

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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May 13, 2024

MINUTES – May 8, 2024 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday April 10, 2024 in hybrid format (at DAPE office and via Zoom).

The Roll call was taken and a quorum was declared.

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|--------------------------|---------------------|-----------------------|
| Council Members Present: | M. Clendaniel, P.E. | V. Fazio, P.E. |
| | J. Kalmbacher, P.E. | C. Lingenfelder, Esq. |
| | K. Maxson, P.E. | D. Reinhold, P.E. |
| | M. Smith, P.E. | K. Tadler, P.E. |
| | T. Thomson, P.E. | |

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|-------------------------|---------------------|---------------------|
| Council Members Absent: | D. Barbato, P.E. | W. Gamgort, Esq. |
| | J. Hastings, P.E. | J. Jakubowski, P.E. |
| | J. Puddicombe, P.E. | R. Smith, Esq. |

DAG present: E. Kelly, Esq.

Staff present: J. Wootten

Meeting was called to order at 3:04 PM.

Open Forum

Minutes of the April 10, 2024 Council Meetings

Council reviewed the Minutes of the April 10, 2024 Council meeting.

Motion by T. Thomson, seconded by V. Fazio, to approve the minutes of the April 10, 2024. Approved unanimously.

D.A.G. Report – None.

Financial Reports

K. Maxson reported that finances for the 12 months (100%) of fiscal year ending April 30, 2024 reflect income has reached 108.1% of projections and expenses 90.0%.

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 committee met on April 19, 2024 and discussed the following:

- DAG memorandum regarding DAPE's status with the State
- Office Lease Renewal draft agreement. Committee recommends that only DAPE and Old Town Hall Associates sign the agreement.
- J. Wootten working on updated job descriptions and annual review templates.

Motion by K. Maxson, seconded by T. Thomson, Council amend the agenda to move the topic of DAPE's lease and status with the State from "Old Business" to the Finance/Employee Compensation & Benefits Committee/Facilities Committee report. Approved unanimously.

DAG Kelly prepared a revised memo to address questions raised by the Finance Committee related to DAPE's Lease and the Office of Management & Budget. She provided a summary of this memo and addressed Council questions about her advice to keep the Office of Management & Budget (OMB) as a signer on the lease. The discussion raised further questions about what it means to be self-regulated, what it means to be an Instrument of the State, and what areas of State law apply to an Instrument of the State vs. a State Agency.

Motion by K. Maxson, seconded by T. Thomson, that based on the authority granted to DAPE in Section 2805 of Title 24 Chapter 28, DAPE and Old Town Hall Associates, LLC be the only signatories on the lease agreement. After further discussion of Section 2805, C. Lingenfelder offered the following friendly amendment, which was accepted by K. Maxson and seconded by K. Tadler:

Motion to move forward with lease agreement in similar manner to past DAPE lease agreements, with DAPE and landlord as signatories. Members in favor: Clendaniel, Fazio, Kalmbacher, Maxson, Reinhold, M. Smith, Tadler, Thomson; Opposed: none; Abstaining: Lingenfelder. Motion passed.

Next steps:

- Finance Committee will review draft lease agreement, amend as necessary based on Council's motion (above) and seek Old Town Hall Associate's approval to the terms. Council will review and approve final lease agreement.
- DAG Kelly will invite representatives from OMB to June Council meeting to help clarify DAPE's relationship with OMB. Council may want to propose legislative changes (in 2025) so that the original preamble language stating DAPE's unique responsibility of self-regulation is part of the Code.

Law Enforcement/Ethics Committee

D. Reinhold reported that the committee met on May 1, 2024 and discussed the following:

- Open forum with C. Lingenfelder speaking on behalf of the Government Affairs/Bylaws Committee, to discuss potential changes to legislation, including:
 - Strengthening DAPE's ability to enforce a Cease & Desist Order for unlicensed practice.
 - Changing disciplinary hearing deliberations from public to executive session.
- Two questions related to COA requirements
- 14 files for closure.

Motion by T. Thomson, seconded by C. Lingenfelder, Council approve the closure of 14 cases listed on Exhibit A of the committee report. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on April 24, 2024 and discussed the following:
Allowing candidates with an ETAC accredited Engineering Technology degree to take the FE exam without any prior review or approval from DAPE (same as candidates with an ABET-accredited degree). This will not change the experience requirement, but it will speed up the exam approval process for these candidates.

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 | 11 | License | A1 |
| Exam | 5 | Approval to take P&PE | A1 |
| Initial | 2 | License | A1 |
| Exam (passed PE) | 7 | License | A2 |
| Total Individual applications reviewed | 25 | | |

Motion by K. Tadler, seconded by T. Thomson, 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 |

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 | 43 | License | D |

External Affairs Committee – No Report

Public Information Committee – No Report

Government Affairs/By-Laws Committee

J. Wootten reported that the Committee met on April 26, 2024 and discussed the following:

- Status of HB 369. Update: passed through Sunset Committee May 7, 2024 and is now awaiting House approval.
- Potential future legislative amendments, including:
 - Exam violations/permits
 - C&D language
 - Hearing committee deliberations

C. Lingenfelder attended the LEE Committee meeting to seek feedback on these potential changes. LEE Committee will discuss further.

Nominating Committee

J. Wootten reported that the Committee met on April 16, 2024 and discussed the following: DAPE's 2024 slate of candidates that submitted nominations:

- Mechanical Engineering: Kenneth Tadler, P.E. (6329)
- Sussex County: Diane Calloway, P.E. (16916)
- Education: David Reinhold (10187)

Next steps: candidates are submitting biographies. J. Wootten will prepare an electronic ballot and committee will review. Elections are between June 15-July 15.

Correspondence – None.

NCEES

Funded delegates for the August 14-17 Annual meeting submitted; registration info will follow from NCEES; additional board members can still attend.

Zone meeting recap:

The DAPE delegation had 8 attendees, and there were also 4 representations from the Delaware PLS board. Topics that were discussed included:

- Engineering Technology degrees – Northeast Zone plans to make a motion to amend model law to create a path for candidates with an Engineering Technology degree.
- UK Memorandum of Understanding: NCEES encouraging boards to sign a Mutual Recognition Agreement.
- Next steps for NCEES Foundation
- Next zone meeting April 10-12 in Cambridge MA

J. Wootten wrote an article for the most recent issue of the NCEES Licensure Exchange on behalf of the MBA (Member Board Administrator) Committee.

Old Business

- HB369 (Successor Engineer amendment): See Government Affairs/Bylaws Committee Report
- DAPE Lease agreement/Status with State: See Finance/Employee Compensation & Benefits Committee/Facilities Committee report
- Committee Charges

New Business

- Renewals open
- A recording of DAPE's April 18, 2024 Training is available online.
- ACEC Training Ideas: DAPE was invited to present at a lunchtime training session during June/July, but would need to identify a topic and presenter. J. Wootten could present a shorter version of one of our recent presentations, or an ethics training with recent DAPE hearing examples.

- Next steps for licensing software: M. Clendaniel and V. Fazio offered to help J. Wootten with a scope of work and getting (and reviewing) estimates from 2 potential vendors.
- 2024 Council Nominations: See Nominating Committee Report

Upcoming Meetings:

May 16 Blue Rocks 6:35 PM – last call for tickets

June 5 2:00-3:30 PM – NCEES State of Council meeting. CEO will review all motions with specific language.

June 6 PE Night – tickets on sale (new PEs invited as guests of DAPE)

Next Council Meeting

June 12, 2024 Hybrid format. J. Wootten will find a location in Sussex County (or Southern Kent).

Meeting adjourned at 4:58 PM.