



DAPE

NEWS

News from Delaware's Licensing Council for Professional Engineers

Summer 2004

PRESIDENT'S MESSAGE

J. Ross Harris, P.E.

As I sit and write this quarter's President's Message, I realize I am writing my last message to you as President. It is amazing to me how fast time has gone by during my tenure. So I thought I would take a moment and review what we have accomplished over the last two years.

During my watch at the helm, we have been able to complete the law revisions and have it pass the legislature and signed by Governor Minner. The law revisions had been a work-in-progress for many years, and through the cooperation and commitment of Council, a special weekend workshop was held where we hammered out the details of our new law. Many thanks to all who were involved and committed their time to this effort particularly, Chair of the Ad-Hoc Law Revision Committee, J. Paul Jones, P.E.

Another area of effort I believe that we will continue is in the area of community outreach. We are conducting outreach programs regarding who we are and our responsibilities to the people of the State of Delaware. We are conducting, in each county, workshops targeted toward government officials as to our purpose and charges under the Delaware Engineering Act. As our ranks continue to grow we have begun to discover more engineers that are not performing and conforming to the standards as set forth in the law. During the last two years we have conducted five disciplinary hearings, one resulting in a license revocation. This is more activity in this area of our charge, than has occurred during the last ten years.

Thanks to the support of the membership, we have implemented delinquency fee programs and are in discussion with the Attorney General on administrative penalties. One of the most noticeable deficiencies we face in our law is the use of administrative penalties. Over the past two years, I have had the privilege to speak to numerous other boards and attend national meetings on enforcement activities, and it has become clear that to truly have an effective enforcement program, penalties are essential as a tool to sanction the errant practice of engineering. There will be an ongoing effort after my tenure to implement a penalties procedure.

For any of you who have not visited our offices, I issue an invitation to see our expanded facilities. Along with the much needed expansion to house the growing file storage areas, we have expanded the conference room areas to facilitate the increasing demands for space during hearings and daily work demands. Simultaneously, we have upgraded the IT systems to permit online renewals, electronic applications, and improve efficiencies in the data management and storage. The website has been redesigned and is more user-friendly.

The issue of Continuing Professional Competency (CPC) was studied and defeated in Council deliberations. The issue is not over and a Six Sigma Program process to study this issue further has begun.

The greatest joy during the Presidency for me has been to work with a great Council and Executive Director. I have grown in my knowledge of engineering and appreciation of the licensure/regulatory process. I would like to take a moment and thank everyone for their willingness to commit the time and energy to

DAPE that is necessary to accomplish our charges.

I know that DAPE, under the Presidency of Paul Jones, P.E., will continue many of the programs started and create new opportunities to better protect the people of the State of Delaware. I thank the Council for allowing me the privilege of serving as the President of the Delaware Association of Professional Engineers over the past two years.

PLAN STAMPING???

By Walter L. Frank, P.E.

Chair, Law Enforcement/Ethics Committee

The Law Enforcement and Ethics Committee has been made aware of a web site, maintained by a firm in Pennsylvania, which is offering to supply PE seals on plans and other such documents on a per page, discounted basis.

Our concern is that the firm is offering to seal documents not prepared under their responsible charge and, further, seeks to disavow any responsibility for the content of the documents.

Canon 1.B. of our Code of Ethics states: ***"The engineer shall approve and seal only those design documents which in his considered opinion do not endanger the life, health, property and the public welfare in conformity with accepted engineering standards."***

Further, Cannon 2.B. states, in part, ***"The engineer shall not affix his seal to any such document not prepared under his supervisory control and review."***

A violation of our Code of Ethics is also a violation of our law.

Plan stamping is an illegal action where a professional engineer places his or her registration seal on any drawings, designs, plats, descriptions and/or specifications that he or she did not author or for which he or she did not have

personal professional knowledge and direct supervisory control and responsibility.

While the website does not yet offer such "services" in Delaware, we note that Delaware is the only state in the mid-Atlantic region that has so far been excluded. A review of our records indicates that neither the individual involved, nor his firm, are currently licensed in Delaware. Our concern is that a Delaware licensee might be solicited by the firm to enable them to offer these "services" in Delaware.

Any such solicitations should be referred to the Law Enforcement and Ethics Committee for our investigation.

CASH FLOW PROGRAM

By E. B. Snell, P.E.

Member, Finance Committee

Since the late 1980's, the Finance Committee has used a computer program called Cash Flow to advise the Council on managing the finances of DAPE. The software program is "home grown" and based on historical financial performance as well as certain parameters to enable the forecasting of operating funds levels for future years. The value of this tool can best be appreciated by understanding the variables that impact the financial stability of the Association.

When the Association was established in 1972, the General Assembly decided it should be financially independent of the State. The income sources are primarily fee based: application fees for examinations and licensure; examination fees; annual renewal fees for PE's, corporations and partnerships; and, reinstatement and delinquency fees. As the PE renewal fees are collected every two years, one half of those fees (deferred income) must be set aside for use in the "off year". The number of applicants, examinees, and renewals do not vary widely year to year; however, forecasting these numbers is not an exact science. The other income source is interest

from the deferred income and reserve fund time deposits.

Budgeting expenses is more straightforward but does require anticipation of funds available during the current year as well as one or two years in the future. The examinations are supplied and scored by NCEES and usually give a two-year advance notice for price changes. Other variable costs include legal and Council expenses. By far the largest block of expenses is those costs of operating the office and serving the membership. Improvements in facilities are forecasted based on need and funds available.

The Association maintains reserves that are defined in the Bylaws and approximate one year's expenses. The reserves were built up over time and currently meet this guideline. The goal is to not rely on using reserve funds for normal operations if at all possible. Therefore, when additional income needs become apparent, the funds must be generated by fee increases. Council can approve examination and delinquency fee changes but all other fee changes require approval by the Association membership via a Bylaw change. The effective date for these fee changes require lead times of one to two years, which underscores the value of the Cash Flow Program projections.

The Cash Flow Program is designed to forecast the financial performance of the Association for at least four years. Inputs for the current year include the approved budget, and actual income and expenses as they occur monthly. Also, facility or other expenditures beyond the normal operations can be included during the period they are expected to occur. The program calculates future income (fees and interest), expenses, operating fund balance and total assets, month by month, for the designated future years. The key parameters for these projections are growth rates, inflation rates and interest rates. These parameters are periodically reviewed based on historical data and current financial information. When the operating fund levels are forecasted to move below the target of three months' expenses (currently about \$100,000), the Finance Committee uses the program to explore alternative fee increase scenarios and determine

the resulting impact on operating fund levels. Such is the case during the Finance Committee review in the first quarter of 2004.

As part of the preparation of FY04/05 budget, estimates for completion of the Information Technology work, the office expansion and an increase in examination costs were included in the expense forecast. Using the appropriate forecast parameters, the Cash Flow Program projected the operating funds would fall below the target levels in late FY05/06 without a transfer of funds from reserves. Several fee increase alternatives were evaluated based on the time frame options and what appeared to be consistent with the 1992 Council Resolution for Fee Adjustment Strategy. The selected fee increases were plugged into the Cash Flow Program based on their forecasted effective dates. The result indicated a satisfactory level of operating funds projected through FY07/08 and beyond, depending on future examination costs and facilities needs. The Finance Committee recommendations were approved by Council and are reported elsewhere in this newsletter. With the help of the Cash Flow Program, the Finance Committee will continue to monitor the Association's financial performance.

(Note: Gene Snell has been working with DAPE's finances and the Cash Flow Program for more than a decade. His knowledge and commitment to the financial well being of DAPE is unsurpassed. His recommendations have provided the foresight to alert our membership to the need for additional fees with sufficient notice to assure the financial stability of this organization. DAPE is indebted to Gene for his attention to detail; his knowledge of the law and the bylaws; his concern for maintaining the professionalism of DAPE; and his ultimate concern for the membership.)

2004 COUNCIL ELECTION RESULTS

Ballots were mailed to 1,362 voting members of DAPE (residents or those who work in Delaware)

by June 15, 2004, to fill the following three Council seat vacancies:

- ❖ Mechanical Engineering
- ❖ Education
- ❖ Sussex County

Council member Robert Cannon, P.E. was appointed as Chief Teller to tally the votes after the July 15th deadline for submission of ballots.

Chief Teller Cannon, assisted by William J. Mather, P.E., Lonnie D. Webb, P.E., and Colmcille DeAscanis, P.E. tallied the votes as follows:

Mechanical Engineering Seat:

J.G.S. Billingsley, P.E. - 265
C. McAllister, P.E. - 217

Education Seat:

Carmine C. Balascio, P.E. - 476

Sussex County Seat:

J. Ross Harris, P.E. - 472

Congratulations to each of these Council members! And, a special thanks to our tellers for their work in tallying the ballots.

Each of these Council seat terms will expire 8/31/08.

The proposed revisions to modify **Article XVIII, Section 3** to increase the initial application fee for certification as an Engineer Intern; and **Article XVIII, Section 5** to increase the annual renewal fee for Certificates of Authorization were both approved by the membership. The approved fees will be \$25 and \$150, respectively, effective January, 2005.

DAPE Council ratified these election results at its August 5, 2004 meeting.

Council seat vacancies for the 2005 election year will be:

- ❖ Government Employment
- ❖ Chemical Engineering
- ❖ "Other" Eng. discipline

Interested, qualified candidates should contact the DAPE office for further information.

GOVERNOR APPOINTS TWO NEW PUBLIC MEMBERS

Governor Ruth Ann Minner appointed two public members to fill the vacancies on the Council of DAPE, with the departure of former Council members Larry Tarabicos, Esq., and Edward Lewandowski.

Frank A. Newton has been appointed to fill the Kent County public member seat, expiring on 1/14/2006.

Dennis L. Schrader, Esq. has been appointed to fill the Sussex County public member seat, expiring on 4/19/2008. Mr. Schrader has since had to resign his seat on Council, to fulfill another appointment. We are awaiting the Governor's appointment to fill this Council seat.

We look forward to working with public members to share the perspective that public members provide on many issues.

LICENSURE PRESENTATIONS

Council members visited the junior and senior level engineering students at the University of Delaware to discuss the benefits of licensure and to encourage students to take that first step down the licensure path – the Fundamentals of Engineering examination.

Presentations were given to the Civil Engineering students by Gregory Moore, P.E. and Executive Director Peggy Abshagen; the Chemical Engineering students by Pasquale Canzano, P.E. and Peggy Abshagen; the Electrical Engineering students by Robert W. McClure, P.E. and Peggy Abshagen; and the Mechanical Engineering students by J.G.S. Billingsley, P.E., Karen A.

Maxson, P.E., Stacy Ziegler, P.E., and Kevin Purdue, P.E.

Many thanks to all the presenters!

RENEWALS: TO MAIL OR NOT TO MAIL

After months of research, preparation, and testing, the new DAPE website was made public June 1st for the renewal of individual licenses and firms' Certificates of Authorization.

In mid to late May 5,944 renewal notices were mailed to individual licensees, as well as 687 renewal notices to firms for renewal of Certificates of Authorization. Instructions for renewing licenses either via mail or online were included. As of this date, 17% of total licenses were renewed electronically.

We received various comments on the new procedure, both negative and positive. But, overall the majority of the response has been favorable. The system is available 24/7 at your convenience, and electronic renewals update our roster instantaneously, which is now available online to the public.

We certainly appreciate your patience during this period of transition and will continue work on the website to provide easy access to information.

DEBATABLE ISSUES:

FIRE PROTECTION ENGINEERING & DESIGN-BUILD

By Robert A. Chagnon, P.E.

There are two hot topics that were debated at the Annual Meeting of the National Council of Engineering Examiners for Engineering and Surveying (NCEES), which was held in Cleveland,

Ohio. They're hot topics because both are currently contractor driven and controlled, which could compromise the health, safety and welfare of the general public.

In the case for Fire Protection Engineering, changes in building codes in recent years have lead to the requirement for more engineering based designs for the fire protection of buildings. The code governing these areas of concern have become more complex especially as they relate to the need for fire protection to be integrated into all of the other building systems involved with a modern facility.

In most municipalities across our nation (including Delaware), fire protection codes are typically enforced by public fire service agencies, and not your public building code departments. Subsequently, fire protection systems do not get reviewed for any associated building code compliance. Furthermore, code officials allow fire sprinkler and alarm systems to be designed by non-licensed individuals, including contractors and technicians, and not engineers.

Design-Build issues are a bit different, but similar in some aspects. A growing form of business organization today is the design-build type contractor or developer. Here, the construction firm hires their own design professionals and offers a "one contract does all" service to their clients for a turnkey arrangement. Not too much unlike the fire sprinkler and alarm contractors providing their own designs, except that in the former case (design-build), the laws regarding the practice of engineering still apply, and in Delaware, Certificates of Authorization (C of A's) are required. However, the concern is over whether or not the work performed by professionals in responsible charge gets compromised by organizational management or financial considerations. **It is essential that everyone recognize (including our code officials) that both, fire protection design services and most design-build projects, require the practice of engineering and need to comply with the state laws that regulate such.**

Many Mechanical and Electrical Contractors also fall in the above Design-Build category, except that in most cases no licensed design professionals are involved. This applies to all residential projects and most small to medium size commercial projects, and perhaps some larger ones. The contractors and/or their technicians size the systems involved and install them without any code reviews involving the design of the systems. In this writer's opinion, our building codes are becoming too complex to allow this practice to continue unchecked.

We're facing an uphill battle in convincing code officials that the general public's health, safety and welfare are not being adequately served by their present mindset involving fire protection engineering and design-build issues. Status-quo advocates of our current practices relating thereto are far ahead of us in this game. The American Fire Sprinkler Association (AFSA) has, for the past 5 or 6 years, been actively promoting the design of fire sprinkler systems using only contractors and technicians holding the National Institute of Certified Engineering Technicians (NICET) III certification. In fact, they've been successful in passing legislation in several states that exempt the design of the fire sprinkler systems from professional engineering laws. Similar legislation was introduced in Delaware a few years back, and fortunately failed to materialize. The Design-Build Institute of America (DBIA), who advocates the advancement of single source project delivery within the design and construction industry, has also done the same but on a larger scale. As of the middle of June, a record 159 bills that allow design contracts to go directly to the design-build contractor, in lieu of a design professional firm, were introduced in 30 different states and a total of 34 similar bills were passed into law in 13 of those states. Is there any wonder as to why our code officials may be confused? To further exacerbate the fire protection engineering problem, the Fire Marshal's office claims to have received many fire protection-related designs from Delaware PE's who were not qualified to initiate such designs and found them to be totally inadequate.

Is anything being done about all this?

Unfortunately, not much. A special task force was appointed by NCEES's president last year to develop a nationwide position to help insure uniform implementation of engineering laws in the emerging disciplines of fire protection systems design and design-building practices. The task force's recommended position for NCEES on these issues was submitted for discussion and approval at their annual meeting in August and involve the following:

Fire Protection:

NCEES recognizes that Fire Protection Systems, including fire detection, alarm, and suppression systems, play an important role in protecting the health, safety and welfare of the public. NCEES also recognizes the design and calculations of fire protection systems to be the practice of engineering.

NCEES recommends that Member Boards actively pursue enforcement of state statutes and rules with local permitting authorities having jurisdiction (AHJ) regarding the engineering supervision over the specification, design and calculation of fire protection systems.

To implement the above, it is further recommended that:

- Contract drawings include a set of fire protection drawings that are sealed by a licensed professional engineer.
- AHJ's should be encouraged to utilize a qualified licensed professional engineer for plan reviews;
- Supervision by a licensed professional engineer is required relative to the review of fire protection installation shop drawings for compliance with engineer's design and specifications;
- Oversight by a licensed professional engineer is required relative to the

installation or original permitted designs;
and

- NCEES encourages that professional engineers be further educated in fire protection engineering.

Design Build:

NCEES recognizes design-build as a growing and viable project delivery method.

A variety of organizational arrangements can be utilized to deliver design-build services. It is the position of NCEES that the organizational arrangements for each project be disclosed to the owner/client at the time of the offering of the services. If engineering or land surveying services are included in the design-build project, it is the position of NCEES that such services fall under the practice of engineering or land surveying and require licensed professionals to be in responsible charge of that portion of the work.

NCEES does not support design-build project delivery in a manner that compromises the role of the engineer or land surveyor in maintaining responsible charge of the engineering or land surveying work.

On the local level:

Fortunately, New Castle County building officials (but only New Castle County) do utilize licensed professional engineers for all plan reviews, with the exception of fire protection related systems.

Our architectural community is equally concerned about these issues. A joint committee has been formed to address these, and other issues related to the practice of engineering and architecture. Insofar as the above issues are concerned, the following recommendations have been proposed and are currently under discussion:

- Introduce for legislation a "Building Design Services Act" that would, among other things, limit the electrical contractor's design responsibility to systems that do not exceed 600 amps, and/or a 3-phase service. Similar restrictions would apply to mechanical contractors for buildings up to 10,000 square feet, and/or 10 tons of HVAC. Plans and calculations for all electrical and mechanical systems that fall above these limits would have to be prepared by or reviewed and sealed by a professional engineer.
- Our laws governing the practice of engineering currently guard against unlawful practice of such (including by design-build firms) through the requirement of a C of A, which calls for the identification of one of the officers or one of the employees of the organization that is a licensee, and authorized to be in responsible charge of all that organization's engineering activities and engineering decisions.
- The Delaware architectural community also has C of A requirements, but theirs are in the process of being revised through proposed legislation. **Therein, the architects are looking to restrict the practice of architecture to firms where one-third (1/3) of the general partners (if a partnership), one-third (1/3) of the members or managers (if a limited liability company), or one-third (1/3) of the directors or officers (if a corporation) are registered under the laws of any state to practice architecture.** As an aside comment, this would put most of Delaware's A&E firms out of business.

NEW OFFICERS ELECTED

At its September 8, 2004 Council meeting, the following officers were elected to Council:

President - J.Paul Jones, P.E.
 Vice President - Guy F. Marcozzi, P.E.
 Secretary - Carmine C. Balascio, P.E.
 Treasurer - Robert Cannon, P.E.
 Immed.Past Pres. - J. Ross Harris, P.E.

The terms of these offices will expire in one year.

**PRESIDENT JONES APPOINTS NEW
COMMITTEE CHAIRS**

Council is responsible for a myriad of duties associated with the review of applicants' credentials; enforcement of the law; financial matters; review of the laws and bylaws; publication of the newsletter; etc.

To assist in accomplishing these tasks, the bylaws provide for some of these chairs; President of Council appoints a Council member to chair the remaining committees. President Jones has appointed the following Chairs:

<u>Standing Committees:</u>	<u>Chairs:</u>
Executive	P. Jones
Employee Benefits/Comp.	G. Marcozzi
Finance	G. Marcozzi
Law Enforcement/Ethics	G. Marcozzi/J.Mayan
Examining	C.Balascio/K.Maxson
External Affairs	R. Harris
Facilities,Services & Equip.	R. Cannon
Public Information	P. Canzano
Gov't Affairs/Bylaws	F. Newton/W. Frank

Several Ad-Hoc Committees were established in the previous administration to tackle specific

issues. President Jones has reconstituted some of these groups to continue their work.

Law Revision	F.Newton/W. Frank
Alt.Licensure Paths	R. McClure
Exam Security	R. McClure
Higher Education	J. Billingsley
Six Sigma	K. Maxson

The membership is encouraged to participate in committee work. If you are interested in serving on a committee, please contact the DAPE office to get additional information.

LAW REVISIONS SIGNED BY GOVERNOR

**By J. Paul Jones, P.E.
Chair, Ad-Hoc Law Revision Comm.**

On June 24, 2004 Chapter 28 of Title 24 Delaware Code, the Delaware Professional Engineers Act (Act), was amended as a result of Governor Minner's signature on Senate Bill 282. Although there have been changes to the Act from time to time since its original adoption in 1972, there has never been major "housekeeping" to modernize the Act. This article addresses the nature of the recent housekeeping amendments, two other changes of note, as well as potential legislative initiatives moving forward.

These changes have come about solely as a result of the efforts of many individuals over a significant period of time. For example, when I joined Council in September 2001, the Ad-Hoc Law Revision Committee had already been actively evaluating the necessary and appropriate housekeeping revisions to the Act. Although I am not as familiar with the details of the committee activity prior to becoming the Committee Chair in September 2002, there had already been significant progress towards developing amendment language. Under my chairmanship,

several committee meetings preceded a Council Law Revision Workshop in October, 2003 where the path forward was discussed at length by all workshop attendees.

After several more Committee meetings and review of proposed language by Council the proposed amendment was finally introduced by Senator David McBride, P.E. in May. The bill was reviewed in the Senate Sunset Committee before passing the Senate 20 to 1. In the House, it was reviewed by the Policy Analysis & Government Accountability Committee prior to passing the House 40 to 0 with one absent.

Housekeeping Changes:

As indicated earlier, there has never been a complete “modernization” of the language of the Act. By modernization I mean such things as language changes necessary to reflect current practices administering the Act, or changes in the national model law or in the way engineering educational programs are accredited. There were more than 40 different types of housekeeping changes proposed during the process. A non-exhaustive list of the type of changes includes:

- Changing the terms “Registered”, “Registration” and Registrant” to “Licensed”, “Licensure” and “Licensee.”
- Alphabetizing the Definitions
- Clarification of the fee program is administered
- Clarification that DAPE does not have the authority to adopt regulations
- Removal of age requirements to avoid any perception of age discrimination
- Consistency with Administrative Procedures Act with regard to hearing notifications

A complete copy of the Act is available on our website at www.dape.org

Use of the Term Engineer:

Prior to the adoption of this most recent amendment, the use of the term “Engineer” in dealing with the public was reserved only for the Professional Engineer. The use of the term “engineer” provisions of the amended Act allow individuals who have the appropriate engineering

education for licensure to use the term engineer, provided they apply to the DAPE and subscribe to the Code of Ethics. DAPE is currently developing the application and review procedure to accommodate such requests.

Substantially Related Crimes:

The “substantially-related crimes provision” of the Act implements concepts of SB229, which also passed this year. SB229 is a broad bill in the sense that it addresses the same issue for every Delaware regulated profession. Essentially, that bill amended each associated Act such that a license or authorization could be withheld and/or revoked as a result of an individual having perpetrated a crime substantially related to the practice of that profession. It further required the organization to adopt regulations within 6 months to identify the specific crimes that would be considered substantially related. DAPE was successful in obtaining a friendly amendment of SB229, removing any reference therein to the practice of engineering. We were successful because it was recognized that DAPE does not have, nor do we want, regulations. Senator Peterson, the sponsor of SB229, agreed to the friendly amendment provided we agreed to evaluate what crimes may be substantially related to the practice of engineering and the appropriate method of adopting a position on the same. It is very possible that this may be a subject of the 2005 Legislative Initiative.

Potential Legislative Initiatives:

In spite of its recent legislative successes there remain several potential issues to address in the upcoming legislative session. These include: changes necessary, if any, to address legislator concern over our “Substantially Related Crimes” provisions, empowerment of Council to take swift and effective administrative enforcement and/or clarification that cheating and/or removing exam material from the examination room is a violation of DAPE law.

As we move forward we encourage you to get involved and weigh in on these important issues.

COUNCIL MEMBER SPOTLIGHT

Pasquale (Pat) S. Canzano P.E., DEE, a licensee for the past 30 years, has served on Council since 2001 in the Government Employment seat. Prior to being elected to Council, Pat served on various committees including the Government Affairs & By-Laws, Law Enforcement & Ethics (co-chair), and Alternate Licensure committee. Currently he is Chair of the Public Information Committee. Pat is also a Diplomate of the American Academy of Environmental Engineers (DEE) certified in the specialty of Solid Waste Management. He holds B.S. and M.S. degrees in Chemical Engineering.

As Chief Operating Officer of the Delaware Solid Waste Authority (DSWA), Pat & DSWA have statewide responsibility for managing Delaware's solid wastes (excluding infectious and hazardous wastes) and recycling programs. DSWA operates a Subtitle D landfill (sanitary landfill) in each of the counties, transfer stations, collection stations, and Recycle Delaware, one of the most successful voluntary drop-off recycling programs in the country.

Pat is committed to promoting licensure and making a positive contribution to DAPE. "I believe that we have a responsibility as professionals to volunteer our time and talents to foster licensure and enforce the registration law. It's why I decided to seek a seat on Council and hopefully make a difference. I am particularly pleased to participate in our annual program to encourage graduating engineers at the University of Delaware to take the FE exam and ultimately the PE exam. In our mandate to protect the public health and welfare, I am a proponent of strong law enforcement. As Chair of the Ad-Hoc Committee on Penalties and Fines, I was pleased that our recommendation to pursue administrative-fining powers for Council was supported at the last Council meeting. Immediate and significant action is required for those who practice engineering, violate the registration law and endanger the public we are charged to protect."

Pat and his wife Joyce have made Dover their home for the past 32 years. He is also actively involved in assisting her (yes, by choice) in her charitable volunteer work in the community.

NEW LAW – NEW MEMBERSHIP OF DAPE

Prior to the revision of the law on June 24, 2004, the use of the term "engineer" was prohibited unless licensed to provide engineering services. This precluded all engineering students and others in industry from using the title "engineer."

Section 2803 (11) of the law states, an "engineer" is a person, who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by an engineering education, through graduation with a degree from a Council-approved 4-year educational program in engineering, in engineering technology or in science-related to engineering, is qualified to begin the path to licensure.

In addition to meeting this definition, those who will subscribe to the Code of Ethics, who are residents or employed in or have a place of business in the State, are eligible to become **adjunct** members of DAPE and may use the title "Engineer".

To apply for membership, prospective **adjunct** members must complete our application for Engineer Intern status, certifying they are on the licensure path; acknowledging review and acceptance of the Code of Ethics; and payment of the application fee. (Application, as well as Code of Ethics, are available at www.dape.org)

NEW PROFESSIONAL ENGINEERS ADDED TO THE ROLLS!

The following 50 individuals were approved for licensure on July, 2004, after successful completion of the April 16, 2004 Principles & Practice of Engineering examination:

Ahmed, Firoz	#13327
Ainsworth, Steven D.	#10010
Anderson, Steven	#13187
Armfield, Karen	#13337
Bartoski, Thomas	#13203
Campbell, Todd R.	#13173
Chin, Vincent	#13345
Costello, Robert	#13323
Cotten, Michael	#12769
Dayan, Erez	#12748
Eells, Irene	#13170
Fabian, John	#13168
Felice, Thomas	#13254
Garver, Andrew	#13331
Geary, Angela	#13148
Gil, James H.	#13177
Grinberg, Polina	#12783
Hoque, Akm	#10374
Hummel, Anthony	#9367
Hunt, Kevin T.	#13198
Hursh, Philip	#10409
Islam, Asm	#13353
Jett, Brent	#12574
Johnson, Shirley	#12721
Jorgensen, Diane V.	#13229
Kearney, Peter	#13227
Koechert, Robert	#12776
Lawton, John G.	#13221
Leorda, Dan	#12930
Martini, Craig	#13182
Mashkoor, Amir Ali	#12878
McIlvaine, Brian T.	#13178
Mevawala, Dilip	#12412
Moran, Patrick	#13351
Nichols, Jessica	#13224
Ranasinghe, Arjuna P.	#8262
Reap, Kari F.	#13202
Rickard, Daniel	#13324
Ryan, Harry	#13152
Santos-Laubach, Carina	#12567
Shaarbafan, Nasser	#11995
Shenoy, Sanur	#13175
Speakman, Daniel	#13197
Tonn, Gina	#13186
Tucker, Christopher J.	#13332

Wendling, William F.	#11998
Wigger, Jared	#13352
Williams, Cyril	#13160
Wise, Randall A.	#13310
Young, Frank	#13317

Our congratulations to all!

ENGINEER INTERNS ON THE PATH TO LICENSURE

The April 17, 2004 Fundamentals of Engineering examination was successfully completed by the following 102 individuals:

Ahmad, Munir	Holwegner, John
Alms, Justin	Horning, Paul
Anderson, Katherine	Hsia, Timothy
Barnes, Kristin	Huesmann, Kirstin
Barr, John Brian	Hurley, Ellisa
Barry, Gerald	Ilak, Milos
Beecher, Nicholas	Joslyn, Andrew
Bell, David	Joyce, Charles T.
Bensema, Michael	Kissel, Gerald W.
Binder, Ryan W.	Kraig, William F.
Blem, Emily	Kron, Pamela
Boie, Kenneth	Kurtz, Michael
Bokota, Jacek	Leibovich, David A.
Borginis, Daniel	Limmer, Robert
Brunner, Christopher	Losquadro, Michael
Bucy, Stephen A.	Lugar, James R.
Cain, Stephen	Luoma, Brian
Campbell, Douglas	Marullo, Joseph
Cardillo, Ken	Maybaum, Michael
Carlin, Timothy	Mehta, Sujata
Carlson, Neil	Miller, Jermel
Carr, Shawn	Mohr, Travis
Christie, Simone	Moore, Gabrielle
Chung, Youngwoo	Moreno, Daron A.
Cohen, Sherri	Ohler, David J.
Cooke, Michael	Orben, Kristel
Crowell, Steven	Orso, Nicholas
Cucura, Jeffrey	Pahnke, Jennifer
DeMaso, Giuseppe	Paladino, Matthew
Demisse, Belchaye	Parris, Brian
Devine, Timothy S.	Patel, Kiran
Dooley, Patrick J.	Powlison, Jonathan
Fazal, Waseem	Prader, John
Filasky, Timothy	Prajapati, Upendra

Fink, Elliot
Fitzpatrick, Dan
Ford, Andrew T.
Groff, Robert
Harrington, Ninfa
Hayes, Gerald
Herseim, Richard
Shady, Raymond
Shipman, Thomas
Siegert, Emily
Sikorski, Jennifer
Silkensen, Matthew
Spalding, Gregory M.
Speser, Sara
Stanton, Kathryn
Swauger, Thomas
Teer, Kathleen

Raman, Saurabh
Rea, Matthew C.
Reid, Justin
Riley, Jeffrey K.
Rogers, Adriane
Ross, Casey
Schonbach, Mark
Tucci, Michael J.
Tuday, Barbara
Vacca, Stephen
Vasko, Drago
Vita, Michael
Walker, Christopher
Walsh, Michael B.
Winterling, Jason
Wu, Xiao
Zinzuwadia, B.

Christiana Hilton
Newark, Delaware

Sussex County - October 13th

Bellmoor Conference Center
Rehoboth, Delaware

Kent County - October 20th

Dover Downs Hotel
Dover, Delaware

We anticipate lively discussions on many issues: legal practice of engineering; complaint process; overlap practice issues; resources available to work together to promote compliance with state law.

CONGRATULATIONS!

We encourage all Engineer Interns to pursue careers in the engineering profession and ultimately to seek licensure.

Maintain a record of your engineering work history to include a description of your engineering tasks, supervisor, and dates of employment. This is necessary for future validation of your engineering employment when you have obtained the required years of experience for application for the Principles & Practice of Engineering examination.

WORKSHOPS PRESENTED IN EACH COUNTY

Workshops to acquaint permitting officials, developers, attorneys, school and hospital administrators with the requirements of the engineering law and the resources available by DAPE to assist in maintaining compliance with the law, will be presented by DAPE Council members, staff, investigator and representative from the Attorney General's office in each of the three counties.

Schedule of workshops:

New Castle County - September 29th

ENFORCEMENT ACTIVITY

The Law Enforcement/Ethics Committee, chaired by Walter L. Frank, P.E. and Guy F. Marcozzi, P.E., has been very active in its pursuit of allegations of unlawful and/or unethical practice matters.

The outcome of its investigation produces recommendations to Council to either close files with insufficient evidence to support allegations, or those files that have come into compliance with the law; or forward files to the Attorney General's office for administrative prosecution.

Lawfully, Council has the power to require the successful completion of additional training or education courses and/or refuse licensure; to warn or reprimand or censure or suspend for a period of time not exceeding 2 years; or refuse to renew or revoke any authorization issued to use the term engineer or practice engineering in Delaware.

REVOCATION OF LICENSE:

Case #02/006 – Johns, David F.

Deficiencies in numerous permit applications for septic system designs for the Department of Natural Resources Environmental Control, were cited as an extreme departure from the standard of care, as was the failure to properly and

accurately complete the construction and review documentation required. A hearing before Council was held.

On June 11, 2003 Johns was found guilty of violating 24 Del. C. §2823(a)(2) in that he was grossly negligent in designing on-site wastewater disposal systems outside of approved soils, using incorrect design criteria, and providing for improper placement of systems and components. Additionally, the Council found Johns violated 24 Del. C §2823(a)(3) upon the submission of false or inaccurate documents. And, finally, the Council found violations of the Code of Ethics in his continuous failure to adhere to the standard of conduct expected of Professional Engineers. The Council voted to revoke the professional engineering license of Johns. This decision was appealed to the Kent County Superior Court, and on July 27, 2004, the Court affirmed the license revocation. The Court concluded that the Council's decision was based on substantial evidence and not contrary to the law.

REPRIMAND:

Case #03/039 -- Louis H. Maedel, P.E.

A design review for a constructed pole building determined deficiencies in plans provided by a supplier, who had prepared the designs and calculations, but which Mr. Maedel neglected to review or check prior to signing and sealing on his submission for the City of New Castle.

An investigation determined that violations of the Code of Ethics, Canons 1(B) and 2(A), and §2823(a)(2) and (3) of 24 Del. C. had occurred, and Maedel was issued a reprimand, requiring he notify all of his previous pole barn clients of possible structural deficiencies; and requiring he attend a remedial class in engineering ethics. All conditions of this reprimand must be met within six months.

OTHER ACTIVITY:

Case #03/003

Alleged Violation: Firm obtained business license in the category of engineering and did not have a Certificate of Authorization.

Resolution: Firm was not providing engineering services and permitted the business license to expire. File closed.

Case #03/005 -- Fink, Stephen F.

Alleged Violation: Plans were received bearing the signature and seal of Fink, as well as that of his firm, during a period when his license and his firm's Certificate of Authorization had lapsed. Reinstatement of the licenses had been requested, however they were not reinstated until after the conclusion of the investigation and hearing.

Resolution: The hearing determined that Fink assumed that application for reinstatement was sufficient to provide engineering services; and the date on the plans was not updated. Applicable delinquency fees were paid and both his and his firm's C/A were issued. File closed.

Case #03/013

Alleged Violation: Publication listing – no C/A

Resolution: Firm is not providing eng. services on project. File closed.

Case #03/028

Alleged Violation: Firm was issued a business license in the category of engineering and did not have a Certificate of Authorization.

Resolution: Business license expired, therefore, file was closed.

Case #03/040

Alleged Violation: Firm provided an engineering report and did not have a Certificate of Authorization.

Resolution: Firm was issued a Certificate of Authorization to come into compliance with the law. File closed.

Case #03/041

Alleged Violation: Practice outside area of expertise

Resolution: Insufficient evidence to support. File closed.

Case #03/044

Alleged Violation: Publication listing indicating firm was providing environmental services. Firm was requested to clarify services provided.

Resolution: Firm does not provide engineering services. File closed.

Case #03/050

Alleged Violation: Firm name contained "Engineering" and it did not have a C/A.

Resolution: Firm was advised of the law and applied for a Certificate of Authorization to come into compliance with the law. Upon issuance of the C/A, the file was closed.

Case #04/001

Alleged Violation: Publication listing firm's engineering services.

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/004

Alleged Violation: Plans received bearing title block of firm that did not have a C/A.

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/006

Alleged Violation: Plans received bearing title block of firm that did not have a C/A.

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/007

Alleged Violation: Firm issued a business license in the engineering category and did not have a C/A.

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/008

Alleged Violation: Publication listing – no C/A

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/010

Alleged Violation: Firm's Certificate of Authorization had lapsed and firm had provided engineering services during the period of lapsed license.

Resolution: Certificate of Authorization was reinstated, with payment of delinquency fees. File closed.

Case #04/011

Alleged Violation: Publication listing – no C/A

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/012

Alleged Violation: Publication listing – no C/A

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/014 -- Inquiry

Alleged Violation: Advertising – unlicensed

Resolution: No specific complaint in Delaware; DAPE has no jurisdiction over non-licensees. File closed.

Case #04/016 –

Alleged Violation: Exam Impropriety

Resolution: AG's office declines to prosecute based on the current statute. File closed.

Cases #04/019 & #04/020

Alleged Violation: Renewal notices indicated disciplinary actions had been taken in other jurisdictions.

Resolution: No basis for taking reciprocal action. File closed.

Case #04/021

Alleged Violation: Publication listing – no C/A

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/023

Alleged Violation: Publication listing – no C/A

Resolution: Certificate of Authorization issued to come into compliance with the law. File closed.

Case #04/024

Alleged Violation: Use of the term "Engineering" without appropriate licensure. Firm did not provide engineering services.

Resolution: Firm changed name. File closed.

Case #04/025

Alleged Violation: Unlicensed practice – no C/A.

Resolution: Firm is not practicing engineering. File closed.

Case #04/026

Alleged Violation: Complaint re: providing surveying services

Resolution: Individual has not offered engineering services; no jurisdiction. File closed.

Case #04/028

Alleged Violation: Unlicensed practice during period of revocation.

Resolution: Attorney General's office will not prosecute, as decision was under appeal. File closed.

Case #04/031

Alleged Violation: Firm provided engineering services during the period in which their C/A had lapsed. Request for reinstatement was made.

Resolution: Certificate of Authorization reinstated, upon payment of delinquency fees. File closed.

The merits of each case are thoroughly investigated to ultimately determine the resolution necessary to either assist individuals and/or firms with compliance, or proceed with administrative prosecution.

The Law Enforcement/Ethics Committee has 20 other cases that are pending final investigation, administrative prosecution or other action by Council.