

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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May 12, 2023

MINUTES – MAY 10, 2023 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday May 10, 2023 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.
	V. Fazio, P.E.	W. Gamgort, Esq.
	J. Jakubowski, P.E.	J. Kalmbacher, P.E.
	M. Lennon, P.E.	C. Lingenfelder, Esq.
	K. Maxson, P.E.	C. McAllister, P.E.
	D. Reinhold, P.E.	K. Tadler, P.E.

Council Members Absent:	N. Dean, P.E.	J. Hastings, P.E.
	R. Smith, Esq.	

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 – No members of the public were present.

Minutes of the April 12, 2023 Council Meetings

Council reviewed the Minutes of the April 12, 2023 Council meeting.

Motion by C. McAllister, seconded by K. Maxson, to approve the minutes of the April 12, 2023 meeting. Approved unanimously.

D.A.G. Report – None.

Financial Reports

K. Maxson summarized DAPE's finances for the twelve months (100%) of fiscal year ending April 30, 2023, which reflect income has reached 101.2% of projections and expenses 92.3%.

Motion by K. Maxson, seconded by K. Tadler, 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 – No Report

Law Enforcement/Ethics Committee

C. McAllister reported that the committee met on May 3, 2023 and discussed the following:

- New DAG Kemba Lydia-Moore attended meeting.
- Feedback related to April 18, 2023 Ethics training:
 - Incorporate more interactive elements such as polling questions.
 - Recording will be available soon.
 - DAPE can send a link to Delaware building officials (with time stamps to designate the section related to Certificate of Authorization requirements)
 - DAPE previously published details of disciplinary action and a listing of COAs that were delinquent in newsletters. DAG Kelly noted that disciplinary action information for other licensing boards is available on the Division of Professional Regulation's website.

Legislative amendment: the committee received and discussed additional feedback from ACEC and DelDOT related to House Bill 129. DelDOT provided some feedback in writing but was not able to attend the meeting. Members of the LEE Committee agreed with some of the suggestions, but not all of them. After the LEE Committee meeting, DAPE's Lobbyist arranged a meeting with Representative Ronald Gray to determine next steps (M. Clendaniel, J. Jakubowski, and R. Smith attended). With the current legislative session ending June 30, Representative Gray was concerned that additional delays would prevent an amendment from getting passed this year. House Amendment to HB129 was presented to Council for approval. This Amendment will add the definition of "Misconduct" which had been inadvertently dropped from the bill, and remove the definition and language related to "Successor Engineer."

J. Jakubowski offered to attend the next LEE Committee meeting to discuss the Amendment and next steps so that DAPE can redraft an amendment by November 2023 for the 2024 legislative session. The June 14, 2023 Council meeting agenda will include the appointment of an Ad Hoc Committee chair and approval of committee members to continue to discuss the successor engineer language (including representatives from DelDOT and ACEC). M. Davis will let us know when the bill is on the agenda of the Joint Legislative Oversight and Sunset Committee so that DAPE representatives can attend and answer questions if needed (likely J. Jakubowski and C. Lingenfelder).

Motion by M. Lennon, seconded by D. Reinhold, Council agrees with the House Amendment as presented, and that Representative Gray should have the Amendment introduced. Approved unanimously.

Motion by C. McAllister, seconded by K. Maxson, Council approve the closure of 6 cases listed on Exhibit A1 of the committee report. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on April 26, 2023 and discussed the following:

- Training for three new Committee member
- PE Application questions related to citizenship
- Plan to discuss CPC Guidelines at May 31 meeting

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	7	License	A1
Exam	6	Approval to take P&PE	A1
Initial	1	License	A1
Initial	1	Backlog pending further information	B
Exam (passed PE)	7	License	A2
Total Individual applications reviewed	22		

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	6	License	A3
Certificate of Authorization Reinstatement	1	License	A3
Total Firm Applications	7		

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
Model Law Engineer Comity License	25	License	D
Approval for FE Exam & PE decoupling	2	Approve	C

External Affairs Committee – No Report

Public Information Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report

Correspondence – None.

NCEES

- April 27-29 Zone meeting recap. J. Wootten will add an attendee list. DAPE/Examining Committee should consider the topic of "streamlined" Masters degrees – should that count as 1 year of experience?
- Annual meeting August 15-18 in Boston. Funded delegates D. Reinhold & C. Lingenfelder.

Old Business

- Legislative amendment update (see LEE report).
- Random CPC audit: Council President appointed 3 members to a hearing committee for 5 PEs that did not submit adequate documentation for the recent random CPC Audit. The hearing panel will be J. Jakubowski (Chair), M. Lennon, D. Barbato. J. Wootten will send out a scheduling poll to the hearing panel and DAG Kelly, then send notices to the 5 licensees. All of the hearings will be held in one day. J. Wootten will provide information packets in advance with a correspondence history related to the random audit and a copy of the documentation that was submitted by each licensee, as well as summaries of the outcomes from DAPE's 2016 hearings.

New Business

D. Barbato reported the following slate of candidates that submitted nominations for the 2023 Council election:

- Electrical Engineering: Vincent Fazio, P.E. (19423)
- Kent County: James Puddicombe, P.E. (22760)
- Private Consulting: Theodore Thomson, P.E. (12228)
- Chemical Engineering: Melanie Smith, P.E. (11232)

Meeting adjourned at 4:07 PM.

Upcoming Meeting: June 14, 2023 at 3:00 PM, in hybrid format.