

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

92 Read's Way, Suite 208, New Castle, DE 19720

PHONE: 302-323-4588

E-mail: office@dape.org

September 15, 2023

MINUTES – SEPTEMBER 13, 2023 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday September 13, 2023 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.	V. Fazio, P.E.
	J. Hastings, P.E.	J. Jakubowski, P.E.
	J. Kalmbacher, P.E.	K. Maxson, P.E.
	J. Puddicombe, P.E.	D. Reinhold, P.E.
	M. Smith, P.E.	K. Tadler, P.E.
	T. Thomson, P.E.	

Council Members Absent:	D. Barbato, P.E.	W. Gamgort, Esq.
	C. Lingenfelder, Esq.	R. Smith, Esq.

DAG present: E. Kelly, Esq.

DAPE lobbyist present: M. Davis

Staff present: J. Wootten

Meeting was called to order at 3:06 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 2023/2024 Council year is:

- President: Michael Clendaniel
- Vice President: Karen Maxson
- Secretary: Kenneth Tadler
- Treasurer: Vincent Fazio
- Immediate Past President: Joseph Jakubowski

President Clendaniel opened the floor for further nominations for the office of **President**. Hearing no further nominations, motion by T. Thomson, seconded by K. Tadler, nominations for the office of President were closed. Approved unanimously.

Motion by K. Maxson, seconded by J. Hastings, M. Clendaniel be approved as Council President. Ten 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 M. Smith, seconded by T. Thomson, nominations for the office of Vice President were closed. Approved unanimously.

Motion by K. Tadler, seconded by T. Thomson, K. Maxson be approved as **Vice President**. Ten approved with one abstention (K. Maxson).

President Clendaniel opened the floor for further nominations for the office of **Secretary**. Hearing no further nominations, motion by M. Smith, seconded by K. Maxson, nominations for the office of Secretary were closed. Approved unanimously.

Motion by K. Maxson, seconded by V. Fazio, K. Tadler be approved as **Secretary**. Ten approved with one abstention (K. Tadler).

President Clendaniel opened the floor for further nominations for the office of **Treasurer**. Hearing no further nominations, motion by M. Smith, seconded by K. Tadler, nominations for the office of Treasurer were closed. Approved unanimously.

Motion by M. Smith, seconded by D. Reinhold, V. Fazio be approved as Treasurer. Ten approved with one abstention (V. Fazio).

Minutes of the August 9, 2023 Council Meetings

Council reviewed the Minutes of the August 9, 2023 Council meeting.

Motion by K. Tadler, seconded by K. Maxson, to approve the minutes of the August 9, 2023 meeting. Approved unanimously.

D.A.G. Report – None.

Financial Reports

K. Maxson reported that finances for the 4 months (33.3%) of fiscal year ending April 30, 2024 reflect income has reached 32.4% of projections (65% with estimated deferred income included) and expenses 30.6%.

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

K. Maxson reported that the Finance/Employee Benefits & Compensation/Facilities Committee met on August 24, 2023 and discussed the following:

- Review of draft 2022-2023 audit with two representatives from Cover & Rossiter; Committee will recommend that Council accept the final audit, and the Annual Report to Governor contains added explanation regarding the change to Generally Accepted Accounting Principles related to our office lease. E. Kelly noted that pointing to the Auditor's explanation would be adequate since the explanation within the audit is clear.

- 92 Read's Way was purchased by Old Town Hall Associates. DAPE's lease expires August 31, 2024. J. Wootten will contact new landlord for a proposal, and a real estate agent to explore other nearby options.
- Committee does not recommend an upgrade to conference room AV at this time.
- J. Wootten will follow up with DAG Kelly to get Division of Professional Regulation's document retention policy.
- J. Wootten will draft report to Governor for Council approval.

Motion by K. Maxson, seconded by K. Tadler, Council accept the FY2023 audit and approve the finance report. Approved unanimously.

Law Enforcement/Ethics Committee

D. Reinhold reported that the committee met on September 6, 2023 and discussed the following:

- Modifications to the PE renewal screens that ask questions about reporting discipline in other jurisdictions. In a split vote, the Committee recommended modifications to the questions/document upload section.
- Committee will review draft of job description for investigator position for discussion at next meeting.
- 6 files for closure
- 1 Proposed consent recommended for Council approval.
- Next meeting rescheduled to September 28, 2023.

In a discussion about the PE renewal disclosure questions, J. Wootten confirmed that the website asks the same questions of PE applicants. DAG Kelly noted that it would be acceptable to request documentation of formal or informal disciplinary action or sanction, but not appropriate for LEE Committee members to see documents that are not public. When in doubt, DAPE staff can share documents with DAG Kelly first. DAG Kelly will share the Division of Professional Regulation's language related to reporting disciplinary action so the LEE Committee can discuss further prior to Council taking action.

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

Motion by D. Reinhold, seconded by K. Maxson, DAG Lydia-Moore amend the Proposed Consent Order (File 23-053) on behalf of Council and send the amended consent to the applicant. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on August 30, 2023 and discussed the following:

- COA Training was held prior to the meeting
- Engineering Technology degrees and DAPE's experience requirements. The Committee was leaning towards reducing requirement for ETAC accredited Technology degrees to 6 years (from 8).
- The Committee did not think that recommending specific additional coursework for applicants was feasible.
- More research and discussion to follow. **Please send any thoughts/feedback to K. Tadler prior to the September 28, 2023 Committee meeting.**
- Since the recent law change so DAPE no longer requires applicants with four or more failed exam attempts to reapply, the Committee discussed the current policy that requires candidates to update references/experience on application after a certain time. Currently, candidates that are approved for the exam are told they will need to update their application after 5 years if they do not pass the PE exam in that time frame.

Council discussed the differences between applying to take the exam (all experience and references have been reviewed, so passing the exam is the last step) vs. applying as a decoupling candidate (the application isn't submitted/references aren't solicited until the PE exam has been passed, so the references are current for these applicants). While DAPE allows candidates to choose their path, some states require candidates to pass the exam before they apply.

DAG Kelly advised that it is okay to establish an internal administrative process related to the need for candidates to update applications after a set time as long as it is clearly communicated to applicants and on reference forms.

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	12	License	A1
Exam	5	Approval to take P&PE	A1
Initial	3	License	A1
New	1		
Exam (passed PE)	3	License	A2
Total Individual applications reviewed	24		

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	17	License	A3
Certificate of Authorization	2	License with LEE review	A3
Certificate of Authorization	1	Backlog pending further info	
Total Firm Applications	20		

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	45	License	D

External Affairs Committee – No Report

Public Information Committee – No Report (meeting September 14, 2023).

Government Affairs/By-Laws Committee. – No Report

Nominating Committee. – No Report

Ad Hoc Successor Engineer Committee

J. Jakubowski reported that the committee met on September 11, 2023 and discussed a new draft amendment. DAG Kelly working on incorporating discussion into a revised draft for further discussion at next meeting (date TBD).

Correspondence – None

NCEES

- Annual meeting August 15-18 in Boston. C. Lingenfelder, C. McAllister, D. Reinhold, K. Tadler. M. Clendaniel, J. Wootten and C. Balascio attended.
 - PLS issue was withdrawn from the business meeting agenda and approved by the NCEES board prior to the meeting
 - Budget, including a plan to transfer funds to an NCEES foundation, was approved after lengthy debate
 - DAPE/NCEES Committee assignments: M. Clendaniel (Law Enforcement); J. Jakubowski (Finance); V. Fazio (Examinations for Professional Engineers); J. Wootten (Member Board Administrators)
 - C. McAllister's Emeritus status was approved

Old Business

- Legislative amendment update: signed by Governor Carney on August 9, 2023.

Upcoming Meetings:

Next Council Meeting: October 11, 2023 at 4:00 PM at Dupont Country Club prior to volunteer event which starts at 5:30 PM. Meeting will be in hybrid format. RSVP by September 29.

November 8 LEE & Council Training/Council Meeting Schedule:

J. Wootten will poll members of Council and the Law Enforcement & Ethics Committee to determine the preferred location (Dover or Rehoboth), then book a venue. Tentative schedule will be:

12:00 PM Lunch

12:30-2:30 PM training (this will in hybrid format and a recording will be available after the event)

2:45 PM Executive Committee meeting (will start at 2:30 if needed)

3:00 PM Council meeting (hybrid format)

Optional dinner when Council meeting ends

Training topic will be investigation and hearing process overview.

Meeting adjourned at 4:45 PM.