

News from Delaware's Licensing Council for Professional Engineers

Summer 2015

PRESIDENT'S MESSAGE

By Hans M. Medlarz, P.E.



**The Changing of DAPE's
Presidential "Guards"**

Paragraph 2809 of the Delaware Licensure Law codified under Title 24, Chapter 28 of the Delaware Code makes official for DAPE what the Legislature does not want to institute for itself: term limits. It says no Council President or Vice-President may serve more than 2 consecutive 1-year terms in office. The By-Laws of the Association set the time for the election of the officers including the President and Vice-President between September 1st and October 1st of each year. So during the September 2015 Council meeting a new President will be elected and my term will officially come to a close.

I greatly enjoyed the privilege of having served as the President of our unique, self-governed organization. However having served on Council for a number of years, I realize how much time is invested by our tireless committee members serving on especially the "busy" committees. Computer-based testing is here to stay and one day even the "nuclear" PE test will be offered at test centers but until then we cannot function without the dedicated proctors who return test after test. In addition to our Committee members, proctors and volunteers, credit is due to the small but efficient staff lead by our capable, long-time Director, Ms. Abshagen. So I will join a long and distinguished line of past Presidents who all came to that same realization of what makes the DAPE organization run and we're thankful for it.

The newsletter is Council's form of communication with our members or should I say electorate again and with my last newsletter I want to stress one more time its importance. On average the Association and sometimes the President directly receives less than ten responses from our membership. In my Spring 2015 newsletter I touched on two, what Council considers "emotional" issues dear to the heart of a number of us. I can only assume that the lack of response does not constitute a lack of interest. Since Council has not yet come to a decision with either one of them, let me request feedback one more time. Please indicate in a simple response to DAPE how you feel about the uncoupling of the PE testing from the professional experience and secondly the automatic granting of a PE license to an academic with a PhD from an ABET accredited program. With the onset of computer-based PE testing some states started to allow sitting for the PE test immediately after graduation. Some states grant licensure to academics but Delaware does not. Please take the time for a quick response.

The benefit of being at the end of one's term as President is that one can refresh some of the topics covered in older newsletters. The most response Council gets deals with Continued Professional Competency (CPC) in general and the ethics training in particular. Ethics training is still a challenge but it is needed based on the type of complaints received by DAPE. In the fall of 2014 DAPE sponsored an ethics training session at the White Clay Creek Country Club giving our membership an opportunity to satisfy the ethics portion of our CPC requirements. This year we want to renew this effort and are planning another seminar on October 8, 2015, again at the White Clay

Creek Country Club. I hope this one will be as well attended as the last one.

In closing let me say I will miss my time as DAPE President but not the prompting by our Director to write the President's Message for the newsletter.



EXECUTIVE DIRECTOR'S MESSAGE

Professional Engineers, like all professionals, have many responsibilities. The easy ones are renewing licenses in a timely manner to prevent unlicensed practice. Knowing the law and the code of ethics under which they do practice. Practicing lawfully and ethically. Meeting the continued professional competency (CPC) requirements that have been mandated. Reporting instances of out-of-state discipline to DAPE within 60 days of the final order imposing such discipline. Etc., etc., etc.,

But did you know under the Code of Ethics that members having knowledge of any alleged violation of the Code of Ethics **should** furnish such information to DAPE?

All licensure applicants are required to complete a questionnaire (currently consisting of 40 multiple-choice questions) that cover both the law and the Code of Ethics. This is to insure that applicants have read both of these documents and are sufficiently familiar with the requirements under each. The majority of all issues/complaints discussed by our Law Enforcement/Ethics Committee involve ethics.

Ethics: moral principles that govern a person's or group's behavior.

The DAPE Council has approved in its administrative penalty table and guidelines that a violation of the Code of Ethics could result in a modest fine and completion of an ethics course up to a hefty fine and revocation of a license.

Moral of this article is to familiarize yourself with the Code of Ethics which is available on our website. And to practice within those ethical standards that are outlined and required of all DAPE members and applicants alike.

CPC OPPORTUNITY

Once again, DAPE is happy to sponsor its 2015 CPC opportunity for DAPE members. As briefly mentioned in President Medlarz's message, we have arranged for a presentation on **Thursday, October 8, 2015** for all DAPE members.

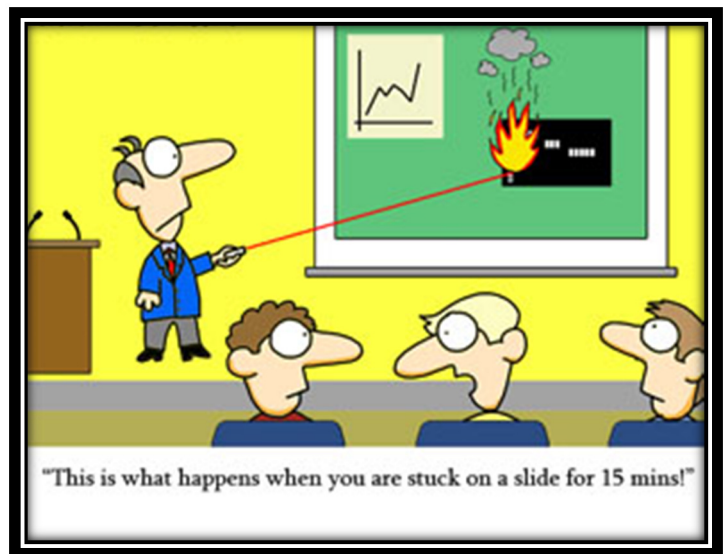
This **three-hour** presentation will be held at the White Clay Creek Country Club at 8:00 a.m. We are still finalizing the agenda, but this session will cover:

- *Thinking Like a Lawyer/Elements of a Cause of Action*
- *The Law of Negligence/Professional Negligence*
- *Professional Liability Insurance*

Our presenter will be Nadine Nasser Donovan, Esq. of S.E.A.K., Inc. She is a former trial lawyer with extensive litigation experience in New York City, as a prosecutor in Queens, and as counsel for the City of New York.

Ms. Donovan has provided presentations on the law for engineers on multiple occasions for ASCE; for public works engineers; and for a private marine engineering firm.

If you are interested in attending this CPC session, sponsored by DAPE, please contact the DAPE office at office@dape.org to reserve your seat. Seating is limited. Look for information on additional CPC opportunities in the near future.



Licensure of Applicants with Engineering
Ph.Ds.
Carmin C. Balascio, Ph.D., P.E.

In 1907, Wyoming became the first state to enact legislation regulating the practice of engineering and requiring registration of engineers offering engineering services to the public. A little over 100 years later, Wyoming was again blazing trails when in 2013 it had legislation that became effective allowing applicants with Ph.Ds. in engineering to become licensed without taking the Principles & Practices of Engineering (P&PE) exam. In a nutshell the provisions of the law are as follows:

To qualify for engineering licensure in Wyoming, the applicant:

- Must be a graduate of a doctoral curriculum in engineering approved by the Wyoming board,
- Must pass a professional practice exam covering Wyoming engineering licensure laws and professional ethics, and
- Must have four years of board-approved progressive engineering experience.

A doctoral curriculum approved by the board means an earned doctoral degree in engineering from an institution that grants EAC of ABET-accredited undergraduate or graduate engineering degrees. The applicant is exempt from both the Fundamentals of Engineering (FE) and the Principles & Practice of Engineering (P&PE) exams. The applicant is required to undergo an approximately 20-minute oral interview with the board that can be conducted in person or over the phone.

Wyoming's definition of the practice of engineering includes the teaching of upper division engineering courses by faculty. Some of the impetus for the changes in Wyoming's law came from the state's desire to have faculty who teach upper division engineering courses and conduct advanced engineering research be licensed. There was particular concern that faculty teaching senior design projects should be licensed. In return for the expedited path for engineering faculty licensure, the engineering board signed a memorandum of understanding (MOU) with the University of Wyoming (UW) that, among other things, called for:

- UW encouragement for all eligible engineering faculty and staff to become licensed professional engineers,
- All engineering capstone design courses to be taught under the supervision of faculty

members who are licensed professional engineers, and

- Promotion within the engineering curricula of licensure for engineering students in addition to a requirement that all graduating engineering seniors take the FE exam with a "good-faith effort".

In addition, there was an "unofficial" understanding that the dean of the college of engineering would be licensed.

In the December 2014 issue of the NCEES *Licensure Exchange*, David Whitman, Ph.D., P.E., a former president of NCEES, former president of the Wyoming board, and current Wyoming board member, provided an update of Wyoming's experience with the new law. As of December, thirteen candidates had obtained engineering licensure in Wyoming via this pathway. Six more Ph.D. applicants were licensed after interviews in December. Of the original 13, four were faculty members at UW, four were faculty elsewhere, and five were practicing engineers in industry. The faculty members who obtained Wyoming licensure through this pathway typically cited their desire to serve as role models for students and to encourage the pursuit of engineering licensure by their students. While there are undoubtedly benefits for engineering students in having engineering faculty licensed, there are also positives for licensure of Ph.D. engineers in industry. Engineers with Ph.Ds., whether in academia or industry, can be narrowly focused in the engineering work – often research – that they do. Also, there may be no P&PE exams for their areas of expertise or even their disciplines (e.g. biomedical engineering and aeronautical engineering). Should such highly-qualified people be excluded from the licensure process? Once licensed, such engineers would be bound by the code of ethics not to practice outside their areas of expertise.

In some ways, a change in engineering licensure law such as that enacted by Wyoming for Ph.D. engineers could be viewed as potentially strengthening the requirements for licensure. In Delaware, an applicant with an EAC of ABET undergraduate engineering degree and a Ph.D. in engineering can presently waive the FE exam, sit for the P&PE exam, and become licensed upon passing it after only 2 years of experience. People with Ph.Ds. in engineering are usually good at taking exams. For them, passing the P&PE exam could be merely an "academic" exercise and not terribly indicative of professional engineering abilities.

Requiring individuals with engineering Ph.Ds. to pass one more exam (that may have little to do with the

day-to-day engineering activities in which they are engaged) is not asking them to do anything more than they have already proved themselves quite capable of doing, but it could be viewed as an unnecessary hardship that discourages highly qualified individuals from becoming licensed. Is there a serious question about an engineering Ph.D.'s mastery of technical material? Is earning a Ph.D. in engineering the easy way out?

Might it be more beneficial for a Ph.D.'s professional engineering development to acquire an additional two years of board-approved engineering experience in lieu of the exam before becoming licensed? With respect to professional maturity, who would you rather hire – a P.E. with a Ph.D. who passed the P&PE exam and had two years of engineering experience or a P.E. with Ph.D. who had waived the exam but had four solid years of engineering practice?

In 2004, the D.A.P.E. Council, Delaware's engineering licensure board, entertained a proposal from some council members to make changes in Delaware's licensure law that would have exempted highly qualified engineers with 15 or more years of experience from passing the P&PE exam as a requirement for licensure. Engineers with master's degrees would have needed 12 years of experience; Ph.Ds. 10 years. That proposal was much broader than Wyoming's new law and had the disadvantage of not requiring a Ph.D.-level engineering education to indicate a level of technical competency at or above that needed to pass the P&PE exam. The proposal was defeated and never enacted.

Is it time to revisit this issue? Potential advantages include:

- An expanded pool of highly qualified licensed engineers both in numbers of engineers in conventional practice and in specialized areas of engineering expertise.
- Increased numbers of licensed engineering faculty at the University of Delaware who would promote the benefits of licensure to their students and who would be conducting engineering research as licensed engineers.
- Fewer individuals offering engineering services to the public without meeting the State's legal requirements to practice.

Should Delaware follow Wyoming's lead and consider a similar law change? If so, what should it look like? Are four years of experience enough or should necessary experience be closer to the requirements of Delaware's 2004 proposal? We eagerly await your thoughts.

NEW PROFESSIONAL ENGINEERS

Forty-nine (49) new Professional Engineers were approved for licensure on June 10, 2015 after successful passage of the April 17, 2015 examination.

Abouelnaga, Aly	#18538
Adam, Christopher	#18787
Alday, Dante	#16544
Al-Hussaini, Saif	#19223
Boulos, Pamela	#18257
Bublavi, Nicholas	#18870
Bucca, Jonathan	#19229
Carrero Ballesteros, R.	#18285
Desai, Viraj	#18196
DiMieri, Jeffrey	#19330
Dipasquale, Andrew	#19701
Elliott, Jennifer	#19324
Emiroglu, Faith	#19432
Fortunato, Steven	#19519
Green, Christopher	#19631
Gunavante, Santosh	#16432
Hazell, Daniel	#19361
Hearn, Katie	#18182
Hodgson, Kari	#18865
Jackson, Stephen	#19713
James, Curtis	#19096
Kaskas, Wisam	#18431
Lee, Matthew	#18147
McElrath, Sarah	#17279
McGurk, Robert	#19698
Morese, Meghan	#19383
Naab, Christopher	#19046
Nauman, Michael	#19477
Nicholson, Shawn	#18909
O'Connor, Daniel	#18973
Ott, Robert	#19564
Pardini, Joanna	#19710
Pathare, Bhushan	#19644
Pizzo, Drew	#19626
Ramick, Stephen	#19537
Richard, Jonathan	#18832
Roth, Evan	#19729
Rott, Shlomi	#18528
Russell, Lawrence	#17083
Saneekhatam, Ramtin	#17665
Senturk, Ahmet	#19117
Shah, Jignesh	#17610
Speroff, Carl	#19757
Stephens, Jonathan	#19813
Suelau, Charlotte	#19928
VanDerzee, Rebeka	#19045
Wise, Leah	#19440
Yao, Yao	#19667
Yost, Kerry	#17256

Congratulations!!

CERTIFICATES OF AUTHORIZATION RENEWAL

Delaware law requires the renewal of all Certificates of Authorization by June 30, 2015. Thus far, 1,022 firms have renewed their authority to practice engineering in Delaware. The following firms are not eligible to practice engineering, as renewal of their Certificate of Authorization has not been completed.

Advanced Engineering, Inc.
Advanced Infrastructure Design, Inc.
Akisama Engineering
Antea USA, Inc.
Arora Engineers
AxS Engineering, Inc.
B Squared Engineering, LLC
The Ballinger Company
Barton Associates, Inc.
Barton-Aschman Assoc., Inc.
Bechtel Power Corporation
Bennett & Pless, Inc.
Braun Engineering, LLC
Bruns-Pak MEP, LLC
Burdette, Kohler, Murphy & Assoc., Inc.
Burns and Roe Enterprises, Inc.
CABE Associates, Inc.
Cardno, Inc.
Cassio Engineering, Inc.
CEI Engineering Assoc., Inc.
CellXion, LLC
CHA Consulting, Inc.
Chilton Engineering, Inc.
Comfort Design, Inc.
Corrpro Companies, Inc.
Crouch Engineering PC
CZOP/Specter, Inc.
Danbro, LLC
The David R. Schmidt Company, Inc.
Day & Zimmermann Int'l, Inc.
Dayton Superior Corporation
The Dimension Group I, LP
Dixon Environmental Associates, Inc.
DSI Engineering, LLC
Eagle Metal Products, LLC
EMR Engineering and Design, PLLC
Enerdyne Consulting Services, LLC
Engineering Design & Testing Corp.
Environmental Resources Mgmt., Inc.
Environmental Systems Design, Inc.
The Equity Engineering Group, Inc.
Eramosa Int'l, Inc.
Facility Strategies Group, LLC
Fullerton Engineering Consultants, Inc.
General Electric Company
Geo-Technical Services, Inc.
Gillan & Hartmann, Inc.
GPM Associates Inc.
Haggarty and Associates, Inc.
Herbert, Rowland & Grubic, Inc.
Hillis-Carnes Engineering Assoc. of Salisbury
Hodges, Harbin, Newberry & Tribble, Inc.
Hungate Engineering, P.C.
iCivil Inc.
Insite Engineering, LLC
K.C. Madigan & Associates, LLC
Kimberly A. Yanaitis, P.E., LLC, dba Septic Solutions
Kleinschmidt Associates

Klingstubbins, Inc.
Kluk Consultants
Leidos, Inc.
Leavitt & Associates Engineers, Inc.
Luckett & Farley, Arch., Engrs., & Const.Mgrs.
M S Consultants, Inc.
McCrone, Inc.
Michael Baker, Jr., Inc.
Miller-Remick Corporation
Mountain Consulting, Inc.
N.E. Fisher & Associates, Inc.
Orth-Rodgers & Associates, Inc.
Parsons Brinckerhoff, Inc.
Paulus, Sokolowski & Sartor, LLC
PE Services, LLC
Peterman Maxey Associates, LLC
Polaris Consulting Engineers
Polaris Engineering Inc.
Preload Inc.
Professional Systems Engineering, LLC
Pyramid Consulting Structural/Civil Engineers
ReliaPOLE Inspection Services Co.
Robert D. Gilmore & Associates, Inc.
The Rock Brook Consulting Group
Ronald A. Roberts Associates, Inc.
Ross Infrastructure
Sasaki Associates, Inc.
Schade Engineering, Inc.
Schnabel Operations, LLC, dba Schnabel Eng.
Snyder Hoffman Associates
Soverign Consulting
Soule & Associates, P.C.
Spartan Engineering, Inc.
StructBIM LLC
The Structures Group, Inc.
STV Energy Services, Inc.
Syska Hennessy Group, Inc.
Systra Consulting, Inc.
TBE Group, Inc. d/b/a Cardno TBE
Telgian Corporation
Theta Consulting, LLC
Titan Formwork Systems, LLC
Traffic Planning and Design, Inc.
Transystems Corporation
Trent Enterprises, Inc.
Unified Theory, Inc.
URS Corporation
VFP, Inc.
W.C. Gomez Associates, Inc.
Wachter & Associates Engineering
Walker Parking Consultants/Engineers
Walsh Engineering, Inc.
Waypoint Enterprises Inc. t/a Lippincott Jacobs Consulting Eng.
WHS Engineering, Inc.
The Wilson T. Ballard Company
WSP USA Corp. d/b/a WSP
XD Engineering, PLC
Yeh Tendom Associates

COUNCIL ELECTION RESULTS

In the 2015 Council election, DAPE members were requested to elect members to the *Electrical, Private Consulting* and *Kent County Council* seats. There were also many housekeeping and other proposed revisions to the bylaws to bring them into compliance with recent law changes.

To those members who took the time to participate in this election, thank you!

ELECTION RESULTS:

Electrical Engineering Seat:

William D. Balascio, P.E. #11221 - 231 votes

Kent County Seat:

Soheil Gharebaghi, P.E. #7230 - 153 votes

Ashton McLaughlin, P.E. #18109 - 89 votes

Private Consulting Seat:

Charles L. McAllister, P.E. #5789 - 96 votes

Joseph Jakubowski, P.E. #15181 - 88 votes

Jill A Voeller, P.E. #12461 - 57 votes

Bylaws Revisions:

Accept all Board's recommendations - 212 votes

Election results require ratification by the Board at its next meeting in August.



NEW LEGISLATION

In the 148th General Assembly, Senate Bill 86, sponsored by Senator McBride and Representatives Gray and Bennett, was passed on 7/1/2015 at 3:45 a.m.

This legislation clarifies the voting eligibility of the retired membership of DAPE. It states:

"... Retired members shall not be required to pay their biennial membership fee and shall be exempted from any continued professional competency requirements. Any member, associate member or adjunct member in retired status shall be ineligible to practice engineering in the State, however, a retired member shall be entitled to utilize the term "P.E.

(ret.)" in any signature and shall be entitled to vote provided they are residents of the State and subscribe to the code of ethics in accordance with §2816 of this title. After being placed on the retired status file, the retired member may not apply for reinstatement."

We extend our appreciation to our legislation sponsors Senator McBride (P.E.) and Representatives Gray (P.E.) and Bennett for their assistance in getting this legislation passed to clarify the law.



CHANGING/ALTERING/AMENDING PREVIOUSLY SIGNED PLANS

Delaware Code Title 24 Chapter 28 §2830 states:

"(a) All final drawings, specifications and documents involving the practice of engineering as defined in this chapter when issued or filed for public record shall be dated and bear the signature and seal of the licensee(s) who prepared or approved them."

To further protect the life, health, safety and welfare of the public, any and all plan revisions must be clearly identified or described on the face of the plan sheet that is being submitted, along with a note specifically certifying that the successor engineer has performed the necessary due diligence to verify that the plans do not impact the existing design outside of the indicated revisions.

These plans should stand on their own merit and be presented as an addendum that references the original plans.



2014-2015 COUNCIL MEMBERS

		
C.C. Balascio, P.E. Education Seat	W.D. Balascio, P.E. Electrical Eng. Seat	D.P. Barbato, P.E. "Other" Eng. Seat
		
S. Gharebaghi, P.E. Kent County Seat	R.E. Hayden, P.E. Mechanical Eng. Seat	K.R. Kooker, P.E. Private Cons. Seat
		
M.A. Lennon, P.E. Chemical Eng. Seat	M. Lester, P.E. New Castle Co. Seat	J.P. Ludman, P.E. Industry Seat
		
H.M. Medlarz, PE. Gov't Emp. Seat	E.F. Retzlaff P.E. Sussex Co. Seat	R.D. Smith, Esq. Apptd.-Kent Co.
		
T.A. Thomson, P.E. Civil Eng. Seat	J.E. Tracey, Esq. Apptd.-New Castle	R.C. Wheatley Apptd.-Sussex Co.

Council Executive Committee

Hans M. Medlarz, P.E., **President**
Daniel P. Barbato, P.E., **Vice President**
Theodore A. Thomson, P.E., **Secretary**
Keith R. Kooker, P.E., **Treasurer**
Charles L. McAllister, P.E., **Immed.Past President**

Council Members

William D. Balascio, P.E., Electrical Engineering	8/31/15
Keith R. Kooker, P.E., Private Consulting	8/31/15
Soheil Gharebaghi, P.E., Kent County	8/31/15
Carmine C. Balascio, P.E., Education	8/31/16
Robert E. Hayden, P.E., Mechanical Engineering	8/31/16
Erik F. Retzlaff, P.E., Sussex County	8/31/16
Daniel P. Barbato, P.E., "Other" Eng.	8/31/17
Hans M. Medlarz, P.E., Government Employment	8/31/17
Michael A. Lennon, P.E., Chemical Engineering	8/31/17
John E. Tracey, Esq. -- New Castle Co. -- Apptd.	8/31/17
Ronald D. Smith, Esq. -- Kent Co. -- Apptd.	8/31/18
Meghan Lester, P.E., New Castle County	8/31/18
John P. Ludman, P.E., Industry	8/31/18
Theodore A. Thomson, P.E., Civil Engineering	8/31/18

Charles L. McAllister, P.E. – Advisory Role

Council Staff:

Peggy Abshagen
Executive Director

Lauren Thomson
Executive Assistant

Council Office:

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C.L. McAllister, P.E.
Advisory Role

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