

News from Delaware's Licensing Council for Professional Engineers

Summer 2008



PRESIDENT'S MESSAGE

By Guy F. Marcozzi, P.E.

This President's Message will be my last column, as my term as President of DAPE expires in August. Three more years remain on my term on Council and I look forward to staying involved with the Association.

Serving on Council and in particular as former Chair of the Law Enforcement and Ethics Committee, the Executive Committee and as President has been a rewarding experience. These opportunities have allowed me to get to know and work with many good people inside and outside this organization. New experiences have included the opportunity to work with the Delaware Attorney General's office and with private legal counsel on a number of legal and law enforcement items; with the Board of Architects and the Board of Surveyors to collaborate on a number of cross-practice issues; with our lobbyists and the Delaware legislature in developing new law; working with financial consultants, auditors and Council on guidelines for the investment and protection of the resources of a non-profit group; collaborating with Council and IT consultants on the electronic interface that DAPE has implemented over the past few years; and a host of other situations and individuals. These are all experiences that I likely would not have had, had I not been elected to DAPE's Council, and have significantly contributed to my professional growth. For these experiences, I thank you for your trust in electing me to Council and extend wishes for you to have the same opportunities. All eligible members are strongly encouraged to consider running for a seat on Council or to volunteer to serve in a meaningful capacity on one of the committees. Please contact the DAPE office for more details on how to get involved.

It is easy to look back with pride on some of DAPE's recent accomplishments. Most exciting is the news that Senate Bill 234 was signed into law on July 7, 2008. This law provides DAPE with civil authority over unlicensed practice. The revision also:

- Strengthens our existing law by more clearly defining the term "responsible charge," necessary for more effective prosecution of plan stamping;
- Revamps the hearing process in law enforcement actions to make it more effective; and
- Imposes additional education requirements for those who do not pass the PE exam after 4 attempts.

Council believes that all of the provisions will allow us to more effectively protect public property, health, safety and welfare, which is our ultimate reason to be. Thanks to do many people who helped, all of whom are not named here. Deputy Attorney Chris Spizzirri was instrumental in drafting this law. Gene Snell provided great suggestions to clarify practical aspects for implementation. Jack Billingsley stood firm with alternative viewpoints and encouraged subsequent revisions to assure that we provided the fairest and best law that we could. Special thanks are offered to Paul Jones and Frank Newton who led this effort from the initial draft the first time through and stayed involved throughout the multiple bills needed to get it through the legislative process. All of you, and many others, did a heck of a job on this legislation and we appreciate all of the hard work.

Also exciting is the revision to the Code of Ethics to include consideration of sustainable development. This provision is intended to encourage engineers to consider the possible effect of their design on future generations. This initiative has been discussed in several previous President's Messages and has received a lot of feedback (relatively speaking) in support and opposition to it. As a consequence of this feedback, we have been able to modify the provision to better serve its intended purpose. Definition of the term sustainable development, consistent with ASCE and NSPE provisions, is provided in to the Code of Ethics to clarify its intention. Special thanks to Council members Pat Canzano and Carmine Balascio for their contributions, as well as Frank Newton for his support.

An emerging consideration for council is one of the physical presence for DAPE. The lease for our office space expires next year and Council is considering options for the future. These options include maintaining the status quo; upgrading our existing space; or moving to a different space. Council is also considering the possibility of purchasing office space. Council always welcomes opinions from the membership as well as offers to volunteer with the implementation of this exploration process.

On a final note, this organization is built on a well conceived foundation of self regulation. The existing Council and all of the prior Councils have done an excellent job establishing clear objectives and efficient policies with appropriate checks and balances to assure that these objectives are faithfully and consistently carried out. Because of this foundation, the implementation of the licensure process and resultant protection of the best interest of the public property, health, safety and welfare are routinely and effectively administered by this organization. While honored to have served as President while we achieved some important goals as noted above, the credit for this faithful duty rests with the DAPE staff and the many existing and previous volunteers who serve on Council and its committees. I hope you share in my respect for this organization.

Best wishes to my successor, who will have my full confidence for continuing to effectively complete the objectives of DAPE.

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

Just about two months ago we contacted all 6,471 licensed individuals and 902 firms to advise that licenses were expiring on **June 30, 2008**. Proudly I report that more than 89% of all licensees have renewed their licenses in a timely manner.

We've answered a few questions, solved a few problems, and issued wallet cards to those needing assistance. Please check the **PE Roster** at www.dape.org to make sure your license is renewed through 6/30/2010. If you have renewed, you can download your wallet card on the website, if you haven't already done so. Your payment receipt and wallet card are confirmation of the renewal. If you reported disciplinary actions were taken during the past two years, we need a copy of the appropriate documents. Finally, thank you for the positive feedback

on our electronic renewal system and renewing promptly to stamp out unlicensed practice!

Is your firm appropriately licensed?

A significant portion of our time is spent insuring that all those that should be licensed are licensed. Is the firm that you own, or work for, licensed? §2821 of Delaware Code Title 24 Chapter 28 states that, "*An engineering corporation or partnership must have a certificate of authorization in order to **practice**, or **offer** to practice, engineering as defined in this chapter.*"

The law further states, "*A licensee who practices, or offers to practice, engineering under a name other than his or her licensed name is required to obtain a Certificate of Authorization, or to practice under a Certificate of Authorization.*" This is interpreted to mean that if you are a sole proprietorship and you are not practicing under your full licensed name, you are required by law to obtain a Certificate of Authorization. Quite frequently, we become aware of licensees, whose firms/employers are not in compliance with the law. If your firm advertises (offers) engineering services in Delaware; holds a business license in the state; bids on projects in the state; or provides engineering services in Delaware, a Certificate of Authorization is required by law. Check the **CA Roster** at www.dape.org to insure you are working within the confines of the law! We're here to assist you!

WHAT DOES PLAN STAMPING MEAN TO YOU?

In the previous issue of our newsletter, we asked that question, and the following responses were received:

Paul Whitty, P.E. says:

"I have always viewed this act as my certification that the drawings being sealed were prepared under my direct supervision and under my responsible charge and have been prepared in accordance with the state's regulatory requirements and with accepted engineering practice."

John Kerrigan, P.E. says:

"Plan stamping is the act of stamping and signing Contract Documents without having exercised an appropriate level of direct supervisory control to the project design documents."

Conor Shea, P.E., says:

" . . . sealing plans which they did not execute proper responsible charge . . ."

John Kelly, P.E., says:

"I have learned that the definition of plan stamping varies across state borders. Some states define the proper use of sealing documents to allow an engineering review of work done by another party. . . . However, not all states agree with this.

An example of plan stamping – An individual emailed another friend of mine a PDF of some drawings. In his email, he stated something to the effect of 'please sign and seal the attached pdf and send me 3 copies. We have to issue this in the next 2 days or we will be behind schedule.'

Peter Dudko, P.E., says:

"Stamping of plans signifies that the stamping engineer was in responsible charge of performing the design represented by those plans or if not in responsible charge was a team member involved in the design process and made the final determination of the design elements and processes represented by those plans.

Review or peer review of a set of plans should not give the reviewer the authority to stamp the plans."

Joe Ferguson, P.E., says:

"My definition of plan stamping is when a licensed person seals and signs a design or plans that were prepared by a person or persons who are not working under the direct supervision of the professional. "

Eric Daniels, P.E., says:

"A Delaware PE may not seal anything which has not either been prepared by him, or by those he supervises directly. The Delaware Code and Code of Ethics are quite clear as to what is required for you to affix your seal, and I cannot understand how anyone could have any other interpretation."

Indicated by the responses we received, it seems as if we're all pretty much on the same page.

Delaware Code Title 24 Chapter 28 §2823 (7) defines the practice as "Signing, affixing the licensee's seal, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, or

revision thereof, which have not been prepared by the licensee or those under his responsible charge."

As stated previously, this is pretty clear, so why does the practice continue? Better yet, how do we prevent the practice?

**A Civil Engineer You May Be
But
That Doesn't Make You A Structural
Engineer**



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

I suspect that I'll never hear the end of this. But, as an active member of DAPE's Law Enforcement and Ethics Committee (for too many years), our most common complaint leading to some disciplinary action of some sort or another, involves a registrant, classified as a civil engineer, that attempts to practice structural engineering. In their opinion, why not? They've had steel design and concrete design as part of their college curriculum (all be it, 30 years ago) and there are a lot of opportunities out there to make a fast buck or two in exchange for a signed and sealed opinion that doesn't appear to be all that big a deal. Unfortunately, it can turn out to be big deal when the end product reeks with incompetence and the individual involved is faced with thousands of dollars in legal fees, fines and a revoked license to practice engineering.

For the civil types who may not be aware of this, an experienced structural engineer reviewing a set of plans or calculations can easily tell if that engineer is actually a practicing structural engineer or someone attempting to be one for the particular task at hand. The calculations that may be involved are most frequently a product that was developed after having been notified that an investigation of his or her work was underway. If the analytical methodology involved is consistent with how it should be done, and most are not, the calculations exhibit every opportunity that exists to bring his or her results into code compliance. Those include everything from the use of inflated allowable stresses, improper exposure categories, eliminating elements contributing to the dead loads, assuming rigid moment connections where there are none, undersized tributary areas, lower than required environmental live loads and etc. Most notably also are the callouts for beams, rebar, wire fabric, fasteners and etc, that differ significantly from the standard way of calling out for such that is commonly known and abided to by even entry level structural engineers.

Experienced structural engineers are not the only ones that can pick these inconsistencies out. Most all experienced permitting plan reviewers are so use to dealing with plans prepared under the control of recognized structural engineers, that when non-structurals are involved it is readily apparent to them. Subsequently, a flag is raised, the plans are questioned, DAPE is brought into the picture and the race is on. The individual involved is notified of the complaint. The evidence involved is assigned to a Law Enforcement and Ethics Committee investigator that is qualified to review the subject matter at hand. That person assesses the evidence, which may include any feedback received from the engineer involved, for probable practice of engineering and/or ethics law violations and reports such back to the Committee. If violations are apparent, a formal complaint is filed and the individual is given the opportunity to present his or her defense before a formal hearing or assent to a consent agreement. With few exceptions, most acknowledge that they were wrong in doing what they did but were simply trying to do someone a favor. One individual did not recognize that he had done something wrong until his own expert witness convinced him of such while testifying in his defense.



Delaware License - No "Economic Stimulus" Needed for Renewal
By Gregory G. Pawlowski, P.E.

By the time you read this article, all members should have paid their license renewal of \$50 for two years. While the large proportion of our licensees paid their dues without fanfare, several felt compelled to express themselves to our staff. Questions, such as "What is my license number?" and "How much is the renewal?" were entertained by our staff. But fortunately, no one became irate over the cost which has not changed in 6 years despite rising costs everywhere. Incidentally, you can find your license number using our website which lists every member by name and discipline along with the renewal cost. Our staff also received numerous compliments on how easy and convenient the on-line renewal process was for them. This is a system we have been using since 2004 and ultimately helps the Association, and you, maintain lower costs. Some members were incredulous over how little we charge when compared to other State organizations. So just how does DAPE measure up against other States in terms cost, staff, and membership?

Let me begin with the source of my data. The National Council of Examiners for Engineering and Surveying conducts biannual licensing board surveys with 132 questions. These questions and results, last updated in

2007, can be viewed at www.ncees.org under NCEES Member Board Survey. A comparison will be made between us and a few surrounding states as well as distant ones.

Starting off with Pennsylvania, they have 31,300 members with a staff of 5 and a \$50 biennial fee like Delaware. Given the size of their membership, a staff of 5 is proportional and similar to Delaware's ratio. Maryland to the West of us operates a staff of 2 to handle 15,600 licensees on a biennial fee of \$68. Maintaining a license in these states appears reasonable and on par with us. But there are other states whose numbers are disproportionately higher.

Missouri, Nevada, and Iowa have renewal rates of \$100 biennially and staffs of 10, 6.5, and 2 respectively. Missouri's staff of 10 handles 13,400 licensees while Nevada's personnel of 6 only accommodate 7000 members. And finally 6500 licensees in Iowa are served by 2 staff members. As can be seen, efficiency varies between states. So how does Delaware's workforce accomplish so much with so little?

First, a reminder that DAPE is an autonomous, self-regulating organization which receives no money from our government. Our paid staff of two consists of Executive Director Peggy Abshagen and her assistant Donna Weaver. General duties include the verification of applicant credentials; and the administration of PE and FE exams which consumes a large portion of their time. While handling these tasks, they issue new licenses and renewals; publish and distribute our quarterly newsletter; work directly with our Council and numerous committees to accomplish tasks. There are many other duties which space limitations prohibit listing. In short, these two women take care of all day to day activities. The remainder of DAPE's administrative tasks are performed by volunteer associates who work on the numerous committees necessary to regulate the licensing process. It goes without saying that we are always seeking additional volunteers. Two of our committees, Law Enforcement & Ethics and Examination, meet once each month while others meet on an as-needed basis.

It would appear DAPE severely works its two staff members but Peggy and Donna never complain. They would like to think of themselves as a model of efficiency. And committee volunteers are proud to serve. Did I mention we are always seeking additional volunteers? From a financial perspective, all efforts are made to maintain the low \$50/biennial renewal fee. In fact, prior to 2002, the renewal fee was a mere \$36 and only \$24 prior to 1988. Based on our cash flow projections, no near future increase is foreseen. A Delaware license is more bang for your buck!

CONGRATULATIONS, NEW ENGINEERS!

The results of the April, 2008 Principles & Practice of Engineering exam administration are in and the following individuals will be approved for licensure at the July, 2008 Council meeting:

BAGGE, Steven	#15425
BALLANTYNE, Mary Ellen	#11423
BLOUNT, Daniel	#15042
BUTTORFF, Nathan	#15428
CHOUDHURY, Mizanur	#14925
DAVIS, Matthew	#15320
DHAR, Asish	#14893
DOYER, Leo	#13721
FIELDS, Shannon	#15527
FORESTER, Jessica	#13546
GAULT, Stephen	#15490
HEINRICH, Krista	#14950
HOCHBERGER, Jill	#15152
KEVGAS, George	#13196
KOLIWARD, Ajay	#15065
KOWALSKI, Nicholas	#15321
KULYNYCH, Andrij	#15271
LaBRIOLA, Stephen	#15124
LEE, Allan	#15498
LOTZ, Martin	#14923
McCLURE, Tiffany	#15259
McNALLY, Matthew	#15489
MELENDEZ, Kristen	#15470
MUNYAN, Jason	#13704
OLIVERA, Stephen	#14349
ORIENT, Justin	#15211
PAREKH, Kalpesh	#13797
PETERSON, Michael	#15122
PINTO, Pedro	#14887
PISCOPO, James	#15529
SAMMONS, Todd	#13346
SCHWARTZ, Joshua	#14665
SMYTH, Theresa	#15318
STRATTON, Richard	#14906
TOBOLSKI, Eric	#15177
WASLYN, Andrew	#14663
YARNOLD, Matthew	#15462

We welcome you to the DAPE membership and extend to you our wishes for a bright engineering future!

NINETY-THREE ACHIEVE ENGINEER INTERN STATUS

Of the 229 examinees at the April, 2008 Fundamentals of Engineering exam administration, the following 136 individuals are congratulated on achieving the status of Engineer Intern:

ABBATACOLA, Justin	GONZALEZ, Miguel
ARMSTRONG, Matthew	GRANDE, Victor
BAKHARWALA, Falgun	GREEN, Letitia
BAUMAN, Michael	GUSTAVSON, Donald
BEHRENS, Bryan	HAAG, Peter
BERKHEIMER, Mark	HAAS, Jacqueline
BINDER, Jeffrey	HATTON, Kaitlyn
BLEECHER, Robert	HEARN, Katie
BONNETT, James	HEARNE, Hollis
BRENNAN, Erin	HOLCOMBE, Phillip
BRENZEL, Paul	HOLT, Matthew
BRODY, Michael	HYNE, Owen
BRUTON, Kelli	JOHNSON, James
BUI, Hiep	JONDO, Tony
CALDWELL, Joshua	JOYCE, John
CAREY, Ryan	JULICH, Scott
CARUSO, Christopher	KELLEY, Aaron
CHAVEZ, Mark	KIDD, Jesse
CHEN, Shun-Yi	KIRCHER, John
COLE, Jeffrey	KOMYKOSKI, Francis
COLOTTI, Daniel	KRUCZYNSKI, Nicholas
COOK, Korey	LATI, Laura
CORNFORTH, Kathryn	LAUBE, Daniel
CORRIGAN, Trevor	LEHR, John
CRAIG, Gibson	LEVY, Jonathan
CREIGHTON, Eric	LI, Siu Kei
CURLEY, Nathaniel	LIE, Anton
CZARNECKI, Brian	LIGHTCAP, Blake
DERRICK, Joshua	LOBOSCHEFSKY, Paul
DeVOTO, Douglas	LOOMIS, Robert
DIBELKA, Jessica	LOZIER, Daniel
DOROTHEO, Richard	MACKER, Rishey
DOYLE, John	MANCUSI, Richard
DUMIN, Iwona	MANNING, David
DUNIGAN, James	MARVIN, Adam
ERICKSON, Doug	MASCITELLI, Terence
FARRELLY, Daniel	McCARH, Jason
FISHBURN, Shaun	McCONAUGHY, Nathan
FORTMANN-ROE, Scott	McLAUGHLIN, Ashton
FRYE, Jenna	MEASE, Travis
GADIEL, George	MEMBRINO, Carter
GARCIA, Samuel	MONIODIS, Anthony
GIBBONS, Matthew	NEISS, Brian
GLENN, Caitlin	O'HARA, Katherine
GOLDSBERRY, Ivanna	OSTASEWSKI, Jessica

PADDEN, Steven
 PARK, Youngmin
 PELTIER, Lisa
 PIAZZA, Elizabeth
 PIERCE, Brad
 PLANTE, Luke
 POAD, Kevin
 RAINES, Russell
 REARDON, William
 REESER, Alexander
 REMILLARD, Morgan
 RIDDLE, Jeffrey
 ROEDER, Eric
 ROTH, Bryan
 RUSINKO, Pamela
 SAUER, Christine
 SCHREIBER, Heather
 SEAMAN, Marshall
 SEJKORA, Patrick
 SELEKMAN, Joshua
 SHERTZ, Kevin
 SHIPE, Kevin
 SMITH, Emrys

SPODORU, Joseph
 ST.JOHN, Adam
 STEIMER, Mark
 STEIMER, Michael
 STEPHENS, James
 STREBIG, Ross
 SUBRANNI, Christopher
 SYLVESTER, Christopher
 THIAW, Alioune
 THOMAS, Mathew
 TICE, Jonathan
 TILLEY, Edward
 VANECEK, Jennifer
 VEALE, Patrick
 WALKER, Gregory
 WANG, Weiqiao
 WARNER, Steven
 WEISONSTEIN, Eric
 WILHELM, Kyle
 WINCHESTER, Whitney
 WRIGHT, Keith
 YEATMAN, James
 ZHU, Bovey

such before the Division of Motor Vehicles can consider issuing a special license plate for Delaware Professional Engineers. A one-time fee of \$10.00 is charged for each special plate. That fee is to be paid for by the individual that will be receiving the plate. For "special" license plates, as compared to "vanity plates", yearly license renewal costs are the same as for conventional license renewals. Special plates are limited to passenger vehicles and trucks rated at 3/4-ton capacity or smaller. The vehicle must also have a current Delaware registration.

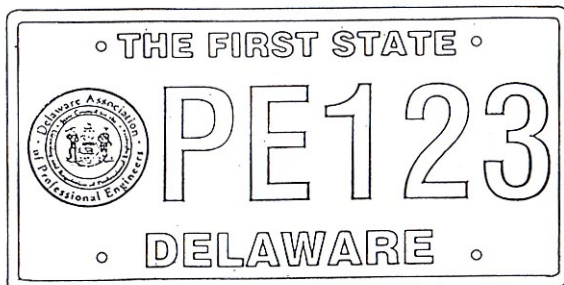
If interested, please call, e-mail or fax Peggy Abshagen at DAPE and provide her with your name, your PE license number and how to best get back to you with a follow-up application form and \$10.00 fee submittal. **We need a minimum of 200 interested applicants to pull this off so please get to Peggy ASAP, if interested.**

DAPE's phone number is 302/368-6708. Fax number is 302-368-6710 and Peggy's e-mail address is peggy@dape.org.

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!!!!

Special License Plate For Delaware PE's



Is Anyone Interested?

As a Delaware non-profit organization, DAPE can qualify for special registration plates for its members. To do so, DAPE must provide a minimum of 200 applications for

ENGINEER/ARCHITECT WORKSHOPS IN ALL THREE COUNTIES

This Fall workshops will be scheduled in each of the three counties to address issues of plan deficiencies as frequently seen by the permitting officials.

A panel consisting of representatives of the Architect's Board, DAPE, and the individual counties will discuss incomplete drawings by the respective professions, as well as those design professionals that do not understand specific requirements and code amendments. Members of DAPE and the Architectural community will be invited to attend.

KUDOS TO COUNCIL MEMBER MC CLURE

Robert W. McClure, P.E., a longtime Council member and longtime member of IEEE-USA, has received a **Citation of Honor** for his lifetime contributions to engineering education program accreditation, and support of engineering licensure. Congratulations!

LAW ENFORCEMENT CORNER

In 2007 the Law Enforcement/Ethics Committee (LE/E) opened 250 investigative files. The majority of these cases involved administrative matters: offering/advertising engineering services without licensing; maintaining a business license in the engineering category without the required Certificate of Authorization. Thus far in 2008, we have opened 107 cases. About 27% of these have been satisfactorily resolved. The remaining pending cases are in various stages of investigation, working towards resolution.

Upon concluding its investigation, The LE/E Committee will recommend to Council issuance of an Administrative Order, Consent Agreement, Hearing, or closure of the file. Consent Agreements have been reached in the following two cases:

Case 07/010 – Adams, Troy L. – Complaint received regarding boundary and topographic survey signed and sealed by licensee containing significant errors. Evidence supports violation of 24 Del. C. §2823 (a) (2) and Canon 1.A of the Code of Ethics. A Consent Agreement was reached imposing the following disciplinary sanctions:

- Reprimand to refrain from further acts of incompetence;
- Enroll in and successfully complete a course in ethics;
- Placed on probation for two years;
- Administrative penalty of \$2,500.

Cases 07/241, 07/243, 07/244, 07/246, 07/248, 07/249 – Redden, Allan J. -- Several complaints were filed against licensee alleging incompetence in the practice of structural engineering. Investigation revealed individual is not competent by education or training to offer structural engineering services. Evidence supports a violation of 24 Del. C. §2823 (a) (2) and Canon 2.A of the Code of Ethics. A Consent Agreement was reached imposing the following disciplinary sanctions:

- Cease offering structural engineering services to clients;
- Reprimand for failure to sign, seal and date engineering submissions, reports and drawings;
- Enroll in and successfully complete a course in ethics;
- Placed on probation for two years;
- Administrative penalty of \$5,000.

Case 08/103 -- Boling, Robert G. – Disciplined by the Oklahoma Board, licensee's firm practiced engineering without a Certificate of Authorization; signed/sealed plans not prepared by him or under his direct supervision; provided false testimony to the Board by certifying on license renewal that he had not been disciplined; practiced outside his area of expertise. Oklahoma license was suspended for 5 years, fine of \$2500 and ethics course required. In accordance with §2823 (a) (5) of the Delaware Code, a Consent Agreement was reached revoking his license to practice engineering in Delaware.

COUNCIL ELECTION RESULTS

The 2008 Council election ballots were tallied and the results are:

Seat:	Candidate:	Votes:
Mechanical Eng.	Richard M. Walsh, P.E.	327
Education	David W. Reinhold, P.E.	113
	Annette D. Shine, P.E.	227
Sussex County	W. Zachary Crouch, P.E.	329

Revision to Bylaws to include the Immediate Past President on the Employee Compensation & Benefits Committee was approved with 314 votes.

PANEL DISCUSSION: ENGINEERS & ARCHITECTS

DAPE, along with The Board of Architects, and building officials, will be conducting a panel discussion on **October 20, 2008**, at the Dover Downs Conference Center. Members of DAPE, the architectural community, design/build contractors and others are invited to attend.

Agenda items include:

- General Requirements that are overlooked on permitting submittals
- Building classification issues
- Fire and Life Safety Code issues
- Structural Design issues

This is your opportunity to address permitting officials, obtain CEU credits and reference materials. If you are interested in attending, contact the DAPE office for further information (www.office@dape.org).

Mark your calendars: October 20, 2008!

