



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

**Fall 2009**



### **PRESIDENT'S MESSAGE** ***By Frank A. Newton***

The Delaware Association of Professional Engineers depends on the many volunteer hours put in by the Council members. Hours put in for Council activities and for the many hours dedicated to Committee activities. The importance of committee actions cannot be overstated. Without the Committees' efforts, the Council would be bogged down in a myriad of details that would slow actions to the extent that the public safety and welfare could be threatened.

The Committees are chaired by Council members but are served by a large number of volunteer members of the profession that make these committees efficient and effective. A recent event sponsored by the Law Enforcement and Ethics Committee (LE&E) demonstrated the extent that committee volunteers and Council members will go to educate themselves on issues facing the committees. A one day seminar and informational exchange was presented by the North Carolina Council at our offices in Corporate Commons.

The North Carolina Board is recognized as a leader in the law enforcement responsibilities of Professional Engineering Regulatory boards. Their situation is much like ours in the fact that they also are a State entity that is not a government agency. They have 18 non-state employees that include 4 full-time investigators and a full-time staff attorney. The North Carolina board also has authority over

Professional Land Surveyors so they are overseeing some 27,400 licensees in a much larger geographic area than we have here in Delaware. Their assistant Executive Director and attorney made the presentation and provided a great deal of useful information for our committee and other attendees. Our Deputy Attorney General even took time out of his busy schedule to attend this session and had a number of questions of the presenters that will help him provide counsel to our LE&E Committee.

We hope to have more of these educational and informational sessions that will broaden the foundation of our Committee members to serve the public.

Soon we will be selecting the Committee person of the year. Nominations from each of the standing committees are considered for special recognition of a committee members' volunteer service on one or more committees during the last year. An award ceremony is held in early 2010.

The October testing administration went without incident for us here in Delaware. On the national front there has been relatively little activity since the annual meeting; however, the NCEES Board has recently approved the development of a new PE exam for software engineers. It will probably be 3 years before the professional activities and knowledge study is completed and an exam built around the information gathered. An IEEE Computer Society study has indicated that two-thirds of people employed in the industry support a licensure exam for their profession. So at some point in the future software engineers will be able to be licensed as a PE.

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

Echoing the sentiments of President Newton, volunteerism is the force that drives this organization. DAPE members provide quality time and effort to do many things: serving as members of Council; members of Committees; proctoring exams; participating in licensure promotion efforts; reviewing applicant's credentials for examination and licensure; investigating complaints; planning financial strategies to keep us functioning; proposing legislative revisions; securing us an alternate exam site when needed; contributing articles for our newsletter. The list really does go on and on.

DAPE volunteers spend numerous hours monthly attending to the charges of the individual committees, committing their time for educating and preparing themselves to the job at hand.

The Distinguished Service Award bestowed upon one of our volunteers annually is an incredible honor considering the worthy pool of candidates the Council must choose from. This award was created to recognize the excellence of our volunteer membership, and is presented to the nominees recommended by the Committee Chairs and approved by Council members, for presentation at an award's banquet in early 2010. This esteemed group of past recipients includes Gene Snell (2007), Bob Chagnon (2008) and Jack Billingsley (2009), all with decades of service to DAPE, and coincidentally all Past Presidents. Stay tuned . . . the recipient of the 2010 award will be announced in the next issue of our newsletter.

During this Thanksgiving season, I would like to personally thank each and every DAPE member for your support and interest in giving back to the profession.

We often say we could not have done it without you. No truer words have been spoken!

Wishing you the happiest holiday season!

**SO . . . WHAT DOES AN ENGINEER DO**  
**WHEN NOT ENGINEERING????**

In a recent conversation, it was discovered some DAPE members have some unusual interests. See if you can guess who the P.E. in this photo might be??

The 501<sup>st</sup> Legion, an all-volunteer organization formed for the express purpose of bringing together costume enthusiasts under a collective identity within which to operate, seeks to promote interest in Star Wars through the building and wearing of quality costumes, and to facilitate the use of these costumes for Star Wars-related events as well as contribution to the local community through costumed charity and volunteer work.



The "Tie Pilot" (second costumed individual from the right) is none other than Paul Gerard, P.E. (License #9561), shown here with three of his other "friends" at a recent Special Olympics event.

Paul proctored a morning exam, and raced off to change "hats" (among other things) to participate in this local community event. His certified authentic costume took more than two years to "engineer." Thanks Paul for sharing your other interests with us!

If you would like to share with DAPE some of your interests, send us info!



### **WHY SO MANY CODES OF ETHICS?**

***By Robert A. Chagnon, P.E., SECB***

At an ABET annual meeting, several years ago, I was a participant in a ceremony that ushered me into the "Order of the Engineer". I, along with many other engineers that volunteered to participate, were presented with a stainless steel ring that was to be worn on the small finger of your working hand, which in my case, is my left hand pinky. I still wear it when attending engineering related functions. In the ceremony, we all had to take an oath pledging that we would practice integrity, fair dealing, tolerance, respect, humility, devotion to the standards and the dignity of our profession, etc. That's a tall order for anyone. We were also presented with the Order of the Engineer's Code of Ethics, which was called "The Obligation of an Engineer". That got me to wondering, how different are those obligations than the one's I have to legally subscribe to as part of Delaware's Code Title 24, Chapter 28 that regulates over the practice of engineering? Or, for all that matters, how about ASCE's Code of Ethics, which I'm also a member of or those that I'm bound to as a Certified Structural Engineer (SECB) and what about the Codes of Ethics for PA, MD and NJ, where I'm also registered in? How many Codes of Ethics do we as engineers need to insure ethical conduct?

Delaware's Code of Ethics for engineers is unique in one way, as all Codes of Ethics appear to be. It includes a provision that commits us to improving the environment by adherence to the principles of sustainable development and etc. Does that mean that if I advise a client to

construct his or her building out of wood but end up having to design it out of steel to comply with the client's wishes that I'm in big trouble? I don't really know the answer to that one.

I googled "Code of Ethics for Engineers" the other day and learned that there were no less than 2,110,000 web sites for "Engineer Codes of Ethics". Every engineering profession, group or organization has its own code of ethics. NSPE, ASCE, IEEE, ASME, AIChE, ACEC, software engineers, naval engineers, industrial engineers, forensic engineers, biomedical engineers, water resources engineers, mining engineers, engineers in government, engineers in education and the list goes on and on. Even crooks have a Code of Ethics, "thou shall not rat on anyone".

Each state must consider their particular Code of Ethics for engineers as being special. Many require some form of activity related to their code in their CPC requirements. Completing some type of course of study on ethical conduct is a common assignment given to violators of our engineering practice laws. Such courses started out being hard to find but now they're a dime a dozen and some are even free. Delaware applicants are even required to take a short written test on our practice laws, including our Code of Ethics, in order to qualify for the P&PE exam. Why a standard Code of Ethics can't be adopted for engineers that apply to all states and related organizations is a mystery to me.

In my opinion, Codes of Ethics don't appear to be too effective. Most all of the engineering practice violations we have in Delaware, along with all the other states and territories under the U.S., involve Code of Ethics violations. My take on it is that if an individual hasn't developed a sound sense of ethics by the time they're out of the 8<sup>th</sup> grade any printed set of ethic mandates won't do them much good.

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**WELCOME NEW/RETURNING COUNCIL MEMBERS**

Following the 2009 Council election, two new members, one returning member, and a public member appointment are welcomed to the DAPE Council:

**Daniel P. Barbato, P.E.** was elected to fill the "Other" Council seat. Dan had been active on our Law Enforcement/Ethics Committee, as well as a proctor on numerous occasions, and is employed by Pennoni Associates, Inc. in Wilmington, DE.



**David G. Clark, P.E.** returns to the Council in the Chemical Engineering seat for another 4-year term. Dave recently retired from Dupont and serves on the Finance Committee and has served on the disciplinary Hearing Committee.



**Hans Medlarz, P.E.** was elected to fill the Kent County Council seat. Hans is employed by the Kent County Dept. of Public Works. We look forward to Hans' committee participation during his term.



**John E. Tracey, Esq.** was appointed by the Governor to fill the New Castle County-Appointed Seat for the next four years. He has practiced in the area of land use and zoning law, currently focusing his practice on representing land owners and developers in land use and zoning matters in all three Delaware counties for the firm of Young Conway Stargatt & Taylor.



The DAPE Council and staff look forward to working with these new Council members.

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### **CONTINUED PROFESSIONAL COMPETENCY (CPC) PROGRAMS**

Since the early nineties the DAPE Council has discussed continued professional competency (CPC). Several Ad-Hoc Committees have been established from time to time to review the issue and ultimately returned with a recommendation that it not be required of Delaware licensees. Over the years, CPC has been catching on with jurisdictions across the country. At last count, more than half of the engineering jurisdictions have a mandatory CPC program in place. Other professions such as accounting, surveying, law, medical, nursing, etc. have had such programs in place for quite some time. Is it time that the Delaware Board revisited the issue?

Let us know what you think!

### **DELINQUENT FIRMS**

The following firms have not renewed their authority to offer or practice engineering in the State of Delaware, and in accordance with §2806 (f) (1) of the law have been declared ineligible to practice engineering in the State and have been removed from the active roster:

American Consulting Engineers  
A-TECH Engineering, Inc.  
Battelle Memorial Institute  
Boston & Seeburger, P.C.  
Cadcore Consultants, Inc.  
Consoer Townsend Envirodyne Engineers  
Consentini Associates, Inc.  
CUH2A, Inc. Architecture Engineering  
DiClemente Siegel Design, Inc.  
Garcia Bridge Engineers, P.A.  
George C. Govatos, Prof. Corp.  
GnP Design Group  
Ground Floor Engineering Inc.  
Hayes, Seay, Mattern & Mattern, Inc.  
John E. Harms Jr. & Assoc., Inc.  
Joi Technologies  
Jonas, Inc.  
JJID, Inc.  
Kenderian Zilinski Associates  
Light-Heigel & Associates, Inc.  
Matrix Service, Inc.  
Medina Consultants, PC  
Meridian Architects & Engineers, LLC  
Metcalf & Eddy, Inc.  
Paradigm Engineering, LTD  
Patton, Harris, Rust & Associates, Inc.  
Planmark Division of Supervalu, Inc.  
Prime Engineering & Architecture, Inc.  
Ritter & Plante Associates, LLC  
Saber Engineering, P.A.  
STS Acquisition Co.  
Swartley Bros. Eng., Inc.  
Urbitran Associates, Inc.  
Washington Infrastructure Services, Inc.  
Wideman Engineering, LLC

### **GRACIAS, DANKE, MERCI, . . . THANKS!**

Once again we must express our sincerest appreciation to those DAPE members who recently proctored the October exam administration. A special thanks to:

PE Chief Proctors: Joe Volk and Harry How

Aquilino Andres  
John Castle  
John Fabian  
George Harding  
Stephen Johnson  
Lonnie Webb  
Jack Ziegler

FE Chief Proctors: Greg Pawlowski and John Traynor

Ronnie Carpenter  
Paul Gerard  
Rich Hinterleiter  
Keith Kooker  
Meghan Lester  
George Nagase  
Ted Robinson  
Arkan Say  
Dean Schneider  
Josh Schwartz  
Joe Serbu  
Mike Siwek  
Lonnie Webb  
Lucie Wilkins

Our special thanks to Joe Volk, Mike Siwek and Lonnie Webb who did double duty and stayed for two sessions of proctoring.

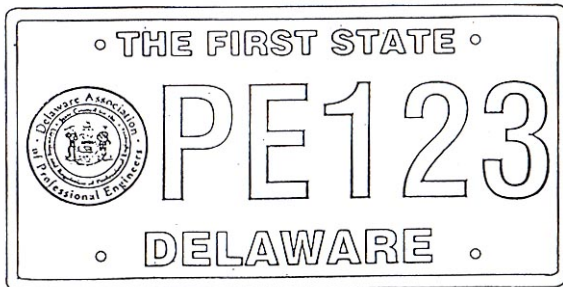
We applaud your efforts and thank you for a job well done!

Following this exam administration, we were able to secure a sponsor for our continued use of the Conectiv Conference Center through 2012 for exam administration. For this we extend a special thanks to Glenn Davis, P.E. Thank you once again, Glenn!

### **FELL SHORT OF GOAL!**

Our hopes for creating a special license plate have been dashed for lack of interest. We were only able to garner interest in half of the DMV required 200 applications. Our attempts at negotiating an alternate arrangement with DMV were to no avail. So to all of you who expressed interest, we are deeply sorry we couldn't pull this off. We really did believe we could encourage sufficient interest to make this a reality. Perhaps another time . . . .

#### **Special License Plate For Delaware PE's**



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### **LAW ENFORCEMENT ACTIVITY**

Summary of Law Enforcement Activity from 10/08 through 11/09):

#### **Violation:**

Firms not in compliance with the law (no C/A):	30
Business license for eng. services and no C/A:	43
Improper Name (use of Eng.):	7
Complaints:	6

#### **Resolutions:**

Firms issued Certificates of Authorization to comply

Correct business license issued or license cancelled

Revised firm name to eliminate use of "Eng."

#### **Complaints:**

Dismissed for lack of sufficient evidence  
Consent Agreements approved  
Came into compliance with law

Case 08/104 -- Csoltko, Gejza -- Complaint was filed concerning structural engineering services provided by licensee on a three-story professional office building. Design deficiencies revealed that individual is not competent by education or training to offer structural engineering services. A Consent Agreement was reached whereby licensee was placed on probation for one year; required to enroll in and successfully complete a course in ethics; and no longer offer structural engineering services.

Case 08/107 -- Adkins, Michael -- Complaint was filed concerning the structural integrity of a house's foundation walls certified by licensee. An independent review of this project by a structural engineer revealed that licensee is not competent by education or training to offer structural engineering services. His attempt to justify calculations constituted a violation of the Code of Ethics. A Consent Agreement was reached whereby licensee was issued a reprimand; fined \$1,000; placed on probation for two years; required to enroll in and successfully complete a course in ethics; and required to advise the previous home owner of this Consent Agreement.

#### **Hearing/Denial of Application for Licensure – David F. Johns**

In 2003 the license of David F. Johns was revoked after a hearing stemming from the revocation of his Dept. of Natural Resources & Environmental Control (DNREC) license regarding deficient onsite wastewater disposal systems and forging a signature. A subsequent reapplication for licensure in 2009 was denied and Johns exercised his right to a hearing. The disciplinary Hearing Committee, after hearing testimony from Johns, found that he failed to meet his burden of establishing that he has overcome the deficiencies to licensure in view of the previous revocation of his license for gross negligence and violations of the Code of Ethics. The reapplication was denied.

### **Council Executive Committee**

Frank A. Newton

**President**

Gregory G. Pawlowski, P.E.

**Vice President**

Keith R. Kooker, P.E.

**Secretary**

Charles L. McAllister, P.E.

**Treasurer**

Guy F. Marcozzi, P.E.

**Immediate Past President**

### **Council Members**

Daniel P. Barbato, P.E., "Other" Eng.	8/31/13
David G. Clark, P.E., Chemical Engineering	8/31/13
W. Zachary Crouch, P.E., Sussex County	8/31/12
Alfred S. DeLuca, P.E., Electrical Eng.	8/31/11
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
Hans M. Medlarz, P.E., Government Employment	8/31/13
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.	10/13/12
Annette D. Shine, P.E. — Education	8/31/12
John E. Tracey, Esq. New Castle Co.-Apptd.	8/31/13
Richard M. Walsh, P.E. — Mechanical Engineering	8/31/12

### **Council Staff:**

Peggy Abshagen	Donna Weaver
Executive Director	Administrative Asst.

### **Council Office:**

92 Read's Way, Suite 208, New Castle, DE 19720  
(302) 323-4588 / (302) 323-4590 – FAX

e-mail:	website:
<a href="mailto:office@dape.org">office@dape.org</a>	<a href="http://www.dape.org">www.dape.org</a>

**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.

## Change of Address Notice

(Please print all information)

License Number: \_\_\_\_\_

Name: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

**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  
92 Read's Way, Suite 208  
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