

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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June 24, 2023

MINUTES – JUNE 14, 2023 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday June 14, 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.
	W. Gamgort, Esq.	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.	V. Fazio, P.E.
	J. Hastings, P.E.	J. Jakubowski, P.E.
	J. Kalmbacher, P.E.	R. Smith, Esq.

DAG present: E. Kelly, Esq.

Staff present: J. Wootten

Meeting was called to order at 3:01 PM.

Open Forum – No members of the public were present.

Minutes of the May 10, 2023 Council Meetings

Council reviewed the Minutes of the May 10, 2023 Council meeting.

Motion by C. McAllister, seconded by M. Lennon, to approve the minutes of the May 10, 2023 meeting as amended (adding "P.E." after M. Lennon's name in attendee list). Approved unanimously.

D.A.G. Report – None.

Financial Reports

K. Maxson reported that finances for the 1 months (8.3%) of fiscal year ending April 30, 2024 reflect income has reached 2.5% of projections (35% with estimated deferred income included) and expenses 6.6%. Auditors completed their review June 12-13 (remotely). J. Wootten will provide details about the miscellaneous income category at the July meeting.

Motion by 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 – No Report

Law Enforcement/Ethics Committee

C. McAllister reported that the committee met on June 7, 2023 and discussed the following:

- House Amendment 1 to HB129 was approved by the House on June 8 (C. McAllister attended Sunset Committee meeting on June 7). Scheduled for Senate Legislative Oversight & Sunset committee review on June 14.
- Approximately 200 PEs attended April 18 Ethics training, and more than 500 have viewed the recording so far.
- 4 files for closure
- Discussed next priorities from committee charges (#4, 10, 11).
- 1 Proposed consent signed by respondent and awaiting Council final approval/signature.
- 2 Proposed consents recommended for approval to send to respondents.

Motion by C. McAllister, seconded by M. Lennon, Council approve the closure of 4 cases listed on Exhibit A1 of the committee report. Approved unanimously.

Motion by D. Barbato, seconded by M. Lennon, M. Clendaniel signs the Proposed Consent Order related to File 22-024 on behalf of Council (which was signed by respondent on June 4, 2023). Approved unanimously.

Motion by C. McAllister, seconded by D. Reinhold, DAG send Proposed Consent Order related to File 22-037 on behalf of Council. Approved unanimously.

Motion by C. McAllister, seconded by M. Lennon, DAG send Proposed Consent Order related to File 22-038 on behalf of Council. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on May 31, 2023 and discussed the following:

- Potential CPC Guidelines revisions (Committee hopes to finalize at June meeting). Specifically, the committee discussed the following potential modifications:
 - Clarifying the definition of "Qualified Course/Activity" so it's clear that DAPE does not pre-approve providers or courses (D4)
 - Change "professional ethics" to "professional engineering ethics" (E1)
 - Specify that members can use DAPE's PDH Assessment form if documentation is not provided
 - Specify that members can use NCEES CPC Tracking tool.
 - Committee discussed carryover hours, but will recommend that DAPE does not allow carryover
 - Committee charge #12 (Evaluate the need for the requirement to have professional development hours requirements for licensees who submit to Federal, State, and local regulators to ensure they are aware of all requirements within that jurisdiction they are providing surfaces. If so, develop the hours and work with the public information committee to implement.) Committee believes that enforcing such a requirement would

be challenging, but that DAPE partnering with these regulators to create training would be helpful.

Council members are asked to provide feedback to K. Tadler or J. Wootten prior to the June 28 Examining Committee 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	19	License	A1
Comity	2	Backlog pending further information	B
Exam	11	Approval to take P&PE	A1
Initial	1	License	A1
Exam (passed PE)	4	License	A2
Total Individual applications reviewed	37		

Motion by K. Tadler, seconded by D. Barbato, 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	21	License	A3
Certificate of Authorization	2	License with LEE Review(Lee recommended approval with warning letter re: unlicensed practice)	A3
Certificate of Authorization Reinstatement	1	License	A3
Total Firm Applications	24		

Motion by K. Tadler, seconded by M. Lennon, 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	30	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

D. Barbato reported that the Committee met on June 8 to discuss the 2023 Council election. He summarized 2023 Council ballot, which will be sent to eligible voters on June 15 via email and postcard. Four candidates are running unopposed as follows:

- Electrical Engineering (9/1/2023-8/31/2027): Vincent Fazio, P.E. (19423)
- Kent County (9/1/2023-8/31/2027): James Puddicombe, P.E. (22760)
- Private Consulting (9/1/2023-8/31/2027): Theodore Thomson, P.E. (12228)
- Chemical Engineering (9/1/2023-8/31/2025): Melanie Smith, P.E. (11232)

The 2024 Open seats will be Sussex County, Mechanical Engineering, and Education. We will need a candidate for Kent County for September. Nominating Committee members will also think of individuals that might be interested in serving on committees.

Committee will work with Government Affairs on Council Composition.

Reminder: After the election is complete, the Executive Committee and Council will need to discuss a slate of officers at the August meeting for the officer election in September.

Correspondence

Letter from American Nuclear Society advocating for continuation of Nuclear Engineering PE Exam.

NCEES

- June 27 NCEES Law Enforcement Webinar "responsible charge and supervision" (several LEE Committee members plan to attend); All Council members should have received invitations from NCEES.
- Annual meeting August 15-18 in Boston. Funded delegates: C. Lingenfelder, C. McAllister, D. Reinhold, K. Tadler. M. Clendaniel and C. Balascio also plan to attend. The registration deadline is June 30. NCEES recapped committee reports/motions at June 7 State of Council webinar (recording is available). Council should review and discuss DAPE voting on motions at July or August Council meeting.

Old Business

- Legislative amendment update (see LEE report).
- 5 CPC audit hearings are scheduled for on June 22.

New Business

M. Clendaniel proposed the following committee members for the Ad Hoc Committee for Successor Engineer: J. Jakubowski, P.E. (Chair), A. Marteny, P.E., M. Luszcz, P.E., K. Rudy, P.E., C. McAllister, P.E., D. Reinhold, P.E., R. Smith, Esq., J. Hastings, P.E., S. Laws, P.E.

*Motion by D. Reinhold, seconded by M. Lennon, to approve committee members as listed above.
Approved unanimously.*

M. Clendaniel will confirm that all of these individuals would like to participate, and DAG Kelly asked to be included in the meetings. J. Wooten will work on getting a meeting scheduled in second half of July.

Meeting adjourned at 3:40 PM.

Upcoming Meeting: July 12, 2023 at 3:00 PM, in hybrid format.