

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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September 27, 2022

**MINUTES – SEPTEMBER 14, 2022 COUNCIL MEETING**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday September 14, 2022 in hybrid format (at DAPE office and via Zoom).

The Roll call was taken and a quorum was declared.

Council Members Present:	M. Clendaniel, 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.	R. Wheatley

Council Members Excused:	D. Barbato, P.E.	N. Batta, P.E.
	N. Dean, P.E.	V. Fazio, P.E.
	W. Gamgort, Esq.	

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 3:07 PM.

**Open Forum** -- No members of the public were present.

**Election of Officers**

The proposed slate of officers presented to Council by the Executive Committee for the 2022/2023 Council year is:

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

President Jakubowski opened the floor for further nominations for the office of **President**. Hearing no further nominations, motion by C. McAllister, seconded by K. Maxson, nominations for the office of President was closed. Approved unanimously.

Motion by K. Maxson, seconded by C. McAllister, M. Clendaniel be approved as Council President. Nine approved with one abstention (M. Clendaniel).

President Clendaniel opened the floor for further nominations for the office of **Vice President**. Hearing no further nominations, motion by K. Tadler, seconded by D. Reinhold, nominations for the office of Vice President was closed. Approved unanimously.

Motion by J. Jakubowski, seconded by C. McAllister, K. Maxson be approved as **Vice President**. Nine approved with one abstention (K. Maxson).

President Clendaniel opened the floor for further nominations for the office of **Secretary**. C. McAllister nominated V. Fazio. This nomination was seconded by D. Reinhold. Hearing no further nominations, motion by K. Maxson, seconded by K. Tadler, nominations for the office of Secretary was closed. Approved unanimously.

V. Fazio received 9 votes, C. McAllister received 1 vote. Having received the majority of votes, President Clendaniel declared V. Fazio the Secretary.

President Clendaniel opened the floor for further nominations for the office of **Treasurer**. K. Maxson nominated C. McAllister. This nomination was seconded by J. Jakubowski. Hearing no further nominations, motion by J. Jakubowski, seconded by K. Tadler, nominations for the office of Treasurer was closed. Approved unanimously.

J. Hastings received 2 votes, C. McAllister received 8 votes. Having received the majority of votes, President Clendaniel declared C. McAllister the Treasurer.

#### **Minutes of the August 10, 2022 Council Meeting**

Council reviewed the Minutes of the August 10, 2022 Council meeting.

*Motion by C. McAllister, seconded by K. Maxson, to approve the minutes of the August 10, 2022 meeting. Approved unanimously.*

**D.A.G. Report** – None.

#### **Financial Reports**

K. Maxson summarized DAPE's finances for the four months (33.3%) of fiscal year ending April 30, 2023, which reflect income has reached 57.7% of projections and expenses 28.3%. COA renewals are open (deadline is September 30).

*Motion D. Reinhold seconded by C. McAllister, 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. Audit is scheduled for Monday September 19, 2022. J. Wooten will schedule a finance committee meeting to review the draft audit.

##### **Law Enforcement/Ethics Committee**

C. McAllister reported that the committee met on September 7, 2022 and discussed the following:

- Approval of 1 COA with warning letter
- Drafting a proposed consent agreement
- Committee membership
- Online renewal process for PEs – Committee will review the PE license renewal questions related to disclosing disciplinary actions.

The Committee discussed Council's feedback related to proposed legislative amendments to define misconduct and negligence, and possibly gross negligence. After further discussion with DAG Mulveny, the LEE Committee does not believe that the legislative amendment should include a definition of gross negligence, to be consistent with other Delaware professions.

The Committee also discussed Council's plan to seek stakeholder feedback on the proposed definition and legislative amendment related to successor engineer. The Committee believes that the legislative process already has a process for feedback. DAG Kelly and M. Davis provided more insight into the legislative process and advised that any controversial objections raised after the legislation is proposed could result in delays. If DAPE works with stakeholders to draft language, this may also help get legislative sponsors.

Next steps:

- DAG Kelly will work with DAG Mulveny to draft language for a legislative amendment
- M. Davis will work with the Government Affairs committee to determine stakeholders and a process to solicit feedback
- A newsletter will summarize the proposed changes for all of our members

*Motion by C. McAllister, seconded by K. Maxson, Council approve the following new Law Enforcement & Ethics Committee members: Bjorn Haglid, Darryl Jones and Mark Parker. Approved unanimously.*

### **Examining Committee**

K. Tadler reported that the Committee met on August 31, 2022 and discussed the following:

- Committee plans to meet in person at DAPE office on October 26.
- Reapplication guidelines and review process (will discuss further 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:

<b>Application Type</b>	<b>Total applications</b>	<b>Recommendation</b>	<b>Exhibit Reference</b>
Comity	8	License	A1
Exam	8	Approval to take P&PE	A1
Exam (Reapplication)	2	Backlog	B
Initial	2	License	A1
Exam (passed PE)	2	License	A2
Total Individual	22		

*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	10	License	A3
Certificate of Authorization	1	License with LEE review/approval	A3
Total Firm Applications	11		

*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:

Application Type	Total applications	Recommendation	Exhibit Reference
Approval to take FE Exam (and decouple P&PE)	1	Approve	C
Model Law Engineer Comity License	27	License	D

**External Affairs Committee** – No Report.

**Public Information Committee** – No Report.

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

**Nominating Committee** – No Report.

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

M. Clendaniel reported that the committee met on September 8, 2022 to finalize details for the October 6 Volunteer Appreciation/50<sup>th</sup> anniversary event. J. Wootten scheduled a walk-through at Hagley for Thursday at 1:30 PM.

The 2022-2023 budget included an estimated \$12,000 for the fall volunteer appreciation/50<sup>th</sup> anniversary event. After further review of expenses to date and an estimate from the caterer, the Committee will recommend an increase to this budget item in case we have a large number of attendees, as required by DAPE bylaws.

*Motion by J. Jakubowski, seconded by C. McAllister, Council increase budget item #520 (Conference and Travel) by \$10,000 for this fiscal year. Approved unanimously.*

### **Correspondence**

A representative from Engineers for the Profession (E4P) based in Canada, contacted DAPE in order to connect members from our two boards to discuss DAPE history and structure. Council members will review letter and discuss further next month.

### **NCEES**

- Attendees will summarize highlights of the recent NCEES Annual Meeting at the Council meeting.

- J. Wootten is attending the NCEES Board of Directors meeting at end of October in Nashville, TN. The NCEES board invites a representative Member Board Administrator to observe each of their meetings.

**Old Business** – None.

**New Business**

Thanks to our outgoing Immediate Past President, Carmine Balascio, and our Governor-Appointed Sussex County Council member, Bob Wheatley, for their years of service to DAPE.

NCEES Zone and Annual Meeting Dates:

- All Zone Meeting April 27–29, 2023 in Houston, TX
- Annual Meeting August 15–18, 2023 in Boston, Massachusetts

Meeting adjourned at 4:25 PM.

**Upcoming Meeting: October 12, 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>