

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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December 20, 2022

MINUTES – DECEMBER 14, 2022 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday December 14, 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.
	M. Clendaniel, P.E.	N. Dean, P.E.
	V. Fazio, 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.
	K. Tadler, P.E.	

Council Members Absent:	C. Lingenfelder	R. Smith, Esq.
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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 3:06 PM.

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

Minutes of the October 12, 2022 and November 16, 2022 Council Meetings

Council reviewed the Minutes of the October 12, 2022 and November 16, 2022 Council meetings.

Motion by C. McAllister, seconded by K. Maxson, to approve the minutes of the October 12, 2022 and November 16, 2022 meetings. Approved unanimously.

D.A.G. Report

- DAG Kelly worked with DAG Mulveny to draft a legislative amendment, which will be discussed with the LEE Committee report.
- DAG Kelly is working with J. Wootten to review DAPE's contract with inLumon.
- DAG Kelly does not recommend amending Code §2807 related to DAPE Council members that are serving in either an engineering discipline seat or field of employment seat. Council can continue to interpret that to allow Council members with experience in those discipline or fields to continue to serve even if they retire from their current employment.

Financial Reports

K. Maxson summarized DAPE's finances for the seven months (58.3%) of fiscal year ending April 30, 2023, which reflect income has reached 86.3% of projections and expenses 55.9%. The Income & Expense report through October 31, 2022 represents the first 6 months of the fiscal year. K. Maxson

noted that withholding taxes were not recorded correctly in reports through October 31, but that has been corrected. The withholding taxes were paid correctly.

Motion K. Maxson seconded by C. McAllister, 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

K. Maxson reported that the committee met on November 7, 2022 and discussed the following:

- Wells Fargo Investment Advisors Update
- Draft FY2022 Audit – reviewed with representative from Cover & Rossiter
- Cash Reserves & Investments: Committee directed J. Wootten to transfer \$199,000 from Checking to Money Market Account, and transfer \$76,000 from Money Market to Investment Account.

K. Maxson reported that the committee met on December 9, 2022 and discussed the following:

- Employee reviews and compensation
- Upgrade to conference room (new camera for Zoom calls and additional power outlets)

Motion by K. Maxson, seconded by C. McAllister, to increase facilities budget by \$5,000 to \$5,600. Approved unanimously.

Motion D. Barbato seconded by N. Dean, to amend the Agenda for the Finance/Employee Compensation & Benefits Committee/Facilities report from December 9, 2022 to the end of the agenda. Approved unanimously.

Law Enforcement/Ethics Committee

C. McAllister reported that the committee met on November 2, 2022 and discussed the following:

- Committee charges
- Two new consent orders being drafted
- 2 cases to close

Motion by C. McAllister, seconded by K. Maxson, Council approve the closure of 2 files as listed on Exhibit A of Committee's report. Approved unanimously.

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

- Proposed legislative amendments
- 8 cases to close

Motion by C. McAllister, seconded by K. Maxson, Council approve the closure of 8 files as listed on Exhibit A of Committee's report. Approved unanimously.

DAG Kelly and DAG Mulveny drafted a legislative amendment to include definitions of incompetence, misconduct, negligence and successor engineer. The LEE Committee reviewed and did not have any additional amendments.

Council discussed further, including a plan to gather feedback from possible stakeholders. M. Davis will reach out to a few lobbyists and DAG Kelly will reach out to DAGs that represent other State entities. M. Davis will also reach out to potential legislative sponsors.

Motion by K. Maxson, seconded by C. McAllister, Council proceed with legislative amendment as drafted. Council members in favor: D. Barbato, N. Batta, M. Clendaniel, N. Dean, V. Fazio, W. Gamgort, J. Hastings, J. Jakubowski, K. Maxson, C. McAllister, and D. Reinhold. Council members opposed: J. Kalmbacher and K. Tadler. Motion passed.

Examining Committee

K. Tadler reported that the Committee met on October 26, 2022 and discussed the following:

- Reapplication guidelines and review process
- Committee members that were recognized for 10+ years of service at the Volunteer Appreciation event

K. Tadler reported that the Committee met on November 30, 2022 and 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	5	License	A1
Comity	1	Backlog pending further info	B
Exam	8	Approval to take P&PE	A1
Initial	5	License	A1
Initial	1	Backlog pending further info	B
Exam (passed PE)	3	License	A2
Total Individual applications reviewed	23		

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	10	License	A3
Total Firm Applications	10		

Motion by K. Tadler, seconded by V. Fazio, 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
Model Law Engineer Comity License	38	License	D

External Affairs Committee – No Report

Public Information Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report

Correspondence – None.

NCEES

Jan 9-11, 2023: J. Wootten will attend the Member Board Administrator Meeting at NCEES HQ

April 27-29, 2023: Zone meeting Houston (funded delegates due January 18)

Old Business

- Thanks to the Council from Bob Wheatley

J. Wootten reported that committee chairs proposed the following members:

- Finance: K. Maxson (Chair), V. Fazio (Co-Chair), C. Balascio, P. Canzano, A. Diaz, S. Gharebaghi, J. Jakubowski, M. Lennon, C. McAllister
- Government Affairs: R. Smith (Chair), C. Balascio, W. Gamgort, J. Jakubowski, C. Lingenfelder, H. Medlarz
- Examining Committee: K. Tadler (Chair), C. Balascio, W. Balascio, D. Barbato, N. Gallagher-Burkhardt, N. Buttorff, J. Davidson, N. Dean, V. Fazio, C. Kraucunas, R. Leitsch, M. McDonough, G. Pawlowski, D. Seavey, J. Song, J. Zelinski.
- Public Information: J. Hastings (Chair), J. Jakubowski, S. McNatt
- LEE: C. McAllister & D. Reinhold (Co-chairs), J. Davidson, A. Diaz, B. Diener, B. Haglid, D. Jones, T. Kiefer, S. Laws, R. Leitsch, J. Mayan, M. Parker, K. Rudy
- Nominating: N. Batta (Chair), J. Flowers, Jordan Jakubowski, L. Szabo
- External Affairs: J. Kalmbacher (Chair), R. Hayden, R. Plitko

Motion by K. Maxson, seconded by D. Barbato, to approve committee members. Approved unanimously.

M. Clendaniel will contact committee chairs to finalize charges.

New Business

FY22 Audit Finalized

Draft Annual Report to Governor shared with Council. J. Wootten will send to Governor and State Legislators.

Finance/Employee Compensation & Benefits Committee/Facilities Committee

Motion by K. Maxson, seconded by J. Jakubowski, to enter executive session at 4:25 PM in order to discuss employee compensation. Approved unanimously.

Council returned from Executive Session at 4:52 PM. Approved unanimously.

Motion by C. McAllister, seconded by J. Hastings, to approve compensation adjustments as discussed during executive session. Approved unanimously.

Meeting adjourned at 4:55 PM.

Upcoming Meeting: January 11, 2023 at 3:00 PM, in hybrid format (Council members are encouraged to attend in person).