

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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December 12, 2024

MINUTES – December 11, 2024 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday December 11, 2024 in hybrid format (at DAPE office, New Castle, DE and via Zoom).

The Roll call was taken and a quorum was declared.

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|--------------------------|--|---|
| Council Members Present: | D. Calloway, P.E. V. Fazio, P.E. J. Puddicombe, P.E. M. Smith, P.E. T. Thomson, P.E. | M. Clendaniel, P.E. J. Kalmbacher, P.E. M. Scarborough, P.E. K. Tadler, P.E. |
| Council Members Absent: | D. Barbato, P.E. J. Jakubowski, P.E. D. Reinhold, P.E. | W. Gamgort, Esq. C. Lingenfelder, Esq. R. Smith, Esq. |
| DAG present: | Z. Naylor, Esq. | |
| Staff present: | J. Wootten | |
| DAPE Lobbyist present: | M. Davis | |

Meeting was called to order at 3:02 PM.

Open Forum

No members of the public were present.

Motion by M. Clendaniel, seconded by T. Thomson, to amend Agenda so that the Examining Committee Report is the first Committee report. Approved unanimously.

Minutes of the November 13, 2024 Council Meetings

Council reviewed the Minutes of the November 13, 2024 Council meeting.

Motion by M. Clendaniel seconded by T. Thomson, to approve the minutes of the November 13, 2024 Council meeting as modified (change to attendee list and motion approvals related to Examining Committee). Approved unanimously.

D.A.G. Report – DAG Naylor reported that he is working on a draft of legislative amendments as discussed at the Government Affairs & Bylaws Committee.

Financial Reports

T. Thomson reported that the finances for the 7 months (58.3%) of fiscal year ending April 30, 2025 reflect income has reached 89.2% of projections and expenses 54.3%.

Motion by T. Thomson, seconded by M. Clendaniel, 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.

Examining Committee

K. Tadler reported that the Committee met on November 20, 2024 and discussed the following:

Proposed legislative amendments related to pathway to licensure for candidates with an IntPE license, as suggested by the Bylaws and Government Affairs Committee. The Examining Committee agreed with this recommendation.

Motion by K. Tadler, seconded by M. Clendaniel, Council approve the addition of M. Scarborough to the Examining Committee. Approved unanimously.

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 |
| Comity | 2 | Approve after LEE review (both OK) | A1 |
| Exam | 6 | Approval to take P&PE | A1 |
| Initial | 4 | License | A1 |
| New | 1 | License | A1 |
| Exam (passed PE) | 2 | License | A2 |
| Total Individual applications reviewed | 22 | | |

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 | 12 | License | A3 |
| Certificate of Authorization Reinstatement | 1 | License | A3 |

Motion by K. Tadler, seconded by M. Smith, 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 | 21 | License | D |

Finance/Employee Compensation & Benefits/Facilities Committee

T. Thomson reported that the committee met on December 6, 2024 and discussed the following:

- Draft financial audit for FY2024
- Employee Reviews
- Compensation increase recommendations

Motion by T. Thomson, seconded by M. Clendaniel, Council accept the FY2024 audit. Approved unanimously.

Motion by T. Thomson, seconded by M. Clendaniel, to enter executive session at 3:25 PM in order to discuss employee compensation. Approved unanimously.

Council left Executive session at 3:30 PM.

DAG Naylor noted that the Freedom of Information Act applies to the Council pursuant to 24 Del. C. §2828. Ordinarily Council's meetings are open to the public, however, the Council may enter executive session closed to the public when, as here, personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open. 29 Del. C. §10004(b)(9).

Motion by T. Thomson, seconded by M. Clendaniel, to approve compensation adjustments as discussed during executive session. Approved unanimously.

Law Enforcement/Ethics Committee

T. Thomson reported that the committee met on December 4, 2024 and discussed new and open files in executive session. The Committee also agreed to reschedule the January meeting date to Tuesday January 7, 2025.

Motion by T. Thomson, seconded by M. Clendaniel, Council approves the closure of 4 cases listed on Exhibit A of committee report. Approved unanimously.

Motion by T. Thomson, seconded by J. Puddicombe, Council approves the Consent Order and Cease & Desist Order related to File 22-017. Approved unanimously.

Motion by T. Thomson, seconded by D. Calloway, Council approves the Warning letter related to File 22-017. Approved unanimously.

Motion by T. Thomson, seconded by D. Calloway, Council approves the Consent Order related to File 24-099. Approved unanimously.

Motion by M. Clendaniel, seconded by D. Callaway, Council approves the amended Consent related to File 24-007. Approved: Callaway, Clendaniel, Fazio, Kalmbacher, Scarborough, M. Smith, Tadler; Recused: Puddicombe, Thomson

External Affairs Committee – No Report

Public Information Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report

Correspondence -- None

NCEES

J. Wootten will be attending MBA Committee/MBA meeting January 12-15. Funded delegates have been identified for NCEES Zone meeting(Clendaniel, Reinhold, Tadler). NCEES will send invitations to the rest of the Council mid-January.

Old Business – None.

New Business

Committee charges: V. Fazio and J. Wootten will finalize charges and distribute to committee chairs. The complete document will be available on Council docs in January for review.

Annual Report to Governor: J. Wootten uploaded a draft document for review, and requested feedback by the January meeting. Once the audit is released and new legislative session begins in Dover, J. Wootten will send the annual report, which includes the audit, to the Governor, State Auditor, and all legislators.

Ad Hoc Website Committee: V. Fazio appointed M. Clendaniel, J. Kalmbacher, M. Lennon, and K. Tadler to this Ad Hoc committee. This group will help evaluate the two proposals that have been received and make a recommendation to Council, and then assist J. Wootten in establishing and monitoring a deliverable schedule and testing the new system and website. J. Wootten hopes to schedule a quick committee meeting by the end of this month.

Law Book Binders: New binders are available at DAPE. If you do not plan to attend a meeting in person in the next few months, DAPE staff can mail a binder to you. We'll recycle older binders, so please return them.

Next Council Meeting

January 8, 2025 Hybrid format (Zoom or DAPE).

Meeting adjourned at 3:51 PM.