

DAPE



NEWS

News from Delaware's Licensing Council for Professional Engineers

Fall 2007



PRESIDENT'S MESSAGE
By Guy F. Marcozzi, P.E.

Summer has faded, and despite the warm and dry weather, we have moved into Fall. Throughout the change in season, DAPE Council remains very busy in the service of our profession.

Changes on Council

We recently concluded our Council elections and it is with mixed emotions that we say goodbye to two long-serving Council Members and welcome a new one.

Many thanks to Bob Cannon and Paul Crawford. Bob had filled the Electrical seat on Council for the past 8 years. During that period Bob served on the Executive Committee and at various times chaired the Examining Committee and the Facilities Services and Equipment Committee, also serving on the Finance Committee. Bob had been very helpful in patiently executing the duties of Treasurer and in provided me with quietly provided suggestions for keeping Council focused and running efficiently. We look forward to Bob staying affiliated with Council through our Committees.

Paul just completed his second round on Council, serving in the appointed seat from New Castle County. Previously, Paul served 8 years on Council in a prior term. Paul, a practicing attorney, has provided invaluable advice to Council. Paul has always been available to provide wisdom on various Council activities and his uniquely valued perspective as an attorney amongst engineers has been a great benefit to Council. We wish Paul the best as he begins moving toward retirement.

Also notable is that our long-time Deputy Attorney General assigned to Council, Laura Gerard, has been reassigned within her department. Laura had previously assisted our Law Enforcement and Ethics

Committee as well as Council and has been involved during my entire tenure on Council and on the LE/E Committee. During her service, Laura has patiently responded to all of the requests of Council and provided invaluable advice. I am personally grateful for her advice and hard work. Thank you Laura for your 8 years of service to DAPE.

In the endless cycle of renewal, we are happy to report that joining Council is Al DeLuca in the Electrical Engineering seat. Al has long served on our Law Enforcement and Ethics committee and will be a great addition to Council. While we will miss those who served before, the rotation of Council members enlivens our organization and enables us to best serve the public in the long run.

We await an appointment from the Governor for the New Castle County seat, and expect it to be filled soon.

Sustainable Development

We had a fair amount of response to my mention last issue about modifying our Code of Ethics to include a provision regarding a commitment from engineers to sustainable development. For those who responded, please accept my sincere thanks for taking the time to express your opinion. We had fewer than 20 responses, of which several were wholeheartedly in favor or opposed. Most of the responses in some way related to questions about what obligations this would present for engineers, what would the enforcement look like, how would it be applied to non-civil engineers, or specific suggestions related to the wording of my proposal.

While extremely flexible on the specifics, I very much remain in favor of DAPE leading on sustainable development issues and will look to get this issue on Council's agenda later in the Fall. Please feel free to continue to offer your comments or suggestions and I will endeavor to keep you informed of our progress.

Law Changes

By now, you may be aware that our initiative to regulate unlicensed practice stalled in the Senate, when it was removed from the Consent Agenda on the last day of session in June. The bill had been previously approved by the House. The bill groups authority to regulate unlicensed practice for DAPE with that of the other Title 24 boards in Professional Regulation. Apparently, the Senate had concerns with granting this authority to some of the other Boards.

Based on advice from our lobbyist, Council is presently working on reintroducing another bill during the next legislative session that would be specific to DAPE. You may remember we tried this two years ago, but pulled it back at the request of the Attorney General's office so they could introduce the bill described above.

Since we are planning to submit our own bill, we are also proposing to include a number of "housekeeping" items. The most substantial will include better definition of the term "responsible charge." Presently, our law is sufficiently ambiguous in its definition as to make it difficult for our Law Enforcement/Ethics Committee to pursue complaints against plan-stamping and related issues. Other proposed items and more specifics will be included in the next newsletter.

Your Council understands its primary mission to safeguard the health and welfare of the public. Please take a moment and let us know how we are doing by emailing any comments to office@dape.org.

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

The 86th annual meeting of NCEES took place in late August in our neighboring state, in Philadelphia, PA. Several DAPE representatives attended to elect NCEES officers, participate in discussions and attend a variety of licensing workshops. In summary:

In 2006 Member Boards approved a requirement in the NCEES Model Law to require 30 additional credit hours in addition to a bachelor's degree as the minimum educational requirement for licensure. In 2007 a motion was presented to rescind this past action. This motion was defeated as there are concerns with the deficiencies in present engineering curriculums. It was suggested that these deficiencies would be better addressed through accreditation channels. The target date for implementation is 2015, however, boards can

implement at their own discretion. Remember, this is the Model law. This is not Delaware law.

A number of boards issue licenses in Structural Engineering. A national task force has been assigned the task of creating a single examination for those boards that grant structural engineering licenses. (Currently, the SE I and SE II exams are required. Some states also require state-specific exams for their candidates.) Implementation date to be April, 2011.

Effective with the October, 2009 PE exam, Civil candidates will be required to declare the depth module in advance of the exam administration. (Civil candidates currently select one of several modules for the afternoon portion of the exam.) Beginning with the April, 2010 exam, FE candidates, as well as PE Electrical and Mechanical candidates will do the same. These changes are being adopted in the interest of exam security and practicality.

A motion presented to remove "expert testimony" from the Model law definitions of engineering and surveying was unsuccessful.

Attendees had an opportunity to attend many workshops: Ethical IQ; Emerging Disciplines; Mold in Buildings; Dynamics of Exam Security; Legal Issues Pertaining to the Prosecution of Exam Subversion; Int'l Building Code; Australia's Licensure System; etc. Each of DAPE's representatives attended those workshops of particular interest to them. Several of our Law Enforcement/Ethics Committee members, including the Chair and Co-Chair, Keith Kooker and Charlie McAllister, respectively, as well as Ana Diaz, attended the full-day Law Enforcement Program.

The opportunity to discuss these and many other issues with our peers is an incredible learning experience, and one that provides us with valuable information to bring back to our states and apply as appropriate.



ALFRED S. DELUCA IS ELECTED TO COUNCIL

The DAPE membership elected Alfred S. DeLuca to the Electrical Engineering seat of Council in its 2007 election. Al is not a stranger to DAPE, having served on the Law Enforcement/Ethics Committee.

Issued license #4812 in 1975, Al has been a DAPE member for more than 32 years. He began his career working for Delmarva Power, followed by work on telecommunications; call center and data center relocation projects and served on several merger acquisition teams. Al continued his work with the State of Delaware's 800 MHz radio system and designed the evidence presentation system for the new Court of Chancery Courtroom in Georgetown. Presently, he is the Technical Support Manager in Corporate Real Estate at the JPMorgan Chase Core Critical Data Center in Wilmington, DE.

We welcome Al to the DAPE Council and look forward to his contributions on the various issues before Council.



DEPARTING COUNCIL MEMBERS:

ROBERT CANNON, P.E.

DAPE and the engineering community were fortunate to have the representation of Robert Cannon, P.E., who served the maximum two four-year terms on Council. Serving in the Electrical Engineering seat, Bob shared his wisdom, experience and very generously gave us his time to not only serve on Council for 8 years, but to serve in the capacity of Treasurer, and Chair of the Examining and Facilities Committees. Bob is still active on the Examining Committee, reviewing applications for licensure with his critical eye.

PAUL E. CRAWFORD, ESQ.

Appointed by the Governor in 2003 to represent the constituency of New Castle County (one of the three public members on Council), Paul's contributions to the issues before Council were invaluable. His counsel on licensure and disciplinary matters was instrumental in accomplishing our charge of protecting the public. These past four years were actually the second appointment of Paul



to serve on the DAPE Council. He previously served eight years.

Our sincerest appreciation to these two outstanding gentlemen, who will hopefully have a little more time on their hands, now! Thank you!

MANDATORY CPC IS JUST AROUND THE CORNER

By

Robert A. Chagnon, P.E., SECB

My corner that is. I've moved to Hockessin and the Pennsylvania line is just around the corner and up the road a piece. However, in September of 2005, during a State Board meeting, the **Pennsylvania Society of Professional Engineers' board voted unanimously to adopt a proposed mandatory CPC model** that had been drafted by their Professional Development Task Force. The State Board also voted to authorize amending the Registration Act to include the approved CPC model. At last check, a good while back, their Executive Director and an outside legislative consultant were still looking for a state legislator to introduce legislation amending the Pennsylvania Engineer, Land Surveyor and Geologist Registration Law.

Thirty states have now adopted mandatory CPC (continuing professional competency, for any late comers out there) with another five or six that mirror Pennsylvania's present situation. **That's bad news for many Delaware registrants in private practice since they have to meet the varying CPC requirements of each and every such state in lieu of being able to qualify for same by comity in many cases if their home state, Delaware, had mandatory CPC.**

Those that are for mandatory CPC: Actually, they represent about 50% of any sampling taken on the subject. They're for it because:

- Attending seminars and/or taking courses of interest represent a routine that they've followed for years, so what's the big deal?
- Continuing engineering education advocates recognize that they're better engineers as a result of such so why not mandate CPC as an added effort to protect the public and ourselves from the often disastrous consequences of stale engineering knowledge.

- Their liability insurance providers require such as a vital part of risk management, which has resulted in lower insurance premiums. They're doing it, why not everyone else?
- They're members of professional groups, such as those that exist for structural engineers, environmental engineers and etc. that have continuing education requirements for annual recertification. It's not a big deal.
- They're "Engineers in Education" and see CPC as the start of a new education related industry. Show me the money.
- They comply with annual CPC requirements mandated by their state because their state's legislative sunset committee automatically imposed the requirement on them. If I have to do it, so should you.

Those that are against mandatory CPC: They represent the other half and are against it because:

- They do nothing to maintain their competency and don't want anyone telling them that they have to do otherwise.
- They're in favor of CPC but not mandatory CPC. In other words, they do nothing to maintain their competency and don't want anyone telling them that they have to do otherwise.
- It's too expensive and too time consuming.
- CPC requirements vary too greatly from state to state with some even instituting burdensome procedures that are of benefit to only the state itself and not the protection of the general public.
- Simply attending seminars, the reading of material followed by a self-administered quiz, or one's presence at a meeting or on a committee can contribute little or nothing to one's CPC enhancement.
- No one has yet to come up with any evidence that CPC leads to fewer lawsuits or complaints against engineers or fewer disciplinary actions against same as a result of CPC.

Which side is right? Unfortunately, they both are. The varying CPC requirements between states and professional organizations that require such is stifling to say the least and often times burdensome. For example, SECB certification is solely limited to structural engineering related development programs and one state that I know of requires that one attend one of their board meetings as a requirement for that state's CPC program. On the national level, short courses are mostly scheduled at hub locations such as Atlanta, Boston, San Francisco, Chicago and etc, calling for long distance travel and increased cost. Internet courses go for several hundred dollars a clip and much of the course materials appear to have been developed by the students of the professors that sponsor the courses. Last, but not least, is there evidence that CPC does result in fewer law suits or disciplinary actions against engineers?

The bottom line is that those conscientious engineers who voluntarily seek out to strengthen their weaknesses on an ongoing basis will continue to do so even if it's a mandatory requirement or not. Those who haven't cracked a book since leaving college and have no interest in advancing their engineering development, will find ways for using those seminars as an opportunity to play a few rounds of golf or catch up on their leisure reading, but only if required to do so. As it currently stands, it's the education related cottage industry that CPC has created that will benefit, not the health, safety and welfare of the public.

EXPIRED CERTIFICATES OF AUTHORIZATION

The following 49 firms have not renewed their authority to offer or provide engineering services in the State of Delaware. In accordance with the law, they have been removed from the Active Roster of Certificate of Authorization holders:

Advanced Structural Eng., Inc.
 Arora Engineers, Inc.
 ATC Tower Services
 J. H. Becker
 Cannon Design, Inc.
 CDI Engineering Solutions, Inc.
 Cosentini Associates
 DLR Group Architecture & Engineering
 Earth Engineering & Sciences
 EBL Engineers, Inc.
 E2CR, Inc.
 Farnsworth Group, Inc.
 Figg Bridge Engineers, Inc.
 Fronte Infrastructure Associates

G.R. Engineering, Inc.
 Greg Riley, P.E. Structural Eng.
 Guy M. Shelley & Company
 Haggarty and Associates, Inc.
 HDM Associates, Inc.
 Industry & Energy Associates
 Intertech Design Services
 J.E. Pellegrino & Associates
 Kinetic Use Group
 Kleinfelder, Inc.
 Konefal & Company, Inc.
 KTA Group, Inc.
 Lane Engineering, Inc.
 Materials Testing, Inc.
 Minker Fire Protection, Inc.
 O.A. Newton & Son Co.
 Orbital Engineering, Inc.
 Professional Consulting, Inc.
 Sadat Associates, Inc.
 Shaw Environmental, Inc.
 Siegel, Rutherford, Bradstock & Ridgway
 Simpson, Gumpertz & Heger, Inc.
 Stehle Engineering Corporation
 Stephens Environmental Consulting, Inc.
 Underwood Engineering of Mt. Ephraim
 Unity Consultants, LLC
 Unity, Inc.
 VE Group, LLC
 VG Engineering, Inc.
 Vitetta Group, Inc.
 Walker Engineering, Inc.
 Westower Communications, Inc.
 Wiles Mensch Corp.

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

LAW ENFORCEMENT ACTIVITY

Over the past couple of months, DAPE has aggressively sought those firms that are not in compliance with the law.

Thus far, in 2007 we have opened **241** investigations, as compared with **31** in 2006 and **32** in 2005. We have been able to resolve **122** of these matters in the last two months. Of these:

- 51** -- cases were resolved by firms obtaining appropriate licensure;
- 32** -- firms revised bus. license category to appropriate category
- 24** -- firms were no longer practicing in Delaware and cancelled the business license;
- 6** -- firms revised their firm name to be in compliance with the law
- 9** -- remaining cases were either erroneous listings or businesses no longer in operation, etc.

The remaining open cases are in various stages of working towards compliance. Licensure is required by law and unlicensed practice is a serious violation of the law. Make sure you and your firm maintain licensure! You do not want to be one of our statistics!

COUNCIL UPDATE

At its September meeting, Council elected the following officers for the 2007-2008 Council year:

President	-	Guy F. Marcozzi, P.E.
Vice President	-	Frank A. Newton
Secretary	-	Vincent G. Robertson, Esq.
Treasurer	-	Gregory G. Pawlowski, P.E.
Immed. Past Pres.	-	J. Paul Jones, P.E.

President Marcozzi appointed the following Committee Chairs:

External Affairs	-	Crouch, McAllister
Public Information	-	Clark, Crouch
Examining	-	Balascio, Pawlowski
Facilities, Serv., Equip.	-	Pawlowski
Finance	-	Newton
Govt. Affairs	-	Jones, Newton
Law Enforcement/Ethics	-	Kooker, McAllister
Ad-Hoc/Fac.-Office Space	-	Pawlowski

Committee Chairs are assigned specific tasks each year, in addition to their charges to act as liaison with other state agencies and organizations; review credentials of applicants for licensure; management of the finances of DAPE; review legislation and prepare any new legislation; review and investigate allegations of violations of the Delaware Professional Engineers' Act; etc.

The membership of these committees is appointed by the President and approved by Council to assist in accomplishing the work of this organization. Countless hours of volunteer efforts are necessary and we depend on the membership of DAPE. We are very

fortunate to have a membership that is so willing to give something back to the profession. This dedication and loyalty has been the backbone of this organization since its inception some 35 years ago. If you are interested in serving, please contact the DAPE office for further information.

And to those many, many DAPE members who have volunteered either to serve on committees or proctor an exam, our sincerest appreciation!

2007 COUNCIL MEMBERS



C.C. Balascio, P.E.



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



P.S. Canzano, P.E.



D.G. Clark, P.E.



W.Z. Crouch, P.E.



A.S. DeLuca, 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.



F.A. Newton



G.G. Pawlowski, P.E.



V.G. Robertson, Esq.

Council Executive Committee

Guy F. Marcozzi, P.E.

President

Frank A. Newton

Vice President

Vincent G. Robertson, Esq.

Secretary

Gregory G. Pawlowski, 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
Pasquale S. Canzano, P.E., DEE, Gov't Empl.	8/31/09
David G. Clark, P.E., Chemical Engineering	8/31/09
W. Zachary Crouch, P.E., Sussex County	8/31/08
Alfred S. DeLuca, P.E., Electrical Eng.	8/31/11
J. Paul Jones, P.E., "Other" Eng.	8/31/09
Keith R. Kooker, P.E., Kent County	8/31/11
Guy F. Marcozzi, P.E., Private Cons.	8/31/11
Charles L. McAllister, P.E., Industry	8/31/10
Robert W. McClure, P.E., New Castle Co	8/31/10
Frank A. Newton, Kent Co.-Apptd.	1/30/10
Gregory G. Pawlowski, P.E., Civil Engineering	8/31/10
Vincent Robertson, Esq.—Sussex Co.—Apptd.	9/27/08

Council Staff:

Peggy Abshagen
Executive Director

Donna Weaver
Administrative Asst.

Council Office:

56 W. Main St., Suite 208, Christiana, DE 19702
(302) 368-6708 / (302) 368-6710 – FAX

e-mail:
office@dape.org

website:
www.dape.org

The Complaint Process in Delaware

The DAPE Council, through its Law Enforcement /Ethics Committee, is responsible for investigating complaints received alleging a violation of Delaware's licensing law and/or the engineering Code of Ethics. The Council has the authority to discipline its licensees.

Any identified member of the public or of the Association is encouraged to contact the DAPE office, either orally or in writing, regarding a complaint concerning any aspect of the practice of engineering.

To file a complaint orally, contact the DAPE office (302-368-6708). With oral complaints, DAPE staff will complete a complaint form with the information provided and return it to the complainant for review and approval prior to processing it. Written complaints are preferred. A complaint form is available from the DAPE office or may be downloaded from DAPE's website (www.dape.org). A written complaint may be mailed, faxed, e-mailed or otherwise delivered to the DAPE office. **Anonymous complaints, oral or written, are not accepted.**

A complaint requires specific information about work performed, project location, problems encountered, any resolution attempts and dated facts. It's important to provide as much data as possible; particularly anything that you believe will assist with the Committee's investigation.

The Law Enforcement/Ethics Committee will forward written acknowledgement to the complainant within one week of receipt of the complaint.

The Law Enforcement/Ethics Committee will make reasonable efforts to maintain anonymity of the complainant and of the person complained against while it investigates the allegation. However, if the complaint is found warranted, the name of the complainant and of the person complained against may become available under the Delaware Freedom of Information Act.

Contact Information:

DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

56 W. Main Street, Suite 208

Christiana, DE 19702

(302) 368-6708 (302) 368-6710 (fax)

e-mail: office@dape.org

website: www.dape.org

For more information, see Delaware's licensing law, §2824.



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

**56 W. Main Street, Suite 208
Christiana, DE 19702**

PHONE: 302-368-6708

FAX: 302-368-6710

E-mail: office@dape.org

COMPLAINT FORM

For DAPE use only:

Complaint Number: _____

Date received: _____

Complainant Name:

Address:

Telephone Number:

Name of Subject:

Address:

Telephone Number:

Witnesses:

Details of

Complaint: _____

(Provide as many details as possible, using additional sheets as needed.)

Moving?

Be sure to notify the Council office.

The Delaware Association of Professional Engineers requests that you notify our office immediately of any change of address. Reporting a change of address is vital to ensure that you receive necessary renewal information and other correspondence important to your continued licensure. If you have changed your address, please complete the following form and mail or fax it to the Council office in order that our records may be updated accordingly.

The Delaware Association of Professional Engineers (DAPE) is the contact agency for licensing, regulations and complaints for the engineering profession.

DELAWARE ASSOCIATION OF
PROFESSIONAL ENGINEERS
56 W. Main Street, Suite 208
Christiana, DE 19702

Change of Address Notice

(Please print all information)

License Number: _____

Name: _____

Old Address: _____

New Address: _____

Date: _____

PRSRT STD
U.S. POSTAGE PAID
PERMIT 93
WILMINGTON, DE