

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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October 11, 2024

**MINUTES – October 9, 2024 COUNCIL MEETING**

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday October 9, 2024 in hybrid format (at DAPE office, New Castle, DE 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.	J. Kalmbacher, P.E.
	J. Puddicombe, P.E.	D. Reinhold, P.E.
	M. Smith, P.E.	R. Smith, Esq.
	K. Tadler, P.E.	T. Thomson, P.E.

Council Members Absent:	D. Calloway	W. Gamgort, Esq.
	J. Jakubowski, P.E.	C. Lingenfelder, Esq.

DAG present: Z. Naylor, Esq.

Staff present: J. Wootten

Meeting was called to order at 3:05 PM.

**Open Forum**

Members of the public present: Karl Kastel, Samuel Wilson, P.E.

**Minutes of the September 11, 2024 Council Meetings**

Council reviewed the Minutes of the September 11, 2024 Council meeting.

*Motion by M. Clendaniel, seconded by T. Thomson, to approve the minutes of the September 11, 2024 Council meeting. Approved unanimously.*

**D.A.G. Report** – Z. Naylor has been appointed as DAPE's new DAG.

**Financial Reports**

T. Thomson reported that the finances for the 5 months (41.7%) of fiscal year ending April 30, 2025 reflect income has reached 81.7% of projections and expenses 39.0%.

*Motion by M. Clendaniel, 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/Facilities Committee**

T. Thomson reported that the committee met on September 26, 2024 and discussed the following:

- Financial Advisor (J. Wootten scheduled a meeting with T. Zak, and committee expects to have a recommendation in November).
- Audit update (still in process)

### **Law Enforcement/Ethics Committee**

D. Reinhold reported that the committee met on October 2, 2024 and discussed the following:

- Committee membership.
- Procedure for dismissing complaints. Committee expects to have a draft dismissal format for Council to review next month.

*Motion by T. Thomson, seconded by M. Clendaniel, Council approves the closure of 5 cases listed on Exhibit A of committee report. Approved unanimously.*

*Motion by T. Thomson, seconded by M. Clendaniel, Council approves the Consent Order related to File 24-010. Approved unanimously.*

*Motion by T. Thomson, seconded by M. Clendaniel, Council approves the Consent Order related to File 24-072. Approved unanimously.*

*Motion by D. Reinhold, seconded by M. Clendaniel, Council approves the Consent Order related to File 24-007. Approved: Clendaniel, Fazio, Kalmbacher, Reinhold, M. Smith, R. Smith, K. Tadler; Recused: Barbato, Puddicombe, Thomson*

*Note: Consent Order 24-009 (with Cease & Desist Order), approved by Council at August 21 meeting, has been signed by Remington Vernick, and DAPE Council President/LEE Committee co-chairs need to sign.*

*Consent Order 24-075, approved by Council at September 11, 2024 meeting, needs to be amended to address a question raised by respondent. LEE Committee expects to recommend a revised consent order in November.*

### **Examining Committee**

K. Tadler reported that the Committee met on September 25, 2024 and discussed the following two suggestions related to a potential legislative amendment:

- 1) While the committee does not allow candidates with disciplinary action in another jurisdiction to qualify through 5-year comity, it is not clear if the Code specifies this policy. DAG Naylor cited Section 2817(a)(6)a, which states that applicants must be in good standing as defined in paragraph 9, which does include discipline by another jurisdiction.
- 2) The intention of adding a pathway for candidates with an International PE (IntPE) was that they qualify for a 5-year comity license with 5 years of continuous licensed practice after receiving their IntPE. However, the language used in the Code says they qualify after "receipt of the initial license" which is vaguer than intended. That could be interpreted to mean 5 years

after receiving an initial license from another country. The committee will discuss further and present a recommendation to Council on this topic.

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:

<b>Application Type</b>	<b>Total applications</b>	<b>Recommendation</b>	<b>Exhibit Reference</b>
Comity	16	License	A1
Comity	2	Approve after LEE review (both OK)	A1
Exam	4	Approval to take P&PE	A1
Exam	1	Backlog	B
Initial	4	License	A1
Exam (passed PE)	2	License	A2
Total Individual applications reviewed	29		

*Motion by K. Tadler, seconded by M. Clendaniel, 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:

<b>Application Type</b>	<b>Total applications</b>	<b>Recommendation</b>	<b>Exhibit Reference</b>
Certificate of Authorization	12	License	A3
Certificate of Authorization Reinstatement	1	License	A3

*Motion by K. Tadler, seconded by M. Clendaniel, 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:

<b>Application Type</b>	<b>Total applications</b>	<b>Recommendation</b>	<b>Exhibit Reference</b>
Model Law Engineer Comity License	29	License	D

**External Affairs Committee** – No Report

**Public Information Committee** – No Report

**Government Affairs/By-Laws Committee** – No Report

**Nominating Committee** – No Report

### **Correspondence**

J. Wootten shared correspondence from a representative of the Engineering Council of India (ECI) seeking a "joint certification initiative" with DAPE, along with follow up information from NCEES to clarify that ECI is not the India representative to the International Engineering Alliance (IEA) agreements. J. Wootten will respond to say that while we do license international candidates on a case by case basis based on our licensure requirements, we do not have the capacity to create such an initiative.

### **NCEES**

Northeast Zone VP Samuel Wilson, P.E. introduced himself and commended Council for their proactive approach to licensure for international candidates and involvement on NCEES committees.

NCEES announced open nominations for National Service Awards. J. Wootten will prepare a nomination for C. McAllister.

### **Old Business**

- HB369 (Successor Engineer amendment) passed and is awaiting the Governor's signature.
- Council President V. Fazio appointed the following Council members for 2 upcoming hearings to deny applications:
  - M. Smith, J. Jakubowski, M. Clendaniel
  - D. Barbato, J. Puddicombe, V. Fazio

J. Wootten will meet with DAG Naylor to review applications and exhibits for the hearing, and to determine if two separate hearing panels will be necessary.

### **New Business**

V. Fazio has requested the following Council members to serve as Committee chairs:

- T. Thomson: Finance/Employee Benefits & Compensation Committee, Facilities Committee
- R. Smith: Bylaws/Government Affairs Committee
- D. Reinhold & T. Thomson: Law Enforcement & Ethics Committee
- K. Tadler: Examining Committee
- J. Kalmbacher: Public Information/External Affairs Committee
- D. Barbato: Nominating Committee

Committee chairs will present a list of Committee members at the November meeting for Council approval. J. Wootten will work with V. Fazio to draft committee charge, including combining charges for Public Information and External Affairs.

### **Next Council Meeting**

November 13, 2024 Hybrid format (Zoom or DAPE).

### **Save the Date**

PE Night at Wilmington Blue Rocks on Thursday June 5.

Meeting adjourned at 4:45 PM.