

News from Delaware's Licensing Council for Professional Engineers

Summer 2005



# PRESIDENT'S MESSAGE By J. Paul Jones, P.E.

The end of August marks the end of my first year as President. The end of the first year is the time when presidents of many organizations would typically

provide a state of the organization message. Although I believe DAPE has had a good year, I am going to resist telling you every detail. This message will focus on some of the highlights.

Before I go too far, I need to clarify/correct a statement included in my last message. You may remember it included a reference to a NCEES proposal to increase in the model law the number of required education credits necessary to qualify to sit for the PE exam. That discussion incorrectly referenced a US Department of Labor position that they do not recognize engineering as a profession because to become a Professional Engineer does not require any post graduate work. This is actually a position of the US Department of Education, not Labor.

As discussed in a separate article, DAPE held an election in July for several Council seats whose terms position expired or the was vacated. Congratulations to two new members of Council, Keith Kooker, P.E., Kent County Seat, and David C Clark, P.E., Chemical Engineering Seat. We bid farewell to Walter L. Frank, P.E., who has served Council well in the Chemical seat for eight years. Amona other things, for most of this time Walt was Chair of the LE/E Committee where he tirelessly worked to consistently strengthen our enforcement program. Thank you Walt for a job well done!

John F. Mayan, P.E., leaves Council with a change in residence and employment. John's efforts chairing the Public Information Committee and Co-Chairing the LE/E Committee are commended. Thanks, John!

During a recognition dinner after the August Council meeting, DAPE recognized **Robert Laird's** more than 25 years of service to DAPE, as both a committee

member of the LE/E Committee and as a member of Council. Bob received a commemorative certificate from the current President of Council as well as recognition by the offices of the Governor and Lieutenant Governor.

In the past year DAPE has issued certificates to **98** new PEs and **241** EIs who have successfully taken and passed the NCEES exams in Delaware. During this same time our Examining Committee has reviewed **80** applications to sit for the Principles and Practice of Engineering exam and **464** applications for the Fundamentals of Engineering exam. Additionally, we have issued **290** licenses by comity and **65** Certificates of Authorization. This newsletter includes an excellent article providing the details of the scrutiny these applications receive.

Our successful legislative initiatives for 2005 included law revisions related to our subpoena powers and exam impropriety; a separate article addresses these issues. Our successful 2004 legislative initiatives resulted in the need to revise our bylaws, which you, the members, approved in July.

Our Ad-Hoc subcommittees have been very active this year. This newsletter includes articles by the Chairs of two of them, the Six Sigma Committee and the Higher Education Committee. The Six Sigma Committee's work is in the area Continued Professional Their first charge is to determine if Competency. incompetent practice is a significant widespread problem in Delaware. If, in fact it is, then the Committee is expected to make a recommendation to Council related to the type of corrective action that would likely minimize this problem. The Higher Education Committee's focus is on improved relationships with the University of Delaware College of Engineering. Two other Ad-Hoc Committees, Exam Security and Alternate Licensure Paths, will report on their activities in a future issue.

# MESSAGE FROM THE EXECUTIVE DIRECTOR By Peggy Abshagen

# Law Revisions/Enforcement Support

As reported in previous issues of the newsletter, the DAPE Council has been working on revisions to the Delaware Professional Engineers' Act. In 2004, changes were made to:

- ➤ Include the Adjunct Membership of DAPE;
- ➤ Reduce from ten years to two years the time before a delinquent license requires reapplication;
- ➤ Make housekeeping changes.

In 2005, two significant modifications to the law have been accomplished:

- ➤ Broadening the subpoena powers of Council to assist in law enforcement efforts;
- Detailing exam improprieties and corresponding disciplinary actions;

(You can view the 2005 revised law on our website!)

In 2006, we hope to be able to implement the administrative enforcement provisions that we have been working on for some time. This administrative enforcement schedule spells out the fines that may be levied for a variety of violations from incompetence to practicing on an expired license. Several of our law initiatives are to assist the Law Enforcement/Ethics Committee with their task of insuring compliance with the law for all those involved in engineering.

Each year we initiate 40-50 investigations. These could include administrative issues such as advertising engineering services without appropriate licensure. The remainder of the cases involve complaints or concerns from permitting officials, the public, or local news events that involve engineering. A very small percentage of these cases actually results in a hearing before Council. We work towards assisting individuals with compliance. However, many cases involve the unlicensed practice of engineering. Individuals and/or firms that are practicing with an expired license. This is not only unacceptable, it's a violation of the law!

DAPE has invested significantly in providing current licensing information for individuals and firms on our website (www.dape.org). Check it out! And, keep your license current!

Ballots were mailed to 1,352 voting members of DAPE (residents or those who work in Delaware) by June 15, 2005, to fill the following four Council seat vacancies:

- Chemical Engineering
- "Other" Engineering
- Kent County
- Government Employment

Council member Karen Maxson, P.E. was appointed as Chief Teller to tally the votes after the July 15<sup>th</sup> deadline for submission of ballots.

Chief Teller Maxson, assisted by John Traynor, P.E., John Wells, P.E., Harish Mital, P.E., Allen Jayne, P.E., and Shiva Kumar, P.E. tallied the votes as follows:

#### Chemical Engineering Seat:

David C. Clark, P.E.	-	282
Robert . P.F.	_	158

# "Other" Engineering Seat:

J. Paul Jones, P.E. - 437

#### **Kent County Seat:**

Keith Kooker, P.E. - 431

#### **Government Employment Seat:**

Pasquale S. Canzano, P.E. - 436

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 8/31/09, with the exception of Kent County expiring on 8/31/07, (the completion of seat's current term).

The proposed revisions to modify the bylaws were all approved by the membership.

DAPE Council ratified these election results at its August 10, 2005 meeting.

Council seat vacancies for the 2006 election year will be:

- Industry Employment
- Civil Engineering
- New Castle County

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

#### JOHN F. MAYAN, P.E.

License #7250 was issued by Council on July 14, 1987 to John F. Mayan, P.E. A 1982 honors graduate of Rochester Institute of Technology, with a BS in Electrical Engineering, Mayan started his career with the DuPont Company in Parkersburg, WV. He then spent 15 years with Scott Paper/P&G Dover Wipes Company, before joining TAI Engineers, Inc. in Owings Mills, MD.

The latest career move has cut short Mayan's term on Council serving the constituency of Kent County. Elected to this seat in 2003, his move to our neighboring state prohibits him from continuing to serve on Council.

Having been appointed as Chair of the Public Information Committee and Co-Chair of the Law Enforcement/Ethics Committee, Mayan has agreed to continue serving Delaware through his contributions on committees.

We look forward to continuing working with John and appreciate his tireless efforts on behalf of the engineering community of Delaware.

# COMMITTEES . . . GO WHERE THE ACTION REALLY IS

#### By Robert A. Chagnon, P.E.

As a Past President of DAPE and Council member for eight years, my purpose for writing this article is to make our readers aware that most of what Council does that makes a difference to all of you out there is really done by two primary working committees whose membership thereon is open to any DAPE member. I'm speaking of the Examining Committee and the Law Enforcement/Ethics Committee.

As a former member of the DAPE Council, I can attest to the fact that one spends a lot, and I mean a lot, of time beating to death subject matters under consideration that never come to pass. Not that these subject matters are not worthy of consideration, but when you're done spending several weeks (which actually takes several months since Council only meets once a month) beating some of these issues to death, only to have whatever resulting motion or motions voted down, one is often left wondering if it was all worth the time. That has not been my experience with

the Examining Committee nor the Law Enforcement Committee work sessions.

I refer to them as work sessions because that's really what they are. Application files are individually scrutinized by the Examining Committee and complaint cases are investigated by one or more assigned members of the Law Enforcement/Ethics Committee with their findings reported on, discussed and recommended actions voted on for forwarding to Council for approval. What the committees do is where all of the action is.

To be more descriptive, the Examining Committee is charged with the following tasks:

- Performing a detailed review of an applicant's education:
- Assess an applicant's work record for validation as "the practice of engineering" and their supervisor's agreement with same to determine the number of years needed to qualify;
- Review applications for Certificates of Authorization, Temporary Permits and reinstatement to determine if applicants are practicing engineering legally, or otherwise;
- Address specific charges assigned by Council along with recommending changes to our laws;
- The recommendations to Council could include a recommendation to approve, put on backlog for more experience or education, refer to the Law Enforcement/Ethics Committee for disciplinary action consideration and etc.

More responsibility actually exists with the tasks involving the Law Enforcement/Ethics Committee. A brief summary of their activity:

- New complaint cases are reviewed and, if determined to be valid, are assigned to one or more committee members to investigate.
- During the investigative stages of a case, interviews are conducted and site observations assist in collecting evidence and gathering facts.
- Members report their findings and identify violations in our laws, if applicable, along with any recommended actions to be taken.

- Assist the Deputy Attorney General that's assigned to a case with the specifics of a complaint and recommended disciplinary actions.
- Function as an expert witness during Council hearings.
- Assist in addressing specific charges assigned by Council along with recommending changes to our laws.

What a great opportunity to not only contribute but to contribute in a very meaningful way. Besides all of the good and important work that's accomplished by the individuals on these committees, a strong feeling of camaraderie is formed between the committee members that work together as a team once every month.

If you're really looking to make a difference, **go where the action is**. It's with the Examining Committee and the Law Enforcement/Ethics Committee. I should know. I've been active on both committees for the past nine years and I've never finished a work session related to either without feeling that the time spent was really worthwhile.

# <u>DNREC, CCR & DAPE</u> By Guy F. Marcozzi, P.E.

DAPE's LE/E Committee met with DNREC and New Castle County officials to discuss the role of Professional Engineers in the Delaware Department of National Resources and Environmental Control's, Certified Construction Reviewer (CCR). Subsequent education efforts in support of this clarification will result to further the best interests of the public property, health safety and welfare.

The CCR program was established by DNREC to more effectively adjust to changing conditions associated with sediment and erosion control practices on active construction sites. The program's enforcement is delegated to various regulatory groups in Delaware including New Castle County. DNREC administers a renewable training program to "certify" the reviewers (CCR's) in construction observation pertaining to sediment and erosion control on active construction sites. Reports are filed by the CCR, after review and approval from a supervising Professional Engineer. The delegated regulatory agency retains jurisdiction over the site.

In summary, it was agreed by those at the meeting that, as a minimum, a Professional Engineer supervising a CCR review shall have reviewed and understand the intent of the sealed and approved Sediment and Erosion Control plans. It was further agreed that the Professional Engineer is in "responsible charge" of the CCR. For the purposes of this discussion, responsible charge (borrowed from another State) was defined as:

"The engineer shall be capable of answering questions relevant to the project and to the observations and field judgment of the CCR on the project, in sufficient detail as to leave little doubt as to the engineer's proficiency for this type of work, understanding of the design intent and their effectiveness with actual site conditions. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the engineer in responsible charge has a clear understanding of the CCR's strengths and weaknesses, demonstrated by past and/or contemporary concurrent site reviews as well as probing dialog pertaining to current site conditions, and sufficient knowledge of the design intent and available options and their potential effectiveness."

Such a requirement would obligate the Professional Engineer to understand the intent of the project erosion control design and specific site issues, as well capabilities and limitations of the CCR. Such information would have to be considered in offering a professional opinion as to the effectiveness of the controls and recommendations for improvements.

The standard CCR report currently requires the signature, date and seal on the report attesting that the Professional Engineer has " read this report and understand[s] that [they are] responsible for verifying that this report accurately reflects site conditions and construction progress as of the date of this report." As a result of these discussions, New Castle County and DNREC indicated their intent to modify this language to incorporate a statement that the Professional Engineer has reviewed and understands the design intent of the approved Sediment and Erosion Control Drawings.

Based on a similar, recent Council decision, construction observation only is not classified as the practice of engineering. However, proposed changes to approved and sealed designs are considered the practice of engineering. Further, attesting to a specific statement regarding engineering opinion, and/or judgment indicated by signing, dating and sealing is also considered the practice of engineering. As such, if

such practices of engineering were negligent or incompetent, or if the supervising engineer inaccurately attested to be in responsible charge, disciplinary action under the Delaware Professional Engineers Act would be undertaken.

Comments from the DAPE membership are welcome. Please forward to the DAPE office.

# **COMMITTEE CORNER:**

In the previous issue of the "DAPE News," we featured the standing committees of Council that are tasked with many responsibilities from reviewing applications, to investigating complaints, to publishing this newsletter.

Additionally, the President of DAPE has the power to appoint Ad-Hoc Committees to address specific issues. President Jones has appointed several such committees and reports from these follow:

# I. Ad-Hoc Six Sigma Committee

# Background:

The Six Sigma committee was created by President Harris in 2004, with Karen Maxson, P.E. as Chair, to address the need of continued competency of licensed engineers. Mandatory Continued Professional Competency (CPC) had been debated for several years without resolution and President Harris agreed with a proposal from registrant Deb Grubbe, P.E. to try a more disciplined approach to the issue by using the Six Sigma methodology. Karen Maxson, P.E. had completed Six Sigma training with DuPont and was given the task to lead the Ad-Hoc committee. Current President Jones has continued to support the committee and its efforts.

#### Team Members:

Jack Billingsley, P.E., Bill Brockenbrough, P.E., Bob Chagnon, P.E., Paul Crawford, Esq., Deb Grubbe, P.E., Karen Maxson, P.E., Bob McClure, P.E.

#### Project Charter:

# **Problem Statement**:

In Delaware, the practice of engineering is governed by state law and is self-regulated by the licensed practitioners. No mandatory continuing professional competency requirements have been established in Delaware for its licensees. Concerns have been raised about whether licensed engineers in Delaware are competent in the areas they are practicing and if not, is there a system or could a system be developed, for improving the

continued competency of licensed engineers in Delaware?

<u>Definition of Defect</u>: (what needs to be reduced or eliminated)

"Incompetent engineering being practiced in Delaware by licensed engineers".

#### Project Goal:

Determine to what extent licensed engineers in DE are practicing incompetent engineering. Recommend to Council a system that is effective for maintaining competency of licensed engineers.

<u>Project Scope</u>: (what is in and what is outside the boundaries of this project)

Assume the licensing process insures competency at time of licensure. Therefore this project will focus on continued competency, not initial competency.

#### **Project Description:**

The project will consist of: identifying stakeholders, defining performance standards (what is incompetent engineering), surveying/interviewing stakeholders, analyzing stakeholder survey results, and providing a recommendation to Council.

#### Committee Actions:

The team has been educated on the Six Sigma approach and has created the Project Charter as written above. Stakeholders and performance standards were identified. The University of Delaware Center for Applied Demography & Survey Research has been contracted to conduct a "Study of the Performance of Professional Engineers in the State of Delaware from the perspective of permitting agency representatives". Two focus groups will be conducted to obtain input from one of the major stakeholders, the permitting officials. The perspective of the permitting agency representatives will be integrated in a report to the committee that provides advisability on best practices for ensuring professional competence.

#### II. Ad-Hoc Higher Education Committee

Chaired by Jack Billingsley, P.E., this Committee is focused on (1) maintaining the current continuing harmonious relationship between the University of Delaware College of Engineering and DAPE; (2) ensuring that engineering students are fully aware of the career importance of licensing as a Professional Engineer; and (3) of encouraging PE licensure of faculty by developing an alternative licensure path that better recognizes engineering research credentials, academic tenure and other faculty-related achievements.

Frequent meetings with Dean Eric Kaler have done much to address the first goal. The Dean, of his own volition, initiated a program last year to pay one-half of the student's cost of applying/taking the Fundamentals of Engineering examination, for those students who pass the exam.

The DAPE has established a unique program, now in its fourth year, wherein a member of the DAPE Council personally lectures to juniors in a scheduled class period, on the career importance of professional licensing. Hats off to Pat Canzano, P.E., who lectured the ChE's; Bob McClure, P.E. the E.E.'s; Carmine Balascio, P.E. and Gregg Moore, P.E. the CE's; and Karen Maxson, P.E., Kevin Purdue, P.E., and Jack Billingsley, P.E., the ME's.

P.E. licensing amongst faculty runs at some 7 to 10%. The basic reason for this low licensing level is attributed to our current licensing requirements which basically ignore academic credentials, particularly those associated with engineering research and tenure. Faculty are the students' role models and non-licensed faculty are obviously not going to expound to their students on the career advantages of professional licensing. Dean Kaler has again shown his support by offering \$5,000 in development funds to faculty who become licensed.

Suggestions from DAPE members on additional steps to achieve the noted Committee targets will be welcomed.

(Two other Ad-Hoc Committees on Exam Security and Alternate Licensure Paths will report on their activities in a future issue.)

# **NEW PROFESSIONAL ENGINEERS!**

The results are in, and after successfully passing the April 15, 2005 Principles & Practice of Engineering examination, the following individuals were approved for licensure on June 8, 2005:

Angelilli, Andrew S.	PE #13533
Appelbaum, Dawn M.	PE #13528
Baker, James	PE #13555
Cajthaml, Jennifer M.	PE #12908
Chrzan, Jeremy	PE #13771
Coar, Megan S.	PE #13547
Coats, Andrew	PE #13672
Colter, James	PE #13719
Corey, Tamara L.	PE #13470
DeAscanis, Stephanie	PE #13675
DeMeo, Peter	PE #13765
Dougherty, Lawrence	PE #13731
Durso, Frank D.	PE #13193

Eder, James	PE #13727
Flickinger, J.	PE #13752
Germain, Andrew M.	PE #13356
Gomes, Oscar F.	PE #13355
Goudy, Matthew A.	PE #13549
Gramig, Dominic	PE #13685
Gutmann, Paul T.	PE #13218
Haglid, Bjorn M.	PE #12118
Hastings, Jason	PE #13545
Hopkins, Edwin	PE #13764
Ping, Jiang	PE #13477
Jordano, James J.	PE #13536
Kabir, Md	PE #13787
Kashuba, Jeffrey P.	PE #13206
Kissinger, Michael	PE #13711
Kohler, Catherine R.	PE #12768
Lynskey, Gerard	PE #13716
Magerr, Kevin	PE #13766
McCabe, Richard	PE #13406
Pariseault, Bryan	PE #13785
Perez, Carlos, M.	PE #13213
Roushey, Jeffrey L.	PE #13530
Ruzze, Steven	PE #13656
See, Ramon M.	PE #11648
Shin, Hyeon Joo	PE #13662
Sutton, Ronald H.	PE #13220
Tamaccio, Robert	PE #13777
Teer, Kathleen	PE #13759
Thomas, Aaron	PE #13756
To, Uyphong P.	PE #13616
Toorzani, Reza R.	PE #13235
Zeloyle, Anthony Z.	PE #11207
Zinzuwadia, Bhartiben	PE #13631

#### **CONGRATULATIONS!**

#### **ENGINEER INTERNS**

The following individuals successfully completed the April 16, 2005 Fundamentals of Engineering examination and will be permitted to use the title Engineer Intern upon graduation and submission to DAPE of verification of the award of their degree:

Abazi, Din	Coker, James
Abendschoen, Marc	Comber, Brian
Archambault, Barry	Crane, Joshua
Barker, Amanda	Cross, Benjamin
Beauchamp, Lee	Dafla, Hiruy
Buckalew, Mark	Darby, Michael
Bucy, Jonathan	De Guzman, Arvin
Cardinal, Christine	Deaver, Mark
Catherine, Adam	Dennie, Charles
Chen, Shao-Yung	Donovan, Richard
Cieslak, Clifford	Dupre, Benjamin

Ehrenzeller, Ken Eland, Heather Nigro, Andrew O'Dea, Erin Fischhaber, Lucas Fuerch, Matthew Ochieng, Victor Gabrielli, Dante Parekh, Kalpesh Garber, Charles Parvizi, Parham Gill, Jonathan Paul, Nathan Pickering, Philip Haith, Matthew Hanley, Kate Pierce, Richard Harbeson, Eric Pinder, Scott Harp, Jonathan Pistritto, Carlo Harrell, Matthew Pittman, Melissa Healy, Sean Pixler, Ross Henderson, Thomas Plitsch, John Hrycushko, John Prewett, Mark Huff, Blake Reed, Ryan Robinson, Matthew Huntington, Lisa Hwang, Jennifer Rosica, Christopher Jones, Charles Roush, Brian Keefer, Zachary Rudberg, Eric King, Matthew Schaeffer, Holly King, Matthew Schick, Mary Kipka, Undine Sciscione, Stephen Knauss, Aimee Seibert, Michael Kobos, Ryan Seraphin, Narissa Kubecka, Eric Siensa, Jason Kular, Virpal Song, Byung Ledgerwood, Laura Spicer, Addie Leisse, Thomas Stanfill, Brian Lemon, Nicholas Starrett, Eric Lerch, Andrew Stevens, Sean Ley, Robert Tarsi, Christopher Liang, Gwee Tennekoon, Lilantha Lowry, Curtis Thackvah, Miles Lussi, Jaime Torres, Vanessa Madonna, Anthony Trocciola, Alisha Madonna, Anthony Varner, Wade Marshall, Andrew Vasko, Vladimir Marucci, Nicola Ventresca, Victor Mathis, Dean Vicker, Christine Mayhew, Kevin Vistica, Jennifer McCabe, Michael Vogel, Erin Voorhees, Matthew McDonald, Matthew McLaughlin, Trevor Weinberg, Michael Mealy, Christopher Wenzel, Raymond Merchant, Edward Williamson, Donald Miller, Rvan Winter, Eric Muhlenforth, Daniel Wong, Deric Myers, Philip Woodward, James

#### **CONGRATULATIONS!**

Zgone, David

Nguyen, Huyen

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.

#### LAW ENFORCEMENT ACTIVITY

Council Hearing

<u>Hospital Designer's, Inc.(HDI)</u> – A hearing was held before Council on 6/20/05 to address allegations of misconduct. HDI requested reinstatement of a lapsed Certificate of Authorization indicating it had not provided engineering services during this time. However, an investigation determined otherwise. A complaint was issued by the Attorney General's office alleging misconduct.

After testimony from a representative of the firm, the decision of the Council was that the firm was not guilty of misconduct and the charges were dismissed. The firm's Certificate of Authorization was reinstated upon payment of late fees.

#### MEMBERS' CORNER:

Have a topic you would like addressed in the "DAPE News"? This is an opportunity for the DAPE membership to briefly comment on appropriate topics, which are timely and important. The feature will not be used to advertise consulting services or other types of commercial endeavors.

This is your opportunity to be heard. You may submit your comments to <a href="mailto:office@dape.org">office@dape.org</a>.

DAPE reserves the sole right to publish those comments that best serve the interests of its members.

#### WANTED: PROCTORS

Interested in supporting your profession? How about spending a few hours with prospective engineers by proctoring an upcoming exam?

The dates: October 28 & 29, 2005

The time: morning and afternoon shifts available
The place: University of Delaware, Clayton Hall

The reward: Priceless!

# **Council Executive Committee**

J. Paul Jones, P.E. President

Guy F. Marcozzi, P.E. Vice President

Carmine C. Balascio, P.E. Secretary

Robert Cannon, P.E. Treasurer

# **Council Members**

David J. Athey, P.E., Civil Eng.	8/31/06
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.	8/31/05
Paul E. Crawford, Esq., NCC-Apptd.	5/12/07
Walter L. Frank, P.E., Chemical Eng.	8/31/05
J. Ross Harris, P.E., Sussex County	8/31/08
J. Paul Jones, P.E., "Other" Eng.	8/31/05
Guy F. Marcozzi, P.E., Private Cons.	8/31/07
Karen A. Maxson, P.E., Industry	8/31/06
John F. Mayan, P.E., Kent County	8/31/07
Robert W. McClure, P.E., New Castle Co	8/31/06
Frank A. Newton, Kent CoApptd.	1/14/06
Vincent Robertson, Esq. —Sussex Co. —Apptd.	9/27/08

# **Council Staff**

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