



# DAPE

# NEWS

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

**Summer 2006**

## **PRESIDENT'S MESSAGE**

*By J. Paul Jones, P.E.*



By the time you read this I will have conducted my last full Council meeting as President, the August meeting. At the September meeting I will hand the gavel over to the incoming President and assume the advisory position of Immediate Past President. At the August meeting, in accordance with the By-Laws, the Executive Committee put forward a slate of officers for the 2006/2007 year to be voted on by Council at its September meeting. Nominations from the floor for any of these positions will be accepted prior to that vote. However, if none are put forward your officers for 2006/2007 will be President - Guy F. Marcozzi, P.E.; Vice President - Frank Newton; Vincent G. Robertson, Esq. - Secretary; and Robert Cannon, P.E. - Treasurer.

This is the newsletter issue when outgoing Presidents often state how much has been accomplished under their leadership. I am not going to break that tradition. But, before I go there let me start by saying that in the two years I have been President I have been blessed by having a very strong Council, all volunteers, many who have donated countless hours to the various causes of the Council. For this we should all be thankful. After all, when it comes down to it, it is these volunteers, and the ones on various committees, that make it possible for the engineering profession in Delaware to be self-regulated.

In the past two years the Examining Committee, Chaired by Carmen Balascio, P.E. and Co-Chaired by Karen Maxson, P.E., has continued to meet each and every month, like they have done for years, to review and process literally hundreds of applications for exams, licensure by comity, Certificates of Authorization and Temporary Permits. The work of this committee is certainly one of the most important things that DAPE does.

The Law Enforcement and Ethics (LE&E) Committee, Chaired by Guy Marcozzi, P.E. and Co-Chaired by Keith Kooker, P.E., met nearly every month to evaluate complaints received for their merits in moving them along in the enforcement process. Additionally, during this last year this committee was instrumental in developing the streamlined enforcement procedure discussed below. Like the Examining Committee, the work of the LE&E Committee is fundamental to the mission of DAPE.

As a result of the efforts of the Government Affairs and By-Laws Committee, the first year Chaired by Ross Harris, P.E. and this last year Chaired by Frank Newton, DAPE has continued to improve and strengthen the Delaware Professional Engineer's Act. In the past two years we have successfully put forward several legislative changes including 1) strengthening of our subpoena powers; 2) defining exam impropriety as a violation of our law; 3) providing the authority to refuse licensure, reinstatement of licensure, authorization and/or reinstatement of authorization when individuals and/or engineering companies have practiced engineering in Delaware without being properly licensed or authorized; 4) the administrative authority to levy fines up to \$5,000; 5) streamlined enforcement procedures to provide various options for enforcement including administrative orders, consent orders and/or administrative hearings before a 5-member disciplinary hearing committee; and 6) clarification that any person filing a complaint under the Act will be afforded all the protections outlined in the Delaware Whistle Blowers Act.

Bob McClure, P.E. headed up an ad-hoc committee that worked hard and long to evaluate an alternative path to licensure wherein an individual would demonstrate minimum competency based upon career experiences and capabilities. Bob's committee recommended language and a procedure they felt would serve the citizens of Delaware, ultimately the

Council at large voted the proposal down. Although unsuccessful, Council and the Association always are the benefactors when committee chairs and the committees themselves work hard to address an issue such as the one Bob and his committee did.

Another ad-hoc committee, chaired by Karen Maxson, P.E., the Six Sigma Committee, evaluated the potential benefit of mandatory continued professional competency requirements. They first evaluated, using the Six Sigma Process, if there was a significant problem with incompetent practice in Delaware. If there was a significant problem the committee was to assess if mandatory continued professional competency training requirements would likely alleviate the problem. The committee's findings are available in a detailed report to Council. The short story is the committee did detect areas where problem practice issues were identified. However, these issues were categorized as being ethically based rather than competency based. Therefore, the committee concluded that there would not be a significant benefit as a result of mandatory continued professional competency requirements.

In the last two years DAPE has continued the practice of conducting our Annual Outreach Program. This program includes a luncheon meeting, one in each county, for interested members of the regulated community, as well as, state, county and local plan review officials. Typically there is a short presentation regarding who we are, how we work, and probably most importantly, how to file a complaint when they see potential issues. This year we received several complaints as a direct result of this activity. Due to other commitments, I was unable to effectively participate in this year's program. However, Guy Marcozzi, as Chair of the Law Enforcement and Ethics Committee (LE&E) stepped up to the plate and the meetings were very effective.

Speaking of outreach, in the past two years we have successfully reopened a running dialogue with the Board of Architects. Together we have activated what had become a dormant Joint Advisory Committee. Currently that advisory committee meets every other month to discuss issues that are common to each profession. The committee has recommended that we focus on the issues we have in common rather than the issues that separate us. Among other things there is currently discussion about holding a joint outreach program in 2007. To Pat Canzano, P.E. goes my many thanks. Pat stepped up to the External Affairs Committee plate when Ross Harris, P.E. was unable to continue in this important role.

DAPE opened a dialogue with the Board of Professional Land Surveyors. At this point our relationship has not progressed as far as our relationship with the Board of Architects, however, I am hopeful that it will under President-elect Marcozzi's leadership. Issues being discussed include Professional Engineers doing surveying and Professional Land Surveyors doing extensive stormwater management system design.

DAPE has continued to improve and enhance our on-line registration and renewal capabilities. This year we had 70% percent of renewals from on-line transactions. This program, started under Ross Harris' leadership can surely be counted as a success.

Last year we started, what I hope will be an annual event, a dinner where we invited all committee members to dine with all Council members. Unfortunately, it has been my experience in the past that, except for the committee chairs, many times the Council members have no interaction with the various committee members who are volunteering their time and making important recommendations to Council. Yet, every Council meeting includes recommendations put forward by the various Committee Chairs. It is my belief that as Council becomes familiar with these volunteers, and visa versa, that Council will have more confidence in the committees and committee members will have more confidence in Council. Surely, as my friend and former DAPE Council member, Jack Richter, P.E. said thousands of times, "This is a good thing."

It is with total confidence in President-elect Marcozzi that I turn the gavel over to him and sign off. In my opinion, Council is in good hands.

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**Message from the Executive Director**  
**By Peggy Abshagen**

The previous issue of our newsletter was "broadcasted" to our membership and the response has been positive. We will continue to transmit the newsletter electronically, posting it on our website, and mailing to those that prefer that method. Thanks for the feedback!

The electronic renewal process has officially been declared a success! Earlier this year, more than 6,000 renewal notices were mailed. With about 30 days remaining to renew licenses:

- 5,752 licenses have been renewed
- 234 licenses have been placed in "Inactive" status

If you are uncertain as to whether you have renewed your license, or you have not received a new wallet card, please visit our website at [www.dape.org](http://www.dape.org) to check the PE Roster or to download your current wallet card. And, thank you for participating in this new and improved electronic process!

Please note you have access to change your mailing address, email address, employment information, etc. at your convenience. Keep your information current.

In other news, several representatives of DAPE will be attending the 85th NCEES Annual meeting in Anchorage, Alaska in September. New Business items include: exam collusion analysis, exam scoring issues, exam security initiatives, and foreign degree evaluation services, just to name a few. This meeting venue also provides a training program in law enforcement and other areas to assist each member board in the regulatory process in its state. A report of this meeting will be provided in a future issue.

DAPE is extremely fortunate to have a membership that gives generously of its time to serve on the DAPE Council, Committees and as Exam Proctors. These efforts do not go unnoticed nor are they unappreciated. It's what makes this organization what it is today. The October exams are right around the corner, and, we are again looking for volunteers to assist in the proctoring of the exams. It's an opportunity for you to make a contribution to the profession and to young engineers, and to work with some great members of DAPE for a few hours. If you are available on either October 27<sup>th</sup> or 28<sup>th</sup>, please contact us via email, fax or phone. We need your help and will provide lunch!

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### **\*\*\*CORRECTION\*\*\***

In the previous issue of the newsletter, it was reported that:

- *China has 4,376,167 undergraduates in engineering programs, of which about 1 million of these are awarded degrees annually vs. the 62,000 BS engineering degrees awarded annually in the United States.*
- *33% of all undergraduates in China are in engineering vs. less than 15% in the USA.*
- *There are 1,274 undergraduate mechanical engineering programs in China vs. 308 ABET programs in USA.*

- *Mechanical engineering is the most popular engineering major*

*(Source: Global Engineering, 2/26/06)*

It turns out that these numbers are somewhat skewed. Recent articles point out that while determining the number of graduates from U.S. engineering schools is straightforward, comparing them with their Chinese counterparts isn't.

And, China and India include graduates of 2- and 3-year programs in their compilations, defining "engineer" more loosely than the U.S., including technicians and information technology specialists in the term.

And, it is also noted that India has three times the population of the U.S., and China, four times.

Per capita, the U.S. awarded 758 degrees per million citizens; China 497 degrees/million; and India 199. However, in China the numbers are collected from different provinces that have no standardized definition of engineering, and the figures likely include the equivalent of motor mechanics and industrial technicians.

So . . . there you have it!

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[This is the first article in a series on the issue of ethics.]

### **Engineering Ethics** **In the** **Expression of an Opinion**

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

Recently, a Delaware registrant was charged with an ethics violation, as a result of his having provided an opinion involving an engineering matter. How can that be? After all, most all consulting engineers, among others, are required, from time to time, to provide a report that expresses his or her opinion on certain engineering issue. The basis for that opinion, however, is what makes the difference.

That brings us to another quality characteristic that goes into, not only forming the basis for an opinion, but also every aspect involved in the practice of engineering. It's referred to as "**the standard of care**". Insurance providers for professional liability insurance simply define the standard of care as "that level of service ordinarily provided by other competent members of our profession, providing similar services

in the same locale and under the same or similar circumstances". Subsequently, it would require testimony from a number of experts in the field involved to establish what most other engineers would have done, given the same problem under the same conditions. The latter also brings up questions related thereto that have never been answered. Would the standard of care be the same between two engineers involved if one had, say 5 or 6 years of experience versus one that had twenty? Is the standard of care different for an engineer in Delaware as compared to an engineer in California? Is standard of care dependent on what a judge or jury wants it to be on any given day? Subsequently, we do have to agree that the term "standard of care" does carry a good degree of ambiguity with it.

Delaware's practice of engineering laws do not mention anything relating to the standard of care. As a matter of fact, the only provisions in our related laws that pertain directly to whether an engineer is negligent or not in the performance of his or her duties is found under our **Code of Ethics**. Please note here that I said "**OUR**" Code of Ethics. That's because every engineering board in the country has a different code of ethics. Many provisions therein may be similar but there are differences in all of them. The same can be said about the codes of ethics adopted by NSPE, ASCE, ACEC, ASME, ASSE, AICHE, etc.

In our Code of Ethics, which all Delaware PE's are legally bound to, it is of paramount importance that we adhere to the following:

- Undertake to perform engineering **only when qualified by education or experience in the areas of professional engineering involved**
- Approve and seal only those documents which in our considered opinion do not endanger the life, health, property and the public welfare **in conformity with accepted engineering standards**.
- Be completely **objective** and truthful in all professional reports, statements, or testimony, which must include all relevant and pertinent information.

The three key points above are **qualification, conformity with accepted engineering standards and being objective**. Yes, our laws allow us to design buildings but if you're not adequately qualified by education or experience to do so, you shouldn't get involved with the design or providing an opinion on matters related to the design of buildings. If you can

verify the adequacy of your qualifications and an opinion on a matter is provided, qualify the basis for your opinion. Do not simply state that something is adequate or suitable for the purposes intended, back your statements with the basis under which you've reached that opinion. And in the process of doing so, make sure that the basis for your opinion is in conformance with accepted engineering standards. Last but not least, **be objective**. Do not become a hired gun for a client who's trying to make a case of an issue at all cost. That's the client's attorney's job, not yours. Be truthful. Do not get trapped into approving something that's not adequate simply because the client needs you to do so or you're doing it as a favor to a buddy of yours.



### **DAPE COUNCIL SECURES LEGISLATIVE CHANGES**

***By Frank A. Newton, Chair  
Government Affairs/Bylaws  
Committee***

The Council drafted and successfully shepherded legislation through the General Assembly this past session with the sponsorship of Senator McBride and Representative Oberle. The bill makes several house-keeping changes to the Professional Engineers' Act and made several other changes outlined below. SB319 was passed by both chambers of the General Assembly and signed by the Governor at the end of the session.

The bill clarifies that the Council may refuse to issue licensures to individuals who have been found to have practiced engineering in Delaware in violation of the licensure laws of Delaware. It also established a streamlined administrative enforcement process that will expedite a disciplinary decision without a full Council hearing if the parties agree on a settlement action. Additionally, it includes authority for Council to impose financial penalties for infractions of the Act. Council is required to prepare and publish a chart of Disciplinary Penalty Guidelines that must be distributed and publicized to all members, associates, affiliate, adjunct members, permittees and prospective members of DAPE.

This bill also provides a degree of protection for any person that files a complaint, provides information or testifies as a witness, in good faith, under this Act. Any such person will be afforded the protection of the Delaware Whistleblowers Protection Act as outlined in Ch. 17, Title 19, Delaware Code. Additional information will be forthcoming on any of these items as it is developed by the Council.

These changes will help the Council better serve both its membership, and above all, the public interest in the future.

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### **2006 COUNCIL ELECTION RESULTS**

The results of the 2006 Council election have been tallied and reported as follows:

**Civil Eng. seat:**           Ronnie B. Carpenter, P.E.   106  
                                  Edwin P. Kuipers, P.E.   146  
                                  Gregory Pawlowski, P.E.   181

**Industry seat:**           Charles McAllister, P.E.   406

**New Castle Co. seat:**   Martin Markiewicz, P.E.   143  
                                  Robert McClure, P.E.   281

**Sussex Co. seat:**       Michael Cotten, P.E.   139  
                                  Zachary Crouch, P.E.   276

The term of each of these seats is four years, with the exception of the Sussex County seat which will be for two years to complete the initial term of this seat.

Results of the election were ratified by Council at its August meeting. Thanks to those eligible members that participated in this election process! New Council members Pawlowski, McAllister, and Crouch are welcomed, along with re-elected McClure. Congratulations to all four Council members!

### **FAREWELL TO TWO DEPARTING COUNCIL MEMBERS**

The terms of the Civil Engineering and Industry seats of Council expired and both **David Athey, P.E.** and **Karen Maxson, P.E.** chose not to seek another Council term.

Athey and Maxson were both active Council members, who in addition to serving on Council were members of the Examining Committee, one of the hardest working committees of DAPE. Maxson also chaired the Ad-Hoc/Six Sigma Committee and reported in the previous issue of this newsletter the work accomplished by that group.

We wish them well and extend our heartiest appreciation for the time and efforts expended the last

four years. And we certainly look forward to continuing to work with them in their committee work. Thank you!

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### **NEW PROFESSIONAL ENGINEERS . . .**

CONGRATULATIONS to those that successfully passed the Principles & Practice of Engineering examination and were approved for licensure on July 12, 2006:

Cha, Jun Y.  
Clark, Bryan C.  
Conway, Kristin M.  
DiFrancesco, Angela M.  
Dmytryk, Theodore C.  
Donahue, Cory J.  
Dube, Veronia M.  
Fazal, Waseem  
Feaster, Tammy J.  
Fees, David F.  
French, Joanna L.  
Furjanic, Sean M.  
Henry, Tammy M.  
Huang, Lichin  
Huff, Steve E.  
Inigo-Santiago, Emigdio  
Jakubowitch, Andrew  
Jones, Cullen A.  
Kennedy, Matthew J.  
Khasawneh, Hashem  
Lyons, Tamika  
Massotti, Leonard J.  
McEvilly, Sean R.  
McKnight, Lawrence G.  
Mirza, Majid  
Parker, John E.  
Patel, Dipakkumar C.  
Pispitsos, Christy A.  
Plitko, Robert  
Prajapati, Upendra  
Quabili, Md Ubaidur  
Reiding, Heather M.  
Rick, Andrew V.  
Schott, Tyler K.  
Semanchik, Jesse D.  
Sisson, Stephen M.  
Spink, Stephen T.  
Welker, Patrick S.  
Witkowski, Matthew T.

## **NEW ENGINEER INTERNS . . .**

Of the 217 Fundamentals of Engineering examinees on April 22, 2006, 123 are now recognized as Engineer Interns having successfully passed the examination:

Amlie, Derek	Janisch, Colby
Knowles, Matt	Janjua, Parminder
Anderson, Ashley	Jones, Heather
Anderson, Justin	Kan, Emily
Bachar, Eran	Karwoski, Lisa
Bartolovitch, Jeffrey	Kemble, John
Bauer, Amy	Knox, David
Bigelow, Andrew	Koellhoffer, Stephen
Binkley, Adam	Kulynych, Andrij
Boatright, Aleem	Lakey, James
Bramwell, Jodi	Leone, Nicholas
Bronner, Samantha	Levine, Adam
Brookes, Briana	Lucero, Gabriel
Brookman, Matthew	Manzione, Matthew
Burk, Ryan	Marinzoli, Matthew
Busillo, Eric	Marsilli, Michaelena
Campasano, Roxanne	Mauz, Danielle
Campbell, Kyle	McCloskey, James
Castro, Victor	McDonald, Ryan
Chang, Ryan	McGinnis, Laura
Choudhury, Mizanur	Mehling, Hans
Clarke, Christopher	Miller, Sarah
Clopeck, Austin	Milliken, Andrew
Coombs, Andrew	Moffatt, Philip
Criswell, Sarah	Novotny, Andrew
Cunningham, Timothy	Nyambega, Mathew
Dail, Emily	Odum, Roslyn
Decker, Matthew	Oxberry, Geoffrey
DuBois, G. Gregory	Patel, Poorvi
Duke, Christopher	Payne-McAleer, J.
Eskuchen, William	Porter, Matthew
Fan, Mun	Powell, Brian
Finnicum, Seth	Ramick, Stephen
Fjellanger, Samuel	Reichensperger, M.
Forster, Andrew	Retzlaff, Erik
Franz, Matthew	Rice, Patrick
Garcia, Julio	Ricketts, Anthony
Geiger, Scott	Rivers, Jonathan
Gillick, Andrew	Rodriguez, Paul
Ginder, Michael	Roe, Chase
Griffin, Patrick	Sacks, Michael
Gross, Erik	Sargsyan, Ashot
Guerdan, Peter	Schmidt, David
Hamnett, John	Schmidt, Robert
Harden, David	Schutte, Kate
Harvey, Caitlin	Shah, Aarti
Healey, Scott	Shieh, Robert
Hitzeroth, Matthew	Silowka, David
Holland, Timothy	Small, Bryan
Hood, Karoline	Spence, Kyle
Iaboni, Nicholas	Sprague, Justin

Stadler, Lauren	Werner, Robert
Steigerwalt, Craig	White, Joshua
Stewart, David	Williams, Michael
Sweeney, Scott	Winchell, David
Tordella, Brian	Wong, Elliott
Tyson, Usha	Yezdimer, Kevin
Van Horn, Jeffrey	Yocum, Mark
Venditti, Steven	Yohannes-Kassahun, Bitsat
Wagus, Daniela	Zevotek, Robin
Warren, Jason	Zimich, Erin

All Engineer Interns are encouraged 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.

## **CONGRATULATIONS!!!!**

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### **LAW ENFORCEMENT:**

The Law Enforcement/Ethics Committee members gather evidence, conduct investigations and participate in monthly meetings to resolve enforcement issues. The unique technical expertise of each committee member is invaluable.

Over the past quarter, the following cases, after investigation, were recommended for closure:

04/033 -- Incompetence -- Insufficient evidence to support allegations.

05/030 -- Complaint/Unethical Practice -- Insufficient evidence to support allegations.

06/009 -- Using Eng. title, unlicensed -- Individual is Adjunct member authorized to use title.

06/013 -- Publication listing -- no C/A -- C/A has been issued.

06/014 -- Complaint/Misuse of Seal -- DAPE has no jurisdiction. Forwarded to AG's office for criminal prosecution.

06/015 -- Complaint/Improper Design -- Insufficient evidence to support allegations.



The LE/E Committee is obligated to investigate all signed complaints. After thorough investigations, it may be determined that a violation of the law and/or Code of Ethics has occurred; that evidence does not support an alleged violation; or that DAPE has no jurisdiction over unlicensed practice and these types of cases are forwarded to the Attorney General's office for prosecution. Cases are recommended for closure once compliance with the law is met.

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### **INTERESTED IN PROCTORING???**

As you are aware, exams are administered each April and October, and without the proctoring assistance of the DAPE membership, we would be unable to provide a quality, secure exam administration.

If you are interested in proctoring the October 27-28, 2006 exams, please contact our office via email ([office@dape.org](mailto:office@dape.org)), phone (302-368-6708) or fax (302-368-6710).

We appreciate it. The examinees appreciate it. And you'll be making a wonderful contribution to your profession!

Contact us today!

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### **Council Executive Committee**

J. Paul Jones, P.E.

#### **President**

Guy F. Marcozzi, P.E.

#### **Vice President**

Vincent G. Robertson, Esq.

#### **Secretary**

Robert Cannon, P.E.

#### **Treasurer**

(Vacant)

#### **Immediate Past President**

### **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.	8/31/09
David G. Clark, P.E., Chemical Engineering	8/31/09
Paul E. Crawford, Esq., NCC-Apptd.	5/12/07
J. Paul Jones, P.E., "Other" Eng.	8/31/09
Keith R. Kooker, P.E., Kent County	8/31/07
Guy F. Marcozzi, P.E., Private Cons.	8/31/07
Karen A. Maxson, P.E., Industry	8/31/06
Robert W. McClure, P.E., New Castle Co	8/31/06
Frank A. Newton, Kent Co. -Apptd.	1/14/10
Vincent Robertson, Esq. —Sussex Co. —Apptd.	9/27/08

### **Council Staff:**

Peggy Abshagen  
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Donna Weaver  
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