



# DAPE

# NEWS

**News from Delaware's Licensing Council for Professional Engineers**

**Fall 2006**



## **PRESIDENT'S MESSAGE**

***By Guy F. Marcozzi, P.E.***

First, let me say that I am honored to serve our members and the public as incoming President of the Delaware Association of Professional Engineers (DAPE). I look forward to continuing the good work of those who have preceded me in our organization to further the protection of the public.

Your Council has a number of initiatives that we are working on and hope to accomplish during my tenure as President. Foremost among these initiatives are legislative changes to enable the DAPE to pursue complaints regarding the unlicensed practice of engineering. You may be aware that the DAPE presently only has jurisdiction over our licensees and applicants. For obvious reasons, some of the most serious harm to the public could result from unlicensed practitioners, and in-depth investigation and prosecution of such cases often "fall between the cracks" of other jurisdictions. Look for further updates on this issue throughout the coming year.

Another important milestone that we will spend some time on this year is the celebration of 100 years of licensure for Professional Engineers in the United States coming up in 2007. NCEES plans to celebrate in several ways. One of those will be to sponsor a new PBS series called "Design Squad," featuring two teams of teenagers using engineering problem-solving skills to design, construct and test machines. We hope to do something meaningful to celebrate this special occasion locally and welcome ideas and suggestions from our membership and the regulatory community.

Can you guess which state was the first to enact licensure legislation? How about the date Delaware enacted such legislation? The answers are Wyoming and 1941, respectively. (The first surveying license was issued in California in 1891!)

I would also take this opportunity to recognize the achievements of Immediate Past President Paul Jones. In addition to leaving your organization in excellent condition, Paul led the DAPE through a series of important legislative changes, including one that significantly improves the efficiency and fairness of our disciplinary process. As a result, the organization now enjoys an excellent working relationship with both the Attorney General's office in enforcing our Law and with the Board of Architects in seeking mutual agreement on overlap in our respective practice areas. We are fortunate to have Paul remaining on Council where he will serve as Chair of our External and Government Affairs/By-Laws Committees. I would also be remiss to discuss these recent achievements of the DAPE without acknowledging recently deceased former President Ross Harris' role in initiating many of these undertakings and by acknowledging the efforts of the rest of Council.

Please also join me in recognizing the efforts of retiring members of Council, Dave Athey, Karen Maxson and Mike Cotten. All served with distinction and we thank them for their effort. Mike had to fill some big shoes after the untimely passing of Ross. Dave and Karen have agreed to continue service on the Examining Committee, and we continue to be grateful for their efforts.

Looking forward, we are fortunate to have three new members joining our Council, Charlie McAllister, Greg Pawlowski, and Zach Crouch. Charlie and Greg had served and will continue to serve as Co-chairs on the Law Enforcement and Examining Committees, respectively. These committees are often the busiest of those appointed by Council. Zach will be involved in our Public Information Committee. Their enthusiasm and fresh ideas will help us keep our organization responsive to the needs of the public and our membership. Returning to Council is Bob McClure, who brings invaluable historical perspective for the organization and remains one of our hardest working Council members.

We welcome your ideas for improving the DAPE. Feel free to call or email your ideas or comments. We will strive to address them as best we can within the bounds of our authority and capability. I look forward to serving you in the coming year.

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**MESSAGE FROM THE EXECUTIVE**  
**DIRECTOR**  
**By Peggy Abshagen**

The 2006 NCEES Annual Meeting was held in the big, beautiful state of Alaska. DAPE representatives included in addition to myself, President Marcozzi, and Council members Bob Cannon, Bob McClure and Vince Robertson. These meetings serve as the forum for all Member Boards to discuss and take action on licensure issues such as education, examination, continued professional competency, etc.; as well as finances, exam security, and the general future of the engineering and surveying professions.

Much discussion and debate centered around the proposed revision to the NCEES Model Law requiring additional education for engineering licensure. The approved language states that an engineer intern with a bachelor's degree must have an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework from approved providers in order to be admitted to the Principles & Practice of Engineering examination, effective January 1, 2015. Why, you might be asking?

NCEES committees, comprised of representatives from NCEES, engineering professional societies, government, industry and education, for the past five years have been studying this issue, and concluded that additional education would be necessary in the future to prepare students for engineering practice at the professional level. The next step will be to define what the additional education should be.

This is a revision to the NCEES Model law. It is not a revision to the Delaware law. In fact, the Delaware board did not support this proposal.

On the issue of exam security, an exam collusion workshop was held and the statistics of alleged collusion incidents were alarming. Following an exam administration, NCEES utilizes software that will analyze the results of the exam administration and identify possible collusion attempts. Those boards affected are then responsible to investigate and determine any actions. I am happy to report that Delaware has not been involved in any alleged

collusion incidents to date. Exam security is foremost in our planning and proctoring of exams. I'd like to take this opportunity to thank our exam proctors for a job well done. They certainly make Delaware proud!

NCEES also unveiled at the Annual meeting, its new service for detecting fraud, verifying legitimate credentials, and evaluating foreign education. The Center for Professional Engineering Education Services (CPEES) opened its doors in September, 2006.

There are several different types of fraudulent documents: altered documents, fabricated (counterfeit) documents, documents manufactured in-house (grades inflated, credits doubled, etc.), diploma mill documents (fictitious credentials), and interpretative translations (inaccurate translations of documents). We leave it to the experts to detect fraud and evaluate foreign education. Delaware applicants with foreign education are now referred to CPEES.

DAPE representatives are very active in NCEES, serving on its committees and participating in both the regional and national meetings. This prepares our board for determining its position on licensing issues.

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**2007 COUNCIL SEAT VACANCIES**

Council seat vacancies for the 2007 election year will be:

- ❖ Private Consulting
- ❖ Electrical Engineering
- ❖ Kent County

Interested, qualified candidates should contact the DAPE office for further information. Deadline for submission of petitions is May 1, 2007.

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*Newsletter Correction:*

*The Summer 2006 issue of the DAPE News inadvertently omitted the name of David Ellis, from the list of new Engineer Interns.*

*Our apology!*

**An Ethical Question:**  
**Are You Stamping Plans or Plan Stamping?**

By  
Robert A. Chagnon, P.E.

There is a big difference. One can pay you to do but the other can cost you to do, and the latter can cost you plenty.

This topic has been written about several times in the past but it continues to be one of DAPE's most serious problems involving the practice of engineering. It's also the activity that has generated a significant lack of confidence and respect in our engineers in general by our permitting agency plan reviewers and Delaware architects.

The act of "**Stamping Plans**" implies the following:

1. You have an ample background in education and experience that qualifies you to provide the standard of care needed to address the design issues that will affect the health, life, safety and welfare of the public involved.
2. In lieu of the above, you've assigned the task involved to qualified design professionals, from outside sources or under your employ, that will provide the standard of care required under your direction.
3. You are self assured that the plans being sealed do not in any way compromise the health, life, safety and welfare code issues that are applicable to the design involved, **to the extent that you're willing to stake your reputation on what's delineated on the plans in addition to fully accepting the liability involved, if problems related thereto should surface.**

On the other hand, "**Plan Stamping**" can mean any one or a combination of the following:

1. You don't have the education and experience that fully qualifies you to address the health, life, safety and welfare code issues involved, so you're relying on the municipality's plans reviewer to make you aware of any related code deficiencies.
2. You firmly believe that if the plans you sealed pass muster and a building permit is issued, you're home free.
3. You're of the opinion that, under the laws governing the practice of engineering, you can

legally seal building plans, even though your background in education and experience may not qualify you for furnishing the standard of care needed for the task involved.

**Plan stamping**, as defined above, can get you in big trouble. It is not legal; irrespective of your opinion, it's a blatant sign of disrespect for our architectural colleagues, it contributes significantly to the growing lack of confidence that permitting officials have with engineers and its practice is a definite danger to the life, health, safety and welfare of the public.

**What kind of trouble can it get you into?** Here's the latest list, based on DAPE's most recent revision of the laws governing over the practice of engineering:

1. At the very least, a letter of reprimand can be attached to your file that could impact future disciplinary results through the existence of aggravating circumstances.
2. The aforementioned letter of reprimand can also be a public one, via DAPE's newsletter and local newspapers.
3. You can be fined anywhere from a minimum of \$100 up to a maximum of \$5,000.
4. Your license to practice engineering can be revoked for whatever period the DAPE Council deems appropriate.
5. In addition to any of the above, you may be required to complete one or more additional courses that address the concerns involved as well as having to pay for any legal expenses that may be required in your defense.

You're well advised to think twice before sealing plans on the spur of the moment as a favor to an old friend, a valued contractor buddy of yours that needs a favor, an opportunity to make a quick buck or two, or they've been constructing buildings like this for years and none have yet to fall down.

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**ADMINISTRATIVE PENALTIES**

Did you know, the Delaware Professional Engineers' Act has been revised as of June 27, 2006, to provide the authority for Council to impose civil disciplinary penalties from a minimum of a reprimand to the maximum civil penalty of \$5,000?

Disciplinary Penalty Guidelines are published on our website ([www.dape.org](http://www.dape.org)), and include a table of offenses and a range of penalties.

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### **WHO CAN USE THE TITLE ENGINEER?**

True or false: A recent graduate of an engineering program may call himself an engineer.

False. If that graduate has either successfully passed the Fundamentals of Engineering examination, or has not, but has made application as an "adjunct" member and subscribed to the Code of Ethics, the law states that that individual may use the title "Engineer."

True or false: An employee of a firm or organization may use the title "Engineer I" as authorized by the firm.

False. Delaware law §2806 states that the membership of DAPE consists of Professional Engineers, Engineer Interns, and Adjunct members, subscribing to the Code of Ethics are the only individuals lawfully entitled to use the term "Engineer."

If your co-workers have an engineering degree, live or work in the State of Delaware, and will subscribe to the Code of Ethics that is published on [www.dape.org](http://www.dape.org), application as an Adjunct member will lawfully permit the use of the title "Engineer." Of course, those individuals that have successfully passed the Fundamentals of Engineering exam have earned the right to use the title, as well.

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### **WE REALLY COULDN'T HAVE DONE IT WITHOUT YOU!**

The October 27-28, 2006 exam administration was recently completed, with the assistance of our membership. The efforts of these individual members contributed to this successful exam administration and we would like to publicly express our appreciation.

To the Chief Proctors:

Harry How, P.E.  
Gregory Pawlowski, P.E.  
John Traynor, P.E.  
Lonnie Webb, P.E.

To the Proctoring Team:

Carmine Balascio, P.E.	Phil Girandola, P.E.
John Chromy, P.E.	Terry Gleason, P.E.
Jim Davidson, P.E.	Don Hall, P.E.

Rich Hinterleiter, P.E.	Hap Ryan, P.E.
Stephen Johnson, P.E.	Arkan Say, P.E.
Bob Leitsch, P.E.	Doug Seavey, P.E.
Megan Lester, P.E.	Mike Siwek, P.E.
Logan Miller, P.E.	Joseph Volk, P.E.
George Nagase, P.E.	Lucie Wilkens, P.E.

An extra special thanks goes to the proctors who assisted with more than one session:

Phil Girandola, P.E.  
Robert Leitsch, P.E.  
Joseph Volk, P.E.

### **THANK YOU ALL FOR A JOB WELL DONE!**

If you are interested in joining the proctoring team, please contact the DAPE office.

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### **COUNCIL ELECTS OFFICERS**

At its September meeting, Council elected officers to serve for the 2006/2007 Council year. Elected were:

President:	Guy F. Marcozzi, P.E.
Vice President:	Frank A Newton
Secretary:	Vincent G. Robertson, Esq.
Treasurer:	Robert Cannon, P.E.

J. Paul Jones, P.E. serves as Immediate Past President. These DAPE officers comprise the Executive Committee and meet monthly to determine policy for consideration of Council; to see that all standing committees function as required; and to be responsible for management of the Association's property.

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### **2006 EXECUTIVE COMMITTEE**



**Guy F. Marcozzi, P.E.**  
President



**Frank A. Newton**  
Vice President



**Vincent Robertson, Esq.**  
Secretary



**Robert Cannon, P.E.**  
Treasurer



**J. Paul Jones, P.E.**  
Immed. Past President

## **COMMITTEE CORNER:**

President Marcozzi has appointed new Committee Chairs for 2006/2007:

<u>Committee:</u>	<u>Chair:</u>
Employee Benefits/Comp.	F. Newton
Law Enforcement/Ethics	K. Kooker, C. McAllister
Examining	C. Balascio, G. Pawlowski
External Affairs	J. Paul Jones
Facilities	R. Cannon
Finance	F. Newton
Public Information	P. Canzano, Z. Crouch
Government Affairs	J. Paul Jones
Ad-Hoc/Exam Security	R. McClure

DAPE members are eligible to serve on Committees. If you are interested, please contact the DAPE office.

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## **FIRMS INELIGIBLE TO PROVIDE ENGINEERING SERVICES IN DELAWARE!**

The firms listed below have not renewed their Certificate of Authorization for the period 7/1/06 – 6/30/07. As §2821 of the Delaware Professional Engineers Act requires all firms must have such authority, the following firms are ineligible to offer or provide engineering services in the State of Delaware:

A. Dicesare Assoc., P.C.  
AES, LLC  
Alarm Engineering, Inc.  
All Systems Eng., LLC  
Amec Biopharmaceuticals, Inc.  
Anderson & Assoc. of VA, Inc.  
Asset Builders, LLC  
Baran Telecom  
Battelle Memorial Institute  
Bohler Eng., P.C.  
B Squared Eng., LLC  
Cecon Group, Inc.  
Chasman & Assoc., LLC  
Cirrus Engineering Inc.  
Columbia Telecomm. Corp.  
Consolidated Eng. Services, Inc.  
Corey Electrical Engineering, Inc.  
CTI Consultants, Inc.  
Damiano Long Consult. Engrs., LLC  
Day & Zimmerman Int'l, Inc.  
Delaware Land Development, Inc.

DiStasio & Van Buren, Inc.  
DMJMH+N, Inc.  
Dvirka & Bartilucci Consulting  
Earth Tech, Inc.  
East Hills Eng. Assoc.  
EDIS Company  
Emcor Facilities Services, Inc.  
Ensafe, Inc.  
ESP Design Services, Inc.  
Geoterra Consultants, LLC  
Hatch Mott MacDonald I&E, LLC  
Hillis-Carnes Eng. Assoc.  
Klein and Hoffman, Inc.  
The Kling Lindquist Partnership, Inc.  
Makh Associates, Inc.  
McCon Engineering, Inc.  
MKN & Associates, Inc.  
Mountain Consulting, Inc.  
Parsons Eng. Science, Inc.  
Progressive Eng. Consultants, Inc.  
R.E. Pustorino P.C Cons. Engr.  
RJN Group, Inc.  
Shaw Environ. & Infrastructure  
Site-Blauvelt Engineers, Inc.  
Spectra Engineering, Inc.  
SpectraSite Communications, Inc.  
Swartley Brothers Engineers Inc.  
Tech Consultants, Inc.  
Transportation Construction Services  
William J. Trefz Cons. Engineers  
TVA Fire & Life Safety, Inc.  
Vista Design Group, Inc.  
V.P.T. Inc.  
Walsh Engineering, Inc.  
Webber/Smith Associates, Inc.  
Wiles Mensch Corporation  
WKR Consulting a/k/a Ryan & Assoc.  
WWES Associates  
Yeh Tendom Associates

The unlicensed practice of engineering is a violation of the law and will be prosecuted to the fullest extent.

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## **LAW ENFORCEMENT ACTIVITY**

Recent law revisions outline the administrative means of resolving a complaint without a formal Council hearing. These include:

1. **Administrative Order** – Council issues a letter advising the licensee of the complaint allegations, the intent to issue an Administrative Order and the opportunity for a hearing before Council. If the licensee waives the hearing, the Council may issue the Administrative Order without further process.

2. **Consent Agreement** -- Council issues a letter advising the licensee of the complaint, alleged violations and a request to proceed either to a hearing before Council or to continue with the Consent Agreement process. If the licensee agrees to proceed with a Consent Agreement, a conference with the licensee is held to discuss the facts, charges and violations of the law. The licensee waives the right to a Council hearing and accepts the outlined penalties.

3. **Disciplinary Hearing Committee** -- The President of Council appoints 5 unbiased members of DAPE to hear the allegations, and if supported by evidence, will recommend to Council appropriate disciplinary actions.

Over the past few months, one Consent Agreement has been issued, and one hearing has been scheduled before the Disciplinary Hearing Committee.

#### **Consent Agreement Issued:**

Case 05/014 -- Willard J. Orr, licensee #1487

Violation: Mr. Orr provided a written statement certifying the adequacy and acceptability of a steel floor beam for loading and weld capacity. Upon the review of another engineer, it was determined that the weld was not constructed in compliance with applicable code requirements.

Consent Agreement was issued finding Mr. Orr guilty of misconduct in the practice of engineering and a violation of the code of ethics.

Resolution: Suspension of license for six months, requiring completion of a course in ethics.

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#### **MEMBERS' CORNER:**

##### ***Have a message you'd like to get out to the DAPE membership?***

We now have the capability to broadcast messages to those members of DAPE that have provided us with email addresses. If your organization is interested in communicating with the DAPE membership, we will consider broadcasting messages that may benefit the profession. These might include engineering-related seminar notices, etc. They would not include help wanted notices, etc.

DAPE reserves the sole right to approve sending those messages that best serve the interests of its members.

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#### **2006 COUNCIL MEMBERS**

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C.C. Balascio, P.E.



J.G.S. Billingsley, P.E.



R. Cannon, P.E.



P.S. Canzano, P.E.



D.G. Clark, P.E.



P.E. Crawford, Esq.



W.Z. Crouch, P.E.



J.P. Jones, P.E.



K.R. Kooker, P.E.



G.F. Marcozzi, P.E.



C.L. McAllister, P.E.



R.W. McClure, P.E.



Frank A. Newton



G.G. Pawlowski, P.E.



V.G. Robertson, Esq.

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### **CELEBRATING 100 YEARS OF LICENSE**

Do you have ideas for celebrating the 100<sup>th</sup> year of licensure in 2007? Share your ideas with us and we'll share them with the membership! The winning suggestion receives a token of our appreciation!!!

We are investigating with the Delaware Department of Motor Vehicles obtaining special license plates for members of DAPE. Are you interested? We must have 200 interested members to comply with DMV rules and regulations. Let us know and we'll keep you posted!

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### **Council Executive Committee**

Guy F. Marcozzi, P.E.

#### **President**

Frank A. Newton

#### **Vice President**

Vincent G. Robertson, Esq.

#### **Secretary**

Robert Cannon, P.E.

#### **Treasurer**

J. Paul Jones, P.E.

#### **Immediate Past President**

### **Council Members**

Carmine C. Balascio, P.E., Education	8/31/08
J.G.S. Billingsley, P.E., Mech. Eng.	8/31/08
Robert Cannon, P.E., Electrical Eng.	8/31/07
Pasquale S. Canzano, P.E., DEE, Gov't Empl.	8/31/09
David G. Clark, P.E., Chemical Engineering	8/31/09
Paul E. Crawford, Esq., NCC-Apptd.	5/12/07
W. Zachary Crouch, P.E., Sussex County	8/31/08
J. Paul Jones, P.E., "Other" Eng.	8/31/09
Keith R. Kooker, P.E., Kent County	8/31/07
Guy F. Marcozzi, P.E., Private Cons.	8/31/07
Charles L. McAllister, P.E., Industry	8/31/10
Robert W. McClure, P.E., New Castle Co	8/31/06
Frank A. Newton, Kent Co. -Apptd.	1/14/06
Gregory G. Pawlowski, P.E., Civil Engineering	8/31/10
Vincent Robertson, Esq. —Sussex Co. —Apptd.	9/27/08

### **Council Staff:**

Peggy Abshagen	Donna Weaver
Executive Director	Administrative Asst.

### **Council Office:**

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