, with a suggestion for more gender-inclusive language. We'll revisit this when we have the opportunity to amend the bylaws next year.

NCEES

Council discussed a summary of the non-consent agenda items expected to be debated at the NCEES Annual meeting in Carlsbad, California August 23-26. DAPE will have 5 Council members and J. Wootten attending.

The Western Zone has a motion that would amend Model Law to include a provision similar to our 10-year (which is now 5-year) Comity provision. While NCEES does not support this motion, DAPE will vote in favor of it, since we already have similar language in our law.

After reviewing the UPLG motion related to defining a semester credit hour and a quarter credit hour for PDH credit, Council may revisit that topic in our CPC Guidelines.

There is likely to be a discussion on the NCEES-endorsed motion to raise examination prices. Based on the financial statements that NCEES presented at the Zone meeting, DAPE will vote in favor of this increase.

DAPE will consult with representatives from the Delaware PLS board to see how they are voting on the topics related to their profession.

Old Business

2022 Council Election results:

- Civil Engineering Seat: Joseph Jakubowski
- Industry Seat: Karen Maxson
- New Castle County Seat: Daniel Barbato
- Electrical Engineering Seat: Vincent Fazio

Members voted to approve all of the proposed amendments to the Bylaws.

Motion by M. Clendaniel, seconded by C. McAllister, Council ratifies the Council election and amendment to Bylaws as approved by membership. Approved unanimously.

New Business

Slate of officers to be presented at Council meeting:

- President: Michael Clendaniel
- Vice President: Karen Maxson
- Secretary: Charles McAllister
- Treasurer: Jason Hastings
- Immediate Past President: Joseph Jakubowski

Reminder: Additional nominations can be taken from the floor at the September Council meeting.

Meeting adjourned at 4:10 PM.

Upcoming Meeting: September 14, 2022 at 3:00 PM, in hybrid format (Council members are encouraged to attend in person).

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

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