



News from Delaware's Licensing Council for Professional Engineers Summer/Fall 2012

PRESIDENT'S MESSAGE

By Charles L. McAllister, P.E.



What year is this? Well that may be a dumb question, but there are many answers to this question. The obvious answer is 2012. Other answers could be: it's a leap year, it's an election year; or it's the year of your special birthday. Well whatever your answer is, it's probably not the one I am looking for. This is the

40th anniversary of DAPE. Yes, we are 40 years young. In 1972 some of our previous leaders had the idea to create a professional organization which could be independent from government, but still work alongside of State Legislature. Hence on July 7, 1972 the Delaware Code Title 24 Chapter 28 was authorized by the Delaware Legislature.

Let's look back in time and see what was going on in the world in 1972. Some of us can remember the following facts: our yearly inflation rate was 3.27%, year-end Dow Jones Industrial Average closed at 1020, the average house cost \$27,550, the average yearly income was \$11,800, a gallon of gas cost \$0.55, the Munich Olympics was held, Watergate Scandal occurred. On the technology front many great strides were taking place. HBO launched the first subscription cable service, President Richard Nixon orders the start of the space shuttle program (now 40 years later it is ended), digital watches are introduced, and the first hand-held scientific calculator (HP-35) is introduced.

We owe our present day existence to early DAPE pioneers like Jack Billingsley. Jack, a member of the

State Legislature from 1968 to 1978, wrote the law and sponsored the bill in the Legislature. Jack modeled Delaware's law after his experiences with Canadian licensure. Believing deeply in the engineering profession and its ability to govern itself, Jack wrote the new law in the manner we know it today, a self-governing body. Prior to the 1972 law being created, the Engineering Board was a government run organization similar to today's professional boards controlled under the umbrella of the Division of Professional Regulation.

Jack said the belief was a self-regulating organization could do a better job guiding and representing the profession. Therefore, when the bill was voted on, there was only one dissenting vote. With the passing of our engineering bill, the government would no longer have to finance the old regulatory board.

The first Council included the original three members of the former regulatory board. The inclusion of Governor-appointed Council Members was a way to allow the state government to still be involved on a limited basis.

Without the foresight and hard work of past presidents, like Jack Billingsley and dedicated Council Members, we would not have the well-designed organization we enjoy today. We now continue in the shadow of our heritage and proceed to make this organization even stronger and more effective.

Note of thanks to Jack Billingsley for sharing his knowledge and insight.

By Peggy Abshagen

That was then, **And this is now**

1974: 38 2012: 368

1974: 20 2012: 102

1975: 84 2012: 997

1975: 3,165 2012: 7,087

1975: \$ 47,800 2012: \$734,500

1980: \$24.00 2012: \$50.00

1986: 79 2012: 134

1972: 8 2012: 15

2011: Council approves moving forward with CPC

DAPE is extremely fortunate to be comprised of members who are dedicated to the engineering profession and continue to offer their valuable time and expertise to this worthwhile organization. You have made DAPE the organization it is today and we thank you for our success!

July 7, 1972 - July 7, 2012
40 years of service to the public!



**The National Council of Examiners
for Engineering & Surveying
(NCEES) Just Doesn't Get It**
By Robert A. Chagnon, P.E.

This past June, the NCEES's publication, "Licensure Exchange" featured an article titled, "Assessing Deficiencies in Credentials Evaluation Is Not Black And White". The article basically focused on the results of a survey conducted by an NCEES Member Board Administrators Task Force dealing with how member boards handle deficiencies noted in NCEES Engineering Education Standard's comparison with the educational credentials of foreign educated engineering licensing applicants. Their deficiencies of interest were noted to be primarily those involving humanities and social sciences; such as philosophy, history, literature, fine arts, sociology, anthropology and such. However, having been involved with assessing these deficiencies for the DAPE's Examining Committee for several years, their list of deficiencies almost always include higher mathematics and basic sciences in addition to the humanities and social sciences.

Their survey results indicated that sixteen (16) jurisdictions (states or territories) do not require the deficiencies (humanities and social sciences) to be made up in any way, whereas twelve (12) jurisdictions do require that they be made up with course work. Two (2) jurisdictions require that they be made up but only if they are over a set number of hours that the jurisdictions establish as being their minimum acceptable levels of deficiency. Another twelve (12) jurisdictions indicated that they dealt with the deficiencies in other ways not identified. In summary, out of the forty-two (42) jurisdictions responding, the task force learned of fifteen (15) different ways that this particular academic requirement is being addressed, each of which have their own particular spin on how such should be accomplished.

The Delaware Association of Professional Engineers (DAPE) is the state's licensing board for the private practice licensing of engineers. It is also one of the jurisdictions that fall in with the sixteen (16) above that rarely, if ever, require that such NCEES deficiencies be made up in any way. As the only self-regulated engineering licensing board involving all such jurisdictions, it may be the only board that has

within its representation a PE that is directly active in academia. It is most generally an engineering professor from U of D. As a result, along with other members of DAPE's Examining Committee with engineering education evaluation (ABET) and/or teaching experience, DAPE can and does use due diligence in reviewing applicant's qualifications for the practice of engineering without compromising the health, life and safety of the public. This is not only done in accord with NCEES's statutory requirement but by also being able to fully take into consideration an applicant's overall education and experience that are not reflected by NCEES's college semester credit hour mandates for particular areas of study.

The college transcripts of many of our foreign educated licensing applicants fail to demonstrate compliance with NCEES's 32 semester credit hour requirement for higher mathematics and basic science. However, what they do take while in college is all as higher a level of mathematics than our U.S. engineering students get, which indicates (upon further research) that much of what they didn't have to take in college involving such, they had to have taken in their pre-college years of education. The same applies to the basic sciences in addition to the fact that most all exceed NCEES's 48 semester hour requirement in engineering science and engineering design by 50% or more. As for the humanities and social sciences, despite what they did not have to take while in college, they are obviously fluent in English as well as their native language as a minimum and their pre-college years of education have exposed them to courses that instill cultural values that far exceed anything close to what our pre-college education provides.

The bottom line, in this writer's opinion, is that most foreign educated engineering applicants are better educated than the majority of our U.S. applicants, and NCEES's bean counting method of evaluating just an applicant's four years of college in comparison to what a U.S. student is exposed to simply doesn't hold up.

2012 NCEES ANNUAL MEETING

The 2012 NCEES Annual meeting was held in St. Louis, Missouri, in late August. Representing Delaware were President Charles McAllister, P.E.,

Executive Director Peggy Abshagen and Deputy Attorney General Catherine "Terry" Hickey, Esq. As expected, there was much discussion on computer-based testing which will begin in January, 2014. The Fundamentals of Engineering exam will be administered by computer during 2-month intervals at Pearson VUE testing sites across the country. Examinees are restricted to one attempt per window and three attempts during a 12-month period. There are many details to still be worked out, including the length of the exam, application details and restrictions, etc. We'll keep you posted as soon as these decisions have been made.

Member boards did approve the PE exam (with the exception of the Structural exam) to be administered by computer, no sooner than January 2015. And, since there are numerous exam modules, each individual exam will be converted to the computer-based format when ready.

In the business sessions, many revisions were approved to the Model Rules, Model Law and Position Statements. Also, Members Boards approved the Virginia board moving from the Northeast to the Southern zone.

Professional ethics, conflict management, CBT implementation, were just a few of the workshops available for attendees.

The invaluable opportunity to speak with our counterparts about regulatory issues is always worth the trip!



UNIVERSITY CONSULTING ENGINEERS vs. DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS UPDATE

The Council of DAPE found that a local firm, University Consulting Engineers (UCE), had engaged in the unauthorized practice of engineering without proper licensure. UCE provided services involving

the application of engineering principles, as well as offered engineering services on its website, and issued engineering opinions on its letterhead, signed by engineers, who are not licensed in Delaware. A cease and desist order was issued.

A hearing was held before the Hearing Committee and the Council was in agreement with the Hearing Committee's findings and reissued the cease and desist order. UCE appealed this decision to the Superior Court on March 2, 2012.

On June 27, 2012, the Superior Court affirmed the decision of the DAPE Council. The Court agreed that UCE's work, and the wide dissemination of its work product concludes UCE targets the general public. It also found that there is substantial evidence to uphold Council's position that UCE's advertising is misleading, as a reasonable person would believe UCE is engaged in the practice of engineering. The Court also stated the UCE name implies it is a group of engineers who consult, provide reports and may testify in court; yet it is not such a group. No employee is an engineer. Compounding all of that, UCE's use of the word "University" implies it has University engineers as its employees, however, there is no known connection to the University.

The attorneys involved in this case are now consulting to determine how to get this firm into compliance with the law.

NEW COUNCIL OFFICERS

At its September 12, 2012 Council meeting, the Council elected new officers for the upcoming Council year:

| | | |
|-----------------|---|-----------------------------|
| President: | - | Charles L. McAllister, P.E. |
| Vice President: | - | Hans M. Medlarz, P.E. |
| Secretary: | - | Daniel P. Barbato, P.E. |
| Treasurer: | - | Keith R. Kooker, P.E. |

We are looking forward to a busy Council year with legislative proposals; working towards the transition to computer-based testing; developing a CPC program to go into effect in 2014; and several other initiatives.

MEET INCOMING COUNCIL MEMBERS



Carmine C. Balascio, P.E. was elected to fill the **Education** seat vacated by Annette Shine, P.E. This is Carmine's second tour of duty with DAPE.

Carmine has served on the Examining Committee, reviewing the credentials of applicants, for many years.

Licensed since 1993, he is employed as an Associate Professor in the Department of Bioresources Engineering at the University of Delaware.



Mark S. Mallamo, P.E. was elected to fill the **Sussex County** seat left vacant by W. Zachary Crouch, P.E., who completed two terms on Council.

Mark has been licensed in Delaware since 1995 and is also licensed in West Virginia. He has extensive experience in municipal engineering and public works, environmental engineering and in the areas of civil/construction. Mark resides in Sussex County with his family.

Robert E. Hayden, P.E., licensed in Delaware for 19 years, was elected to fill the **Mechanical**

Engineering seat vacated by Robert Leitsch, P.E.



Bob is President of B.D. Abel, Inc. in Wilmington, Delaware, a full service mechanical and electrical systems firm. We look forward to Bob's Council service these next four

years.



Theodore "Ted" Thomson, P.E. was elected to complete the term of the **Civil Engineering** seat vacancy. Ted has been faithfully proctoring exams for DAPE over the years. He has been appointed to Co-Chair the Law Enforcement/Ethics Committee.

Ted is employed by Pennoni Associates, Inc. in Newark, Delaware, and has been licensed since 2001.

CALLING ALL PROCTORS

What are you doing on **Friday, October 26th or Saturday, October 27th**? We are in need of proctors for our October exam administration. Rookies and veterans are all welcome. This is your opportunity to give something back to your profession and at the same time enjoy a few hours with your peers over a delicious lunch!

We have morning and afternoon shifts and will provide you the necessary training. Please check your calendars and give us a call, send us an email or a smoke signal. We'd love to hear from you and have you join us!

COMMITTEE WORK:

DAPE bylaws require standing committees to determine policies, administer funds, evaluate credentials of applicants, report to the membership on activities of DAPE, investigate complaints, liaise with government, interact with organizations and agencies and insure sufficient office space and equipment to appropriately conduct official business.

To accomplish this myriad of tasks, each year the President appoints Chairs of the individual committees to accomplish charges. This year President McAllister has appointed the following Council members to Chair committees:

Finance Committee, chaired by Vice President **Hans Medlarz**, oversees the budget, investments, and audit of finances.

Examining Committee, chaired by Council members **Meghan Lester** and **William Balascio**, review the credentials of applicants and are responsible for the biannual exam administrations.

Law Enforcement/Ethics Committee, chaired by **Keith Kooker** and **Ted Thomson**, is tasked with investigating complaints of unethical practice and initiating appropriate proceedings when violations are plausible.

Government Affairs Committee, chaired by **John Tracey**, is responsible for liaising with government and preparing proposed legislation.

External Affairs Committee, chaired by **Dan Barbato** and **Soheil Gharebaghi**, resolves problems arising from activities of other organizations or agencies. These committee representatives are currently members of the Joint Advisory Committee comprised of engineers, architects, and a building official.

Facilities, Services and Equipment Committee, chaired by **Vince Robertson** insures the DAPE office and equipment is sufficient to appropriately conduct business.

Public Information Committee, chaired by Council member **Soheil Gharebaghi**, reports the activities of DAPE to the membership, etc.

Committee membership is comprised of interested members and requires Council approval. If you are

interested in serving on any of our committees, there are limited opportunities to do so. Please contact the DAPE office.

DATES TO REMEMBER:



- Sept. 30: Licenses (PE & C/A) now delinquent if not renewed
- Oct. 26: PE exam administration
- Oct. 27: FE exam administration
- Nov. 1: PE application deadline for April, 2013 exam

The DAPE website (www.dape.org) is available at your convenience to update contact information, check the PE and C/A rosters, etc.

Council Executive Committee

Charles L. McAllister, P.E.

President

Hans M. Medlarz, P.E.

Vice President

Daniel P. Barbato, P.E.

Secretary

Keith R. Kooker, P.E.

Treasurer

Frank A. Newton

Immediate Past President

Council Members

| | |
|---|---------|
| Vincent Robertson, Esq.—Sussex Co.—Apptd. | 8/31/12 |
| Daniel P. Barbato, P.E., "Other" Eng. | 8/31/13 |
| David G. Clark, P.E., Chemical Engineering | 8/31/13 |
| Hans M. Medlarz, P.E., Government Employment | 8/31/13 |
| Frank A. Newton -- Kent Co. -- Apptd. | 4/06/13 |
| John E. Tracey, Esq. -- New Castle Co. -- Apptd. | 8/31/13 |
| Meghan Lester, P.E., New Castle County | 8/31/14 |
| Charles L. McAllister, P.E., Industry | 8/31/14 |
| Theodore A. Thomson, P.E., Civil Engineering | 8/31/14 |
| 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 |
| Mark S. Mallamo, P.E., Sussex County | 8/31/16 |

Council Staff:

| | |
|--------------------|---------------------|
| Peggy Abshagen | Suzanne Shimomura |
| Executive Director | Executive Assistant |

Mary Savona
Administrative Coordinator

Council Office:

92 Read's Way, Suite 208, New Castle, DE 19720
(302) 323-4588 (302) 323-4590 – FAX

e-mail:
office@dape.org

website:
www.dape.org

2012-2013 COUNCIL MEMBERS



C.C. Balascio, P.E.



W.D. Balascio, P.E.



D.P. Barbato, P.E.



D.G. Clark, P.E.



S. Gharebaghi, P.E.



R.E. Hayden, P.E.



K.R. Kooker, P.E.



M. Lester, P.E.



C.L. McAllister, P.E.



M.S. Mallamo, P.E.



H.F. Medlarz, P.E.



F.A. Newton



V. Robertson, Esq.



T.A. Thomson, P.E.



J.E. Tracey, Esq.

Be sure to notify the Council office.

The Delaware Association of Professional Engineers requests that you notify our office immediately of any change of address. Reporting a change of address is vital to ensure that you receive necessary renewal information and other correspondence important to your continued licensure. If you have changed your address, go to www.dape.org and update your records. Or you may complete the following form and email, mail or fax it to the Council office and we will update the records.

The Delaware Association of Professional Engineers (DAPE) is the contact agency for licensing, regulations and complaints for the engineering profession.

Change of Address Notice

(Please print all information)

License

Number: _____

Name: _____

Old Address: _____

New Address: _____

Email

address: _____

Date: _____

**DELAWARE ASSOCIATION OF
PROFESSIONAL ENGINEERS
92 Read's Way, Suite 208
New Castle, DE 19720**